**Before the**
**Federal Communications Commission**
**Washington, D.C. 20554**

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| In the Matter of | ) | |
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| TYCOM NETWORKS (US) INC. | ) | |
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| and | ) | |
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| TYCOM NETWORKS (GUAM) L.L.C. | ) | |
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| Application for a License to Land and Operate a Private Fiber-Optic Cable System Between the United States Mainland, Hawaii, Guam, and Japan, | ) | File No. SCL-LIC-20000717-00026 |
| | ) | |
| THE TYCOM PACIFIC CABLE SYSTEM | ) | |

**CABLE LANDING LICENSE**

**Adopted: December 7, 2000** **Released: December 8, 2000**

By the Associate Chief, Telecommunications Division, International Bureau:

## I. Introduction

1. In this Order, we grant the Application[1] of TyCom Networks (US) Inc. (TyCom US) and TyCom Networks (Guam) L.L.C. (TyCom Guam) (collectively Applicants) under the Cable Landing License Act[2] and Executive Order No. 10530,[3] for authority to land and operate a private fiber optic submarine cable system to be called the TyCom Pacific Cable System (TyCom Pacific) between Los Angeles, California; Nedonna Beach, Oregon; Honolulu, Hawaii; Piti, Guam; and Shima, Japan. This system will be operated on a non–common carrier basis. We find that Applicants have provided sufficient information to comply with our rules and the Cable Landing License Act, and that it would serve the public interest to grant the cable landing license subject to the conditions listed below.

## II. Application

2. TyCom US, a Nevada corporation, and TyCom Guam, a corporation under the laws of the Territory of Guam, are wholly owned subsidiaries of TyCom Networks, a Bermuda company engaged in the ownership and operation of a global fiber-optic network. TyCom Networks is a wholly-owned

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[1] *See* TyCom Networks (US) Inc. and TyCom Networks (Guam) L.L.C., Application for a License to Land and Operate a Private Fiber-Optic Cable System Between the United States Mainland, Hawaii, Guam, and Japan, filed Jul. 17, 2000 (Application).

[2] An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act).

[3] Exec. Ord. No. 10530 *reprinted as amended* in 3 U.S.C. § 301.

subsidiary of TyCom Ltd., which in turn is controlled by Tyco International Ltd. (Tyco), a publicly traded Bermuda company listed on the New York, London, and Bermuda stock exchanges.[4] Tyco has no ten percent or greater beneficial shareholders.[5] Applicants assert that TyCom US will own and operate the California, Oregon, and Hawaii landing stations and the U.S. territory portions of TyCom Pacific between those landing stations to the points which are one-half mile beyond the U.S. territorial limit.[6] TyCom Guam will own and operate the Piti, Guam, landing station and the Guam territory portion of TyCom Pacific between the Guam station to the point which is one-half mile beyond the U.S. territorial limit.[7] A Japanese subsidiary of TyCom Networks will own or otherwise control the Japan landing station and own the Japan territory portion of TyCom Pacific from the landing station to the point which is one-half mile beyond the Japan territorial limit. TyCom Networks will itself own the remaining portions of TyCom Pacific.[8]

3. The proposed TyCom Pacific system will connect: (1) Los Angeles, California; (2) Nedonna Beach, Oregon; (3) Honolulu, Hawaii; (4) Piti, Guam; and (5) Shima, Japan.[9] According to the

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[4] *See* Application at 3, 11-12. According to the Application, Tyco filed a registration statement (which was not yet effective at the time of the Application) with the U.S. Securities and Exchange Commission to offer up to ten percent of the stock of TyCom Ltd. (which became the parent company of TyCom Networks upon the effective date of the registration statement) to the public in an initial public offering. Applicants asserted that the proposed offering would not change materially either the ownership and control of Applicants (which will be retained by Tyco) or its foreign affiliations (of which there are none). *See id.* at 2, n.2. On August 30, 2000, Applicants notified us that the *pro forma* transfer of control contemplated in the Application had been completed, and that TyCom US is now a wholly-owned, indirect subsidiary of TyCom Ltd., whose stock began trading as part of an initial public offering on July 27, 2000. Tyco still retains control of TyCom Ltd. and owns approximately 86 percent of TyCom Ltd.'s outstanding shares. *See* letter from Kent D. Bressie, Counsel for TyCom US, to Magalie Roman Salas, Secretary, Federal Communications Commission (Aug. 30, 2000).

[5] *See* Application at 11-12.

[6] *See id.* at 10.

[7] *See id.*

[8] *See id.*

[9] *See id.* at 5. According to the Application, TyCom Pacific will consist of five segments: Northern Segment: The whole of the submarine cable system provided between and including the System Interface at the cable station in Nedonna Beach, Oregon, and the System Interface at a new cable station to be built and owned or controlled by the Japanese subsidiary of TyCom Networks in Shima, Japan; Western Segment: The whole of the submarine cable system provided between and including the System Interface at the cable station in Shima, Japan, and the System Interface at a new cable station to be built and owned or controlled by TyCom Guam in Piti, Guam; Southern Segment A: The whole of the submarine cable system provided between and including the System Interface at the Piti, Guam, cable station and the System Interface at a new cable station to be built and owned or controlled by TyCom US in Honolulu, Hawaii; Southern Segment B: The whole of the submarine cable system provided between and including the System Interface at the Honolulu, Hawaii, cable station and the System Interface at a new cable station to be built and owned or controlled by TyCom US. (TyCom US's ownership of the Los Angeles, California, cable station was clarified by the Applicants in a letter from Kent D. Bressie, Counsel for TyCom US, to Magalie Roman Salas, Secretary, Federal Communications Commission (Sept. 21, 2000)); Eastern Segment: The whole of the submarine cable system provided between and including the System Interface at the new cable station to be built and owned by TyCom US in Los Angeles, California, and the System Interface at a

Application, TyCom Pacific will be a digital fiber-optic system with a minimum design capacity of 640 Gbps per fiber pair on all eight fiber pairs in a self-healing ring configuration consisting of the five submarine cable segments.[10] Each segment will contain eight optical fiber pairs, and each of these fiber pairs will be capable of carrying a minimum of sixty-four wavelengths of traffic, with each wavelength operating at a nominal rate of 10 Gbps.[11] Applicants will also construct, lease, or otherwise obtain backhaul facilities to serve: Seattle, Washington; Portland, Oregon; Los Angeles, California; and Nagoya, Japan, to provide alternative interconnection points to the TyCom Global Network for those customers requiring city-to-city transport.[12] The System Interface is a Synchronous Transport Module One (STM-1) digital input/output port on the digital distribution frame (excluding the digital distribution frame itself). The capacity of each wavelength is comprised of 64 STM-1 signals (the nominal data rate of STM-1 is 155 megabits per second).[13] System interfaces will also be made available at the STM-4, STM-16, and STM-64 levels.[14] Applicants anticipate that the proposed TyCom Pacific system will begin operation in May 2002.[15] TyCom Pacific will form part of the TyCom™ Global Network.[16]

## III. Comments

5. We placed the Application on public notice on July 21, 2000.[17] We received no comments. Pursuant to Section 1.767(b) of the Commission's rules,[18] the Cable Landing License Act, and Executive Order No. 10530, we informed the Department of State of the Application.[19] The Department of State, after coordinating with the National Telecommunications and Information Administration and the Department of Defense, stated that it has no objection to issuance of the cable landing license.[20]

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new cable station to be built and owned or controlled by TyCom US in Nedonna Beach, Oregon.

[10] *See id.* at 4.

[11] *See id.* at 5.

[12] *See id.*

[13] *See id.* at 6.

[14] *See id.*

[15] *See id.*

[16] *See id.* at 2.

[17] *See Non Streamlined International Applications Accepted for Filing,* Report No. TEL-00262NS, Public Notice (rel. Jul. 21, 2000).

[18] 47 C.F.R. § 1.767(b).

[19] Letter from George S. Li, Deputy Chief, Telecommunications Division, International Bureau, Federal Communications Commission, to Steven Lett, Deputy U.S. Coordinator, Office of International Communications and Information Policy, U.S. Department of State (Jul. 21, 2000).

[20] Letter from Richard C. Beaird, Acting U.S. Coordinator, International Communications and Information Policy, U.S. Department of State, to Donald Abelson, Chief, International Bureau, FCC (Dec. 6, 2000).

## IV. Discussion

### A. Private Submarine Cable Policy

6. Applicants propose to operate TyCom Pacific as a non–common carrier submarine cable system. Applicants request a license under the Commission's private submarine cable policy, which is intended to promote competition in the provision of international transmission facilities.[21] Pursuant to this policy, the Commission has authorized non–common carrier cables where: (1) there is no legal compulsion to serve the public indifferently; and (2) there are no reasons implicit in the nature of the operations to expect that the applicant would make capacity available to the public indifferently and indiscriminately.[22]

7. In applying the first prong of the test to submarine cable authorizations, the Commission has stated that there will be no legal compulsion to serve the public indifferently where there is no public interest reason to require facilities to be offered on a common carrier basis.[23] This public interest analysis has generally focused on whether an applicant will be able to exercise market power because of the lack of alternative facilities.[24] Where there are sufficient alternatives, the Commission has found that the public interest does not require the licensee to offer capacity on the proposed cable on a common carrier basis, but rather that, in those circumstances, the public interest would be served by allowing a submarine cable to be offered on a non-common carrier basis.[25]

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[21] *See e.g., Tel-Optik Limited, Application for a License to Land and Operate in The United States a Submarine Cable Extending Between the United States and the United Kingdom*, File Nos. I-SCL-84-002, I-SCL-84-003, *Submarine Lightwave Cable Company, Application for a License to Land and Operate in the United States a High Capacity Fiber Optic Digital Submarine Cable Extending between the United States and other North American Countries, on the one hand, and European Countries, on the Other Hand*, Memorandum Opinion and Order, 100 FCC 2d 1033, 1040-42, paras. 18-20, 1046-48, paras. 27-31 (1985) (*Tel-Optik Order*); *Cable & Wireless, PLC, Application for a License to Land and Operate in the United States a Private Submarine Fiber Optic Cable Extending Between the United States and the United Kingdom*, File No. SCL-96-005, Cable Landing License, 12 FCC Rcd 8516, (1997) (*Cable and Wireless Order*).

[22] *See Cable & Wireless Order*, 12 FCC Rcd at 8520-23, paras. 11-17; *see also Optel Communications, Inc., Application for a license to land and operate in the United States a submarine cable extending between Canada and the United States*, File No. SCL-92-004, Conditional Cable Landing License, 8 FCC Rcd 2267 (1993); *National Association of Regulatory Utility Commissioners v. FCC*, 525 F.2d 630, 642 (D.C. Cir.) (*NARUC I*), *cert. denied*, 425 U.S. 992 (1976).

[23] *See, e.g., Cable & Wireless Order*, 12 FCC Rcd at 8522, paras. 14-15.

[24] *Id.*

[25] *Id.*

8. Applicants assert that they are not affiliated with any foreign carrier.[26] In addition, Applicants assert that there are sufficient existing or planned facilities on the routes to prevent them from exercising market power in offering services to the public,[27] including the following cables extending to Japan: (1) TPC-3 (authorized on a common carrier basis between the U.S. mainland, Hawaii, Guam, Japan, and the Philippines);[28] (2) TPC-4 (authorized on a common carrier basis between the United States mainland, Canada, and Japan);[29] (3) TPC-5 (authorized on a common carrier basis between the United States mainland, Hawaii, Guam, and Japan);[30] (4) North Pacific (authorized on a non-common carrier basis between the United States and Japan);[31] (5) Japan-US (authorized on a non-common carrier basis between the United States and Japan);[32] (6) China-US (authorized on a non-common carrier basis between the

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[26] *See* Application at 2, n2, 12.

[27] *See id*. at 8-9.

[28] *See American Telephone and Telegraph Company, et al., Application for a License to Land and Operate in the United States Territory High Capacity Digital Submarine Cable Systems Extending Between and Among the U.S. Mainland, the State of Hawaii, the Island of Guam, Japan, and the Island of Luzon, the Philippines,* Cable Landing License, File No. S-C-L 85-003, 1985 WL 260360 (CCB rel. Dec. 27, 1985); *American Telephone and Telegraph Company, et al., Application for Authorization Under Section 214 of the Communications Act of 1934, as Amended, to Construct and Operate High Capacity Digital Submarine Cable Systems Extending Between and Among the Mainland of the United States, the Island of Oahu in the State of Hawaii, the Island of Guam, Japan, and the Island of Luzon, the Philippines,* Memorandum Opinion, Order and Authorization, File No. I-T-C-85-219, 1986 WL 292522 ( CCB rel. Jan. 7, 1986). The TPC-3 cable is currently in service.

[29] *See American Telephone and Telegraph Company, et al, Joint Application for a License to Land and Operate a High Capacity Digital Submarine Cable System Extending from the United States Mainland to Canada and Japan*, File No. S-C-L-89-004, Cable Landing License, 4 FCC Rcd 8040 (1989); *American Telephone and Telegraph Company, et al, Joint Application for Authorization Under Section 214 of the Communications Act of 1934, as Amended, to Construct, Acquire Capacity in and Operate a High Capacity Digital Submarine Cable System Between and Among the United States, Canada and Japan,* File No. I-T-C-89-086, Memorandum Opinion, Order and Authorization, 4 FCC Rcd 8042 (1989). The TPC-4 cable is currently in service.

[30] *See American Telephone and Telegraph Company, et. al, Joint Application for a License to Land and Operate a High Capacity Digital Submarine Cable Network Between and Among the United States Mainland, the State of Hawaii, the Island of Guam and Japan,* File No. S-C-L-92-005, Cable Landing License, 7 FCC Rcd. 7674 (CCB 1992); *American Telephone and Telegraph Company, et. al, Joint Application for Authorization Under Section 214 of the Communications Act of 1934, as Amended, to Construct, Acquire Capacity in and Operate a High Capacity Digital Submarine Cable Network Between and Among the United States Mainland, the State of Hawaii, the Island of Guam and Japan,* File No. I-T-C-92-179, Memorandum Opinion, Order and Authorization, 7 FCC Rcd 7758 (CCB 1992). The TPC-5 cable is currently in service.

[31] *See Pacific Telecom Cable, Inc., Application for a License to Land and Operate in the United States a Submarine Cable between the United States and Japan,* File No. I-S-C-L-86-002, Cable Landing License, 2 FCC Rcd 2686 (CCB 1987) (Conditional Cable Landing License). A final cable landing license was granted by the Commission in 1989, *see Pacific Telecom Cable, Inc., Application for a License to Land and Operate in the United States a Private Submarine Cable between the United States and Japan,* File No. S-C-L-86-002-(M), Cable Landing License, 4 FCC Rcd 8061 (1989). The North Pacific, or NPC, cable is currently in service.

[32] *See AT&T Corp. et. al., Joint Application for a License to Land and Operate a Submarine Cable Network Between the United States and Japan,* File No. SCL-LIC-19981117-00025, Cable Landing License, 14 FCC Rcd

United States, China, Taiwan, Japan, South Korea, and Guam);[33] (7) Pacific Crossing 1 (authorized on a non-common carrier basis between the United States and Japan);[34] and (8) FLAG Pacific-1 (the application for this cable proposes that it will be operated on a non-common carrier basis between the United States, Canada, Japan and Korea).[35] Given the unopposed evidence of the availability of alternative cables, we find that the first prong of the *NARUC I* test has been met.

9. Regarding the second prong of the test, we conclude that there is no reason to expect that capacity on the proposed cable system would be held out to the public indifferently. Applicants state that capacity will not be sold indifferently to the user public. Rather, capacity will be made available to users on an indefeasible right-of-use (IRU) or leased-capacity basis, on terms tailored to their particular needs.[36] TyCom Pacific will provide bulk capacity to particular users, including common carriers, carrier consortia, and other third parties who require significant amounts of capacity.[37] Capacity will be assigned pursuant to individualized decisions, depending on the characteristics and needs of the individual capacity purchaser.[38] We conclude that Applicants will not offer capacity on TyCom Pacific to the public on a common carrier basis and that the public interest does not require that they do so. We also find that the Applicant will not provide a telecommunications service for a fee to such class of users as to be "effectively available directly to the public" and thus will not be a "telecommunication carrier" under the 1996 Act.[39] We find, therefore, that the second prong of the *NARUC I* test has been met.

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13066 (1999). The Japan-US cable is not currently in service.

[33] *See AT&T Corp. et al., Joint Application for a License to Land and Operate in the United States a Digital Submarine Cable System Extending Between the United States, China, Taiwan, Japan, South Korea, and Guam*, File No. SCL-98-002, 13 FCC Rcd. 16232 (TD/IB 1998) (*China-US Order).* The China-US cable is currently in service.

[34] *See PC Landing Corp., Application for a License to Land and Operate in the United States a Private Fiber Optic Submarine Cable System Extending Between the United States and Japan*, File No. SCL-98-006, Cable Landing License, 13 FCC Rcd 23384 (IB/TD 1998). The Pacific Crossing 1 cable is currently in service.

[35] The FLAG Pacific-1 cable was recently authorized by the Commission. *See FLAG Pacific Limited, Application for a License to Land and Operate in the United States a Digital Submarine Cable System Between the United States and Canada and Japan and Korea*, Cable Landing License, File No. SCL-LIC-200000606-00023, DA 00-2568 (IB/TD rel. Nov. 9, 2000).

[36] *See* Application at 2.

[37] *See id.* at 7.

[38] *See id.*

[39] *See* 47 U.S.C. § 153(44) (defining "telecommunications carrier"); *Cable & Wireless Order*, 12 FCC Rcd at 8523, para. 17.

10. No one has advocated that the public interest requires TyCom Pacific to be operated on a common carrier basis. We note, however, that we maintain the ability to impose common carrier or common-carrier-like obligations on the operations of this or any other submarine cable system if the public interest so requires.[40] Furthermore, we have always maintained the authority to classify facilities as common carrier facilities subject to Title II of the Communications Act if the public interest requires that the facilities be offered to the public indifferently.[41]

### B. Ownership and Landing Points

12. Applicants have provided the ownership information required by Sections 1.767(a)(6) and 63.18 of the Commission's rules.[42] TyCom US and TyCom Guam are ultimately controlled by Tyco. TyCom US will own and operate the California, Oregon, and Hawaii landing stations and the U.S. territory portions of TyCom Pacific between those landing stations to the points which are one-half mile beyond the U.S. territorial limit. TyCom Guam will own and operate the Piti, Guam, landing station and the Guam territory portion of TyCom Pacific between the Guam station to the point which is one-half mile beyond the U.S. territorial limit. A Japanese subsidiary of TyCom Networks will own or otherwise control the Japan landing station and own the Japan territory portion of TyCom Pacific from the landing station to the point which is one-half mile beyond the Japan territorial limit. TyCom Networks will itself own the remaining portions of TyCom Pacific. Applicants state that they have no affiliations within the meaning of Section 63.18(h)(1)(A) of the Commission's rules.

13. Section 1.767(a) of the Commission's rules permits applicants in an initial application to provide a general description of the landing points. The Applicant must file a specific description of any landing point, including a map, no later than 90 days prior to construction at that landing point. We find the Applicants' description of the likely landing points to be sufficient to determine that the proposed cable system will comply with the provisions of the Commission rules. Moreover, the Applicants have stated that they will comply with Section 1.767(a)(5) of the Commission's rules by providing specific information on the cable landing locations 90 days prior to commencing construction. The Commission will give public notice of the filing of the specific description, and grant of the license will be considered final with respect to that landing point unless the Commission notifies the Applicants to the contrary no later than 60 days after receipt of the specific description of the landing point.

### C. Environmental Impact

14. The Commission has found that the construction of new submarine cable systems, individually and cumulatively, will not have a significant effect on the environment and therefore should be expressly excluded from our procedures implementing the National Environmental Policy Act of 1969.[43]

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[40] *See* 47 U.S.C. § 35 (providing that a license may be granted "upon such terms as shall be necessary to assure just and reasonable rates and service in the operation and use of cables so licensed").

[41] *See Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23934, para. 95 (1997) (*Foreign Participation Order*), Order on Reconsideration, FCC 00-339 (rel. September 19, 2000); *Cable & Wireless Order*, 12 FCC Rcd at 8530, para. 39; *China-US Order*,13 FCC Rcd at 16237, para. 15.

[42] *See* Application at 3, 10-12.

[43] *See* 47 C.F.R. § 1.1306 Note 1 (as amended 1999); *1998 Biennial Regulatory Review —*

Therefore, Applicants are not required to submit an environmental assessment, and this application is categorically excluded from environmental processing.

## V. Conclusion

15. We grant the Application of TyCom US and TyCom Guam for authority to land and operate a non-common carrier fiber optic submarine cable extending between U.S. Mainland, Hawaii, Guam, and Japan, subject to the conditions listed below.

## VI. Ordering Clauses

16. Consistent with the foregoing and pursuant to the Cable Landing License Act and Executive Order 10530, we hereby GRANT AND ISSUE TyCom US and TyCom Guam a license to land and operate a non–common carrier digital fiber-optic system with a minimum design capacity of 640 Gbps per fiber pair on all eight fiber pairs in a self-healing ring configuration consisting of five submarine cable segments, extending between the U.S. Mainland, Hawaii, Guam, and Japan. This grant is subject to all rules and regulations of the Commission; any treaties or conventions relating to communications to which the United States is or may hereafter become a party; any action by the Commission or the Congress of the United States rescinding, changing, modifying, or amending any rights accruing to any person hereunder; and the following conditions:

(1) The location of the cable system within the territorial waters of the United States, its territories and possessions, and upon its shore shall be in conformity with plans approved by the Secretary of the Army, and the cable shall be moved or shifted by 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) Licensees shall at all times comply with any requirements of U.S. government authorities regarding the location and concealment of the cable facilities, buildings, and apparatus for the purpose of protecting and safeguarding the cable from injury or destruction by enemies of the United States;

(3) Licensees or any persons or companies controlling them, controlled by them, or under direct or indirect common control with them do not enjoy and shall not acquire any right to handle traffic on a common carrier basis to or from the United States, its territories, or its possessions unless such service be authorized by the Commission pursuant to Section 214 of the Communications Act, as amended;

(4) Licensees or any persons or companies controlling them, controlled by them, or under direct or indirect common control with them shall not acquire or enjoy any right for the purpose of handling or interchanging traffic to or from the United States, its territories, or its possessions to land,

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*Review of International Common Carrier Regulations*, IB Docket No. 98-118, Report and Order, 14 FCC Rcd 4909 at paras. 67-69 (1999).

connect, or operate cables or land lines, to construct or operate radio stations, or to interchange traffic, that is denied to any other United States company by reason of any concession, contract, understanding, or working arrangement to which Licensees or any persons controlling them, controlled by them, or under direct or indirect common control with them are parties;

(5) 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 Licensees to any persons, unless the Commission shall give prior consent in writing;

(6) Licensees shall notify the Commission in writing of the precise locations at which the cable will land in Los Angeles, California; Nedonna Beach, Oregon; Honolulu, Hawaii; Piti, Guam; and Shima, Japan. Such notification with respect to any given landing location shall occur no later than 90 days prior to commencing construction at that landing location. The Commission will give public notice of the filing of each description, and grant of this license will be considered final with respect to that landing location unless the Commission issues a notice to the contrary no later than 60 days after receipt of the specific description;

(7) The Commission reserves the right to require Licensees to file an environmental assessment or environmental impact statement should it determine that the landing of the cable at those locations and construction of necessary cable landing stations would significantly affect the environment within the meaning of Section 1.1307 of the Commission's procedures implementing the National Environmental Policy Act of 1969; this license is subject to modification by the Commission upon its review of any environmental assessment or environmental impact statement that it may require pursuant to its rules;

(8) Pursuant to Section 35 of the Cable Landing License Act, 47 U.S.C. § 35; Executive Order No. 10530, as amended; and Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, the Commission reserves the right to impose common carrier or common-carrier-like regulation on the operations of the cable system if it finds that the public interest so requires;

(9) Licensees shall maintain *de jure* and *de facto* control of the U.S. portion of the cable system, including the cable landing stations in the United States, sufficient to comply with the requirements of this license;

(10) This license is revocable by the Commission after due notice and opportunity for hearing pursuant to Section 35 of the Cable Landing License Act, 47 U.S.C. § 35, or for failure to comply with the terms of the authorizations;

(11) 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 such date, unless renewed or extended upon proper application, and, upon expiration of this license, all rights granted under it shall be terminated; and

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

17. This Order is issued under Section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of public notice of this order (see 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Jacquelynn Ruff
Associate Chief, Telecommunications Division
International Bureau