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In the Matter of TELEFONICA LARGA DISTANCIA DE PUERTO RICO; US SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP; AMERICAN TELEPHONE AND TELEGRAPH COMPANY; AMERICAN TELEPHONE AND TELEGRAPH COMPANY; MCI INTERNATIONAL, INC.; ST. THOMAS AND SAN JUAN TELEPHONE COMPANY, INC.; TRT/FTC COMMUNICATIONS, INC.; GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED; WORLD COMMUNICATIONS, INC.; Join Application for a License to land and operate the TAINO-CARIB fiber optic submarine cable system extending between Puerto Rico and St. Thomas in the U.S. Virgin Islands and the British Virgin Islands

File No. SCL-92-002

RELEASE-NUMBER: DA 92-861

FEDERAL COMMUNICATIONS COMMISSION

7 FCC Rcd 4275; 1992 FCC LEXIS 3682

July 6, 1992 Released; Adopted June 25, 1992

ACTION:

[**1]

CABLE LANDING LICENSE

JUDGES: By the Chief, Common Carrier Bureau

OPINION BY: TRITT

OPINION:

[*4275] 1. The Commission has before it for consideration a joint application filed by the above-captioned applicants (hereinafter collectively referred to as "Joint Applicants"), pursuant to the provisions of *47 U.S.C. §§ 34-39*, for a license to land and operate in United States territory a fiber optic submarine telecommunications cable (TAINO-CARIB) extending between Puerto Rico, St. Thomas in the U.S. Virgin Islands, and Tortola in the British Virgin Islands. The application was placed on public notice on February 19, 1992. No comments were received.

2. The TAINO-CARIB cable will land at cable stations in Puerto Rico at Miramar and at Isla Verde (approximately two miles east of Miramar). From these cable stations, underwater segments will connect at a branching unit off the San Juan coast. From the branching unit, the TAINO-CARIB cable will extend to a cable station at Magens Bay, St. Thomas in the U.S. Virgin Islands. From St. Thomas, the TAINO-CARIB will extend to the British Virgin Islands where it will land at the Tortola Brewers Bay cable landing and extend to the [**2] existing Chalwell cable

station. The proposed cable system will be owned by the Joint Applicants and a number of foreign telecommunications entities; it has a ready for service (RFS) date of October 1992.

3. The transmission portion of the TAINO-CARIB system will consist of six fiber pairs between Puerto Rico and St. Thomas and six fiber pairs between St. Thomas and Tortola, with each pair operating at a speed of 560 Mbps. The TAINO-CARIB cable will have a design capacity equivalent to 45,360 64-Kbps circuits. Because of the relatively short distances involved, the TAINO-CARIB cable will employ repeaterless technology, the first time this technology has been used in the Caribbean Basin. Use of repeaterless technology will give the owners a high degree of flexibility in terms of operating all or portions of the capacity as needed to meet service demands. The total cost of the transmission portion of the TAINO-CARIB cable, including cable stations, is estimated to be \$ 15,436,230.

4. The TAINO-CARIB cable system will provide the "missing link" in Caribbean telecommunications as there is no cable link between Puerto Rico, St. Thomas and Tortola. In Tortola, the TAINO-CARIB [**3] cable will provide connectivity with the CARAC fiber optic submarine cable, which connects Tortola to Bermuda, and the Private Trans Atlantic Cable System (PTAT) which interconnects Bermuda with both the U.S. mainland and Europe (Ireland and England). In Puerto Rico, the TAINO-CARIB cable will interconnect with the TCS-1 fiber optic submarine cable system which connects West Palm Beach, Florida with San Juan and continues onward to the Dominican Republic, Jamaica and Colombia on the South American mainland. At St. Thomas, there are numerous analog cable systems which extend to the U.S. Mainland and other Caribbean island and South American locations. The Joint applicants note that when these older systems are replaced by state-of-the-art fiber optic cable systems, the presence of TAINO-CARIB will facilitate interconnection with future digital cables.

5. By letter dated May 7, 1992, the State Department informed the Commission that it has no objection to the application to land in U.S. territory and operate the TAINO-CARIB cable system. In light of the State Department's letter and the Commission's finding in the related Section 214 application to construct and operate the TAINO-CARIB [**4] system (File No. I-T-C-92-106), we find that a grant of a cable landing license for the TAINO-CARIB cable will serve the public interest.

6. In light of the above considerations, the Commission hereby GRANTS AND ISSUES, under the provisions of "An Act Relating to the Landing and Operation of Submarine Cables in the United States", 47 U.S.C. §§ 34-39, and pursuant to the authority delegated to this Commission under Executive Order No. 10530, dated May 10, 1954, 3 C.F.R. 1954- 1958 Comp., p. 189 (1961), reprinted in 3 U.S.C.A. § 301 at p. 1052 (1985), to the Joint Applicants herein a license to land and operate the above described TAINO-CARIB cable system, having the capacity specified in paragraph 3, supra. This license is subject to: (a) the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-609; (b) subsequent applicable acts; (c) all relevant [*4276] rules and regulations of the Federal Communications Commission made pursuant to authority vested in it; (d) any treaties or conventions relating to communications to which the United States of [**5] America is or may hereafter become a party; (e) any action by the Commission or the Congress of the United States of America rescinding, changing, modifying or amending any rights accruing to any person hereunder; and (f) the following conditions:

(1) The location of the cable within the territorial waters of the United States of America, its territories and possessions, and upon the foreshore thereof, shall be in conformity with plans approved by the Secretary of the Army, and the cable shall be moved or shifted by the Licensees at their expense upon the request of the Secretary of the Army whenever he or she considers such course necessary in the public interest, for reasons of national defense, or for the maintenance or improvement of harbors for navigational purposes;

(2) The Licensees shall at all times comply with any requirements of United States Government authorities regarding the location and concealment of the cable facilities, buildings, and apparatus with a view to protecting and safeguarding the cable from injury or destruction by enemies of the United States of America;

(3) The Licensees or any persons or companies controlling them or controlled by them do not enjoy [**6] and shall

not acquire any right, for the purpose of handling traffic to or from the United States, its territories or possessions, to land, connect or operate cables or landlines, to construct or operate radio stations, or to interchange traffic, which is denied to any other United States company by reason of any concession, contract, understanding, or working arrangement to which the Licensees or any persons or companies controlling them or controlled by them are parties;

(4) Neither this license, nor the rights granted herein, shall be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of or disposed of indirectly by transfer of control of the Licensees to any persons, unless the Federal Communications Commission shall give prior consent in writing;

(5) This license is revocable after due notice and opportunity for hearing by the Federal Communications Commission in the event of breach or nonfulfillment of any requirements specified in Section 2 of "An Act Relating to the Landing and Operation of Submarine Cables in the United States," 47 U.S.C. §§ 34-39, or for failure to comply with the terms of the authorization; [**7]

(6) The Licensees shall notify the Commission in writing of the date on which the cable is placed in service; and this license shall expire 25 years from that date, unless renewed or extended upon proper applications duly filed no less than six months prior to the expiration date; and, upon expiration of the license, all rights granted under it shall be terminated; and

(7) The terms and conditions upon which this license is given shall be accepted by the Licensees by filing a letter with the Secretary, Federal Communications Commission, Washington, D.C. 20554, within 30 days of the release of this order.

7. This order is issued under Section 0.291 of the Rules and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Rules may be filed within 30 days of public notice of this order (see Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Cheryl A. Tritt

Chief, Common Carrier Bureau

Legal Topics:

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