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March 28, 2014

Filed Electronically

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

**Re: Emerald Express Cable Network
In the Matter of Application for a License to Land and Operate a Fiber Optic
Submarine Cable System Linking the United States, Iceland and Ireland, and
Request for Streamlined Treatment
File No. SCL-LIC-20140206-00002**

Dear Ms. Dortch:

On behalf of the Applicant, Emerald Express Cable Network (“Emerald”), by its counsel, hereby provides additional clarifying information with respect to its “Application for a License to Land and Operate a Fiber Optic Submarine Cable System Linking the United States, Iceland and Ireland, and Request for Streamlined Treatment” (“Application”).

United States Landing Point

As noted in the Application, the United States landing point will be AT&T’s existing cable landing station at Shirley, NY. Emerald has entered into an agreement with AT&T pursuant to which AT&T will provide Emerald with secure space, reliable powering and housing for Emerald’s equipment within AT&T’s existing station necessary for Emerald to operate its cable. In addition, the parties have entered into an agreement for Emerald to use certain AT&T conduits extending from the station. Through a separate agreement, Emerald has contracted with AT&T for maintenance of the cable in and around the station; however, such maintenance services are solely at the direction and under the supervision of Emerald. Emerald will, however, own and have total control of the cable and all landing station equipment and functions relating

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to its cable, including the power feed equipment, the submarine line terminal equipment, the system interface equipment, and the optical distribution frame.

Further, AT&T is not a party to agreement regarding the construction and maintenance of the cable and therefore has no rights over the operation or business of the cable.¹ Thus, AT&T could not ensure and certify that the cable is operating consistently with all of the standard conditions of a cable landing station license, such as compliance with requested non-common carrier status. AT&T would also have no ability to respond to law enforcement requests regarding the cable since all of the termination equipment will be in space under the exclusive control and operational authority of Emerald. Thus, requiring AT&T to be a licensee would not accomplish the Commission's intent to "ensure that entities having a significant ability to affect the operation of a cable system are applicants. . . ."²

The Commission's recent submarine cable licensing orders are consistent with not requiring AT&T to be a licensee of the cable. Since 2002, when the cable licensing rules were last changed, in circumstances consistent with the current relationship between Emerald and AT&T, the Commission has routinely granted submarine cable licenses to parties that did not own the landing station without the station owner being a licensee of the cable.³ For these reasons, AT&T was not included in the Application as an applicant for the cable. Given AT&T's limited role with respect to the cable, AT&T should not be required to be a licensee. However, to the extent necessary and on behalf of the Applicants, Emerald requests a waiver of Section 1.767(h)(1) of the Commission's rules so that the Application can be processed and granted without AT&T being required to become a licensee for the cable.

¹ The parties have entered into a capacity agreement providing AT&T with a right to use certain capacity on the cable.

² Review of Commission Consideration of Applications under the Cable Landing License Act, *Report and Order*, 16 FCC Rcd 22167,1153 (2001).

³ See e.g., File No. SCL-LIC-20060413-00004 (FCC granted license to Kodiak-Kenai Cable Company, LLC; three of the U.S. landing stations of the Kodiak Kenai Fiber Link are owned and controlled by third parties who are not licensees on the cable); File No. SCL-LIC-20050418-00010 (FCC granted license to Global Caribbean Network; the Puerto Rico landing station of the Global Caribbean Network cable system appears to be owned and controlled by a third party who is not a licensee on the cable); File No. SCL-LIC-20031209-00033 (FCC granted license to SMITCOMS, Inc.; the United States landing station of the SMPR-1 cable system appears to be owned and controlled by a third party who is not a licensee on the cable); File No. SCL-LIC-20031125-00032 (FCC granted license to Antilles Crossing Limited; one of the United States landing stations of the Antilles Crossing System appears to be owned and controlled by a third party who is not a licensee on the cable); File No. SCL-LIC-20070222-00002 (FCC granted license to MCI International, Inc.; the United States landing station in Oregon is owned and controlled by a third party who is not a licensee on the cable); File No. SCL-LIC-20080213-00001 (FCC granted license to PPC 1 Limited; the Guam landing station is owned and controlled by a third party who is not a licensee on the cable). See also File No. SCL-ASG-20050304-00003 (where Commission authorized the transfer of control of the license for the Trans-Pacific Network without requiring the operator of the United States landing facility for the cable to become a licensee on the cable).

International Landing Points

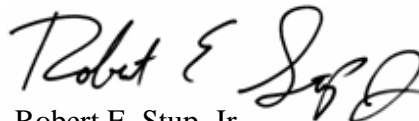
In Iceland, the landing point will be a newly-constructed cable station in Mölvík, approximately 10 km west of Grindavik, to be owned and operated by Emerald. In Ireland, the landing point will be a newly-constructed cable station in Kilalla Bay, to be owned and operated by Emerald. As noted in the Application, Emerald may in the future extend the cable system to other points in Europe and/or Africa.

Information Regarding Ownership

Emerald is majority-owned by Aqua Ventures International FZE (“Aqua Ventures”), which owns and control over 70 percent of Emerald. The address of Aqua Ventures is: PO Box 50073, Fujairah, United Arab Emirates. The principal business of Aqua Ventures is investments. The Bake Family Trust directly owns 100 percent of Aqua Ventures. The sole, indirect owner of Aqua Ventures is Christopher Paul Bake, a Dutch citizen. Christopher Paul Bake established The Bake Family Trust and is its sole beneficiary. Dominion Fiduciary Trust Limited, a company incorporated under the laws of the Bailiwick of Jersey and having its principal office at Charter Place, 23-27 Seaton Place, St. Helier, Jersey JE4 0WH is the trustee of The Bake Family Trust. No other person or entity holds a 10 percent or greater ownership interest in Aqua Ventures Inc.

Please do not hesitate to contact the undersigned counsel should there be any questions regarding the foregoing or should additional information be required.

Respectfully submitted,



Robert E. Stup, Jr.
Counsel to Emerald Network Holdings Limited

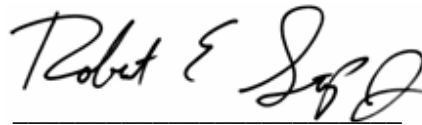
CERTIFICATE OF SERVICE

I hereby certify that the foregoing letter and copies of the Application were served on the following by first-class mail on March 28, 2014:

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U.S. Department of State
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Washington, DC 20520-5818

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