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8 F.C.C.R. 748, 8 FCC Rcd. 748, 1993 WL 756748 (F.C.C.)

DA 93-91

****1 IN THE MATTER OF
MICRONESIAN TELECOMMUNICATIONS
CORPORATION
APPLICATION FOR A LICENSE TO LAND
AND OPERATE A HIGH CAPACITY DIGITAL
SUBMARINE CABLE SYSTEM EXTENDING
BETWEEN THE COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS AND GUAM**

File No. S-C-L-92-003

Adopted: January 21, 1993; Released: February 3,
1993

***748 CABLE LANDING LICENSE**

By the Chief, Common Carrier Bureau:

1. The Commission has under consideration an application filed by the Micronesian Telecommunications Corporation (hereinafter MTC or Applicant) for a license pursuant to the provisions of an Act entitled "An Act Relating to the Landing and Operation of Submarine Cables in the United States," [47 U.S.C. §§ 34-39](#), to land and operate a high capacity digital submarine cable system, known as the MTC Interisland Cable, in United States territory. The application was placed on the Commission's public notice. IT & E Overseas, Inc. (IT & E) filed a petition to condition or deny the application in response to which MTC filed an opposition.

2. The MTC Interisland Cable will link the islands of Saipan, Tinian and Rota, all of which are included in the Commonwealth of the Northern Mariana Islands (CNMI). The cable will then extend between Rota and Guam. MTC notes that the MTC Interisland Cable will supplement existing facilities

used to provide regularly authorized services in CNMI and between CNMI and Guam and beyond.

3. The MTC Interisland Cable will be a high capacity, fiber optic, lightguide submarine cable system with a design capacity equivalent to 24,192 voice grade channels. The system will consist of twelve fibers each operating at a SONET (Synchronous Optical Network) rate of 622 Mbps. It will be repeaterless because of the relatively short distances between the cable landing sites.

4. By letter dated November 25, 1992, the State Department informed the Commission that it has no objection to the application to land in U.S. territory and operate the MTC Interisland 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 MTC Interisland Cable (File No. I-T-C-92-140), we find that a grant of a cable landing license for the MTC Interisland Cable will serve the public interest.

5. 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 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 Applicant herein a license to land and operate a high-capacity fiber optic digital submarine cable having the capacity specified in paragraph 3, supra, between Saipan, Tinian, and Rota in the Commonwealth of the Northern Mariana Islands (CNMI) and between Rota and Guam. This license is subject to "An Act Relating to the Landing and Operation of Submarine Cables in the United States". [47 U.S.C. §§ 34-39](#); the Communications Act of 1934, as amended, [47 U.S.C. §§ 151-609](#); subsequent applicable acts; all relevant rules and regulations of the Federal Communications Commission made

pursuant to authority vested in it; any treaties or conventions relating to communications to which the United States of America is or may hereafter become a party; 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 the following conditions:

****2** (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 Licensee at its 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 Licensee 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 Licensee or any persons or companies controlling it or controlled by it does not enjoy 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 Licensee or any persons or companies controlling it or controlled by it 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 Licensee 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 ***749** Submarine Cables in the United States," 47 U.S.C. §§ 34-39, or for failure to comply with the terms of the authorization;

(6) The Licensee 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 Licensee by filing a letter with the Secretary, Federal Communications Commission, Washington, D.C. 20554, within 30 days of the release of this order.

6. This order is issued under Section 0.291 of the Rules and is effective upon release. 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)).

****3** FEDERAL COMMUNICATIONS COMMISSION

Cheryl A. Tritt

Chief, Common Carrier Bureau

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