

1993 WL 757125 (F.C.C.), 8 F.C.C.R. 4808, 8 FCC Rcd. 4808

DA 93-822

**\*1** IN THE MATTER OF  
AMERICAN TELEPHONE AND TELEGRAPH COMPANY  
CICI, INC.  
GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED  
MCI INTERNATIONAL, INC.  
SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP  
TRT/FTC COMMUNICATIONS, INC.  
WORLD COMMUNICATIONS, INC.  
JOINT APPLICATION FOR A LICENSE TO LAND AND OPERATE A HIGH CAPACITY DIGITAL  
SUBMARINE CABLE NETWORK BETWEEN AND AMONG THE UNITED STATES MAINLAND, THE  
UNITED KINGDOM AND FRANCE

File No. **SCL-93-004**

Adopted: July 7, 1993; Released: July 16, 1993

**\*\*4808** CABLE LANDING LICENSE

By the Acting Chief, Common Carrier Bureau:

1. On December 10, 1992, seven United States International Service Carriers (hereinafter referred to as Joint Applicants) [FN1] filed the above-captioned Joint Application requesting authority pursuant to 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 TAT-12/TAT-13 Cable Network (TAT-12/TAT-13), extending from the United States mainland to the United Kingdom, then directly to France, and then directly back to the United States mainland. The application was placed on public notice on January 6, 1993. No comments were received.

The TAT-12/TAT-13 Cable Network

2. TAT-12/TAT-13, which consists of eight segments, will land at Green Hill, Rhode Island in the U.S. and extend to Lands End, United Kingdom and Penmarch, France, and return to land at Mastic Beach, New York. Segments A, B, C and D are, respectively, the cable station at Green Hill, Rhode Island; the cable station at Lands End, United Kingdom; the cable station at Penmarch, France; and the cable station in Mastic Beach, New York. Segment E is the submarine cable linking Segments A and B; Segment F is the submarine cable linking Segments B and C; Segment G is the submarine cable linking Segments C and D; and Segment H is the terrestrial cable linking Segments A and D.

3. TAT-12/TAT-13, comprised of 2 fiber pairs between each cable station, will employ AT & T's SL2000 technology, operating at 4.8 Gbits/s on each fiber pair. One fiber will be used for service while the other will be used for restoration. The "loop" configuration in conjunction with a fully redundant restoration pair provides 100% fiber-on-fiber restoration and route diversity within the network, resulting in high circuit reliability. The operating transmission capacity will be 60,000 64 kbps circuits per fiber or 300,000 virtual voice circuits when Digital Circuit Multiplication Equipment is employed. The TAT-12/TAT-13 terminal equipment will employ the STM-1 CCITT Synchronous Digital Hierarchy standard interface at 155 Mbps, which is the Basic System Module. 32 Basic System Modules will be used in each fiber pair of Segments E, F, and G; and in each fiber pair in Segment H.

4. The proposed TAT-12/TAT-13 will be owned by the Joint Applicants and a number of foreign telecommunications entities in the following foreign locations: Australia, Austria, Belgium, Canada, China, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hong Kong, Hungary, India, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Netherlands, Norway, Philippines, Poland, Portugal, Singapore, Slovakia, Spain, Sweden, Switzerland, Taiwan, Turkey, and the United Kingdom.

\*2 5. Pursuant to our obligations under 47 U.S.C. §§ 34-39, the Department of State has been notified and, after having coordinated with the National Telecommunications and Information

Administration and the Defense Information System Agency, has approved the landing of TAT-12/TAT-13 in the United States. [FN2]

6. Based on the information provided by the Joint Applicants, we conclude that the grant of the requested authorization will not have a significant effect on the environment as defined in Section 1.1307 of the Commission's Rules and Regulations implementing the National Environmental policy Act of 1969, 42 U.S.C. §§ 4321-~~\*\*4809~~ 4335 (1976). [FN3] Consequently, no environmental assessment is required to be submitted with this Joint Application under Section 1.1311 of the Commission's Rules.

7. Concurrently with consideration of this application, this Commission has granted the Joint Applicants authority under Section 214 of the Communications Act of 1934, as amended, to construct and operate TAT-12/TAT-13 (DA 93-823, adopted July 7, 1993), File No. I-T-C-93-062). In conjunction with the authorization of the TAT-12/TAT-13 Section 214 application, we find that this application requesting a cable landing license should be granted.

#### ORDERING CLAUSES

8. Accordingly, this 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 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 1052 (1985), to the Joint Applicants (AT & T, IDB, GTE, HTC, MCII, Sprint, TRT/FTC, and Worldcom) a license to land and operate one high capacity digital submarine cable network, having a capacity of 4.8 Gbits/s on each of two fiber pairs, extending between Green Hill, Rhode Island, the United States, to Lands End, United Kingdom and then to Penmarch, France, and then to Mastic Beach, New York, United States. This license is subject to: (1) An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39; (2) the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-713; (3) subsequent applicable acts; (4) all relevant rules and regulations of the Federal Communications Commission; (5) any treaties or conventions relating to communications to which the United States of America is now may hereafter become a party; (6) any actions by the Commission or the Congress of the United States of America rescinding, changing, modifying, or amending any rights accruing to any person; and (7) 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;

**\*3** (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 directly or indirectly controlling them or controlled by them or under direct or indirect common control with any of them shall not acquire or enjoy 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 requirement specified in Section 2 of An Act Relating to the 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;

(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.

9. 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

Kathleen B. Levitz

Acting Chief, Common Carrier Bureau

FN1. The Joint Applicants include American Telephone and Telegraph Company (AT & T), CICI, Inc. d/b/a IDB International (IDB International), GTE Hawaiian Telephone Company Incorporated (HTC), MCI International, Inc. (MCII), Sprint Communications Company Limited Partnership (Sprint), TRT/FTC Communications, Inc. (TRT/FTC), and World Communications, Inc. (Worldcom).

FN2. Letter from Acting United States Coordinator and Director, Bureau of International Communications and Information Policy, Department of State to Acting Chief, Common Carrier Bureau, Federal Communications Commission, dated July 2, 1993. The letter notes that MCI has announced its intent to enter into a business arrangement with British Telecom International (BT) by which BT will acquire a 20 percent stake in MCI. The Department of State states that it "approves the grant of the requested licenses subject to modification, if necessary, based upon subsequently available information about this arrangement. The Executive Branch will review the filings regarding the BT/MCI arrangement and convey its views, as appropriate, to the Commission." See conditions (1) through (7) at paragraph 8 of this Cable Landing License.

FN3. See Section 214 Application, File No. ITC-93-062, at p. 22. 1993 WL 757125 (F.C.C.), 8 F.C.C.R. 4808, 8 FCC Rcd. 4808

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