

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

DEEP BLUE CABLE (US) INC., AND
DEEP BLUE CABLE LIMITED,

Application for a License to Land and Operate
a Private Fiber-Optic Submarine Cable System
Connecting Anguilla, British Virgin Islands,
Cayman Islands, Colombia, Curaçao, Dominican
Republic, Haiti, Jamaica, Panama, Saint-Martin,
Trinidad and Tobago, Turks and Caicos Islands,
Florida, and Puerto Rico,

THE DEEP BLUE CABLE SYSTEM

File No. SCL-LIC-2018-_____

**JOINT APPLICATION FOR CABLE LANDING LICENSE—
STREAMLINED PROCESSING REQUESTED**

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, Deep Blue Cable (US) Inc. (“Deep Blue USA,” FRN 0027127414), and Deep Blue Cable Limited (“Deep Blue Parent,” FRN 0027127380) (together, “Applicants”) hereby apply for a license to land and operate within the United States a private fiber-optic submarine cable network connecting Anguilla, British Virgin Islands, Cayman Islands, Colombia, Curaçao, Dominican Republic, Haiti, Jamaica, Panama, Saint-Martin, Trinidad and Tobago, Turks and Caicos Islands, Florida, and Puerto Rico. The system will be known as the Deep Blue cable system. The Applicants will operate the Deep Blue cable system on a non-common-carrier basis, by providing bulk capacity to wholesale and enterprise customers on particularized terms and conditions pursuant to individualized negotiations. The existence of robust competition on U.S.-

Caribbean routes and the U.S.-Turks and Caicos Islands route¹ obviates any need for common-carrier regulation of the system on public-interest grounds.

The Applicants intend to commence commercial operation of the Deep Blue cable system in the fourth calendar quarter of 2020. The Applicants therefore seek timely grant of a cable landing license by the Commission no later than May 2019, in order to permit construction activities to proceed on schedule. An expeditious grant of this application will significantly advance the public interest.

First, the Deep Blue system will provide critical new and replacement capacity on routes where capacity demand is increasing substantially each year and where a number of existing systems are nearing the ends of their useful lives. The Deep Blue cable system will consist of up to eight fiber pairs with a design capacity of a minimum of 6 Tbps per fiber pair using current technology. The system will have an initial lit capacity of 1 Tbps. It will offer capacity in large increments until the year 2044, far beyond the useful life of most existing systems serving U.S.-Caribbean and U.S.-Turks and Caicos Islands routes.

Second, the Deep Blue system will increase route diversity and network resilience. On the U.S. end, Deep Blue will pioneer a new U.S. mainland landing in Naples, Florida. At present, all other U.S.-Caribbean cable systems landing in Florida do so on Florida's east coast. Deep Blue will also provide a diverse southern connection to Trinidad and Tobago, reducing reliance by eastern Caribbean nations on hurricane-prone northern routes. More generally, Deep Blue will help to reduce the risk that a single event, such as a hurricane or anchor or fishing-net entanglement, will disrupt all U.S.-Caribbean or U.S.-Turks and Caicos Islands communications.

¹ Technically, the Turks and Caicos Islands are located in the mid-Atlantic Ocean, rather than the Caribbean Sea.

Third, Deep Blue will compete vigorously with established submarine cable operators in the Caribbean and mid-Atlantic regions—particularly C&W Networks, a Liberty Latin America company and successor to Cable & Wireless Communications and Columbus Networks. In particular, the Deep Blue system will provide much-needed competition on routes serving Anguilla, British Virgin Islands, Cayman Islands, Haiti, Jamaica, and the Turks and Caicos Islands, where C&W Networks is currently the only provider of international submarine cable connectivity. Deep Blue is not affiliated with any foreign carriers with market power in these regions.

This application raises no public-interest concerns. The Applicants request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2), as they are affiliated with non-dominant foreign carrier affiliates in Anguilla, British Virgin Islands, Cayman Islands, Curaçao, Haiti, Jamaica, Panama, Saint-Martin, Trinidad and Tobago, and Turks and Caicos Islands. Below, the Applicants provide information required by 47 C.F.R. § 1.767.

A. Applicant Names, Addresses, and Telephone Numbers²

Deep Blue Cable (US) Inc.
20 Micoud Street
Castries, LC04 101
Saint Lucia
+1 758 518 9077/9097 tel

Deep Blue Cable Limited
20 Micoud Street
Castries, LC04 101
Saint Lucia
+1 758 518 9077/9097 tel

² See 47 C.F.R. § 1.767(a)(1).

B. Applicant Places of Incorporation³

Deep Blue USA is a Delaware corporation. Deep Blue Parent is a St. Lucia private limited company.

C. Contact Information for the Applicants⁴

Nigel Irvine
Director of Permitting
Deep Blue Cable Limited
c/o DEVMAC Corporate Services Inc.
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with a copy to:

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*Counsel for Deep Blue Cable (US) Inc.
and Deep Blue Cable Limited*

D. System Description⁵

The Deep Blue cable system will have a total length of approximately 12,000 kilometers, including three subsystems with numerous branches and other segments connecting the British Virgin Islands, Anguilla and Saint Martin:

³ See *id.* § 1.767(a)(2).

⁴ See *id.* § 1.767(a)(3).

⁵ See *id.* § 1.767(a)(4).

- **Subsystem 1:** connecting Boca Raton, Florida, to Mahuma, Curaçao, with the following branches:
 - **Turks and Caicos Islands Branch:** connecting a branching unit on Subsystem 1 to Grace Bay, Providenciales, Turks and Caicos Islands;
 - **British Virgin Islands Branch:** connecting a branching unit on Subsystem 1 to Josiah's Bay, British Virgin Islands;
 - **Puerta Plata Branch:** connecting a branching unit on the Josiah's Bay Branch to Long Beach, Puerto Plata, Dominican Republic;
 - **Palo Seco Branch:** connecting a branching unit on the Josiah's Bay Branch to Palo Seco, Puerto Rico;
 - **Haiti Branch:** connecting a branching unit on Subsystem 1 to Kaliko, Haiti;
 - **Jamaica South Branch:** connecting a branching unit on Subsystem 1 to Harbour View, Kingston, Jamaica; and
 - **Colombia Branch:** connecting a branching unit on Subsystem 1 to Barranquilla, Colombia.
- **Subsystem 2:** connecting Naples, Florida, to Maria Chiquita, Panama, with the following branches:
 - **Cayman Islands Branch:** connecting a branching unit on Subsystem 2 to Turtle Farm, Grand Cayman, and
 - **Jamaica North Branch:** connecting a branching unit on Subsystem 2 to Mammee Bay, Ocho Rios, Jamaica.
- **Subsystem 3:** connecting Marie Pampoen, Willemstad, Curaçao to Chaguaramas, Trinidad, with the following branch:

- **Tobago Branch:** connecting a branching unit on Subsystem 3 to Kilgwyn Bay, Tobago and
 - **Lower Manzanilla Branch:** connecting a branching unit on the Tobago Branch to Lower Manzanilla, Trinidad.
- **British Virgin Islands, Anguilla and Saint Martin segments:**
 - **British Virgin Islands Branch:** connecting Whelk Point, British Virgin Islands to an existing stub on the Antilles Crossing cable system:
 - **British Virgin Islands-Anguilla Segment:** connecting Long Bay, Beef Island, British Virgin Islands, to Crocus Bay, Anguilla; and
 - **Anguilla-Saint-Martin Segment:** connecting Sandy Point, Anguilla to Saint-Louis, Saint-Martin.

Each segment (whether a subsystem trunk or branch) will consist of up to eight fiber pairs with a design capacity of a minimum of 6 Tbps per fiber pair using current technology. The system will have an initial lit capacity of 1 Tbps.

The Applicants expect the Deep Blue cable system to enter into commercial service in the fourth calendar quarter of 2020. In Appendix A, the Applicants provide a route map for the system.

E. Landing Points⁶

The Applicants provide specific landing point information (including geographic coordinates and street addresses, where available, for beach manholes and cable landing stations) in the following appendices:

- Appendix B: Crocus Point, Anguilla, Landing Point Information

⁶ See *id.* § 1.767(a)(5).

- Appendix C: Sandy Point, Anguilla, Landing Point Information
- Appendix D: Whelk Point, Tortola, British Virgin Islands, Landing Point Information
- Appendix E: Josiah's Bay, Tortola, British Virgin Islands, Landing Point Information
- Appendix F: Long Bay, Beef Island, British Virgin Islands, Landing Point Information
- Appendix G: Turtle Farm, Grand Cayman, Cayman Islands, Landing Point Information
- Appendix H: Barranquilla, Colombia, Landing Point Information
- Appendix I: Mahuma, Curaçao, Landing Point Information
- Appendix J: Marie Pampoen, Willemstad, Curaçao, Landing Point Information
- Appendix K: Long Beach, Puerto Plata, Dominican Republic, Landing Point Information
- Appendix L: Kaliko, Haiti, Landing Point Information
- Appendix M: Harbour View, Kingston, Jamaica, Landing Point Information
- Appendix N: Mammee Bay, Ocho Rios, Jamaica, Landing Point Information
- Appendix O: Maria Chiquita, Panama, Landing Point Information
- Appendix P: Saint-Louis, Saint-Martin, Landing Point Information
- Appendix Q: Kilgwyn Bay, Tobago, Trinidad and Tobago, Landing Point Information
- Appendix R: Chaguaramas, Trinidad, Trinidad and Tobago, Landing Point Information
- Appendix S: Lower Manzanilla, Trinidad, Trinidad and Tobago, Landing Point Information
- Appendix T: Grace Bay, Providenciales, Turks and Caicos Islands, Landing Point Information
- Appendix U: Boca Raton, Florida, Landing Point Information
- Appendix V: Naples, Florida, Landing Point Information

- Appendix W: Palo Seco/Isla Verde, Puerto Rico, Landing Point Information

F. Regulatory Classification⁷

The Applicants will operate the Deep Blue cable system on a non-common-carrier basis. Non-common-carrier classification of the proposed system is consistent with established Commission policy and precedent and with judicial precedent, and it will advance the public interest.

First, the Commission should not subject the Deep Blue cable system to common-carrier regulation because it will not operate on a common-carrier basis as defined in *NARUC I*.⁸ The courts have stated that “[t]he primary *sine qua non* of common carrier status is a quasi-public character, which arises out of the undertaking ‘to carry for all people indifferently.’”⁹ On the Deep Blue system, however, the Applicants will not sell capacity indifferently to the user public. Instead, the Applicants will sell bulk capacity to particular carrier and enterprise customers pursuant to individually-negotiated indefeasible rights of use (“IRUs”) and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchaser. The Commission has consistently found that such offerings do not make an applicant a common carrier.¹⁰

⁷ See *id.* § 1.767(a)(6).

⁸ See *Nat’l Ass’n of Regulatory Utility Comm’rs v. FCC*, 525 F.2d 630, 642 (D.C. Cir. 1976) (“*NARUC I*”) (stating that the court must inquire “whether there are reasons implicit in the nature of [the] operations to expect an indifferent holding out to the eligible user public”), *cert. denied*, 425 U.S. 992 (1976); see also *Virgin Islands Tel. Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999) (affirming FCC’s use of *NARUC I* test for distinguishing common-carrier and private-carrier services following enactment of the Telecommunications Act of 1996).

⁹ *Nat’l Ass’n of Regulatory Utility Comm’rs v. FCC*, 533 F.2d 601, 608 (D.C. Cir. 1976) (quoting *Semon v. Royal Indemnity Co.*, 279 F.2d 737, 739 (5th Cir. 1960)).

¹⁰ See *AT&T Corp. et al., Cable Landing License*, 13 FCC Rcd. 16,232, 16,238 (Int’l Bur. 1998) (finding that individualized decisions concerning the sale or lease of capacity on the

Second, the Commission should not subject the Deep Blue cable system to common-carrier regulation because there is no legal compulsion or other public-interest reason for the Applicants to operate the system in such a manner. Under the *NARUC I* test, the Commission must determine whether the public interest requires common-carrier operation of the cable system.¹¹ Traditionally, the Commission has focused on whether the applicant has sufficient market power to warrant common carrier regulation,¹² although the Commission “is not limited to that reasoning” and has looked more broadly to determine whether common-carrier licensing is in the public interest.¹³ The Deep Blue cable system poses no such competitive or other public-interest concerns.

The Deep Blue cable system will enhance competition by competing vigorously with other submarine cable systems on all of the international routes it will serve.

China-U.S. Cable Network would not constitute the effective provision of a service to the public so as to make the applicant a common carrier); *AT&T Submarine Systems, Inc.*, Cable Landing License, 11 FCC Rcd. 14,885, 14,904 ¶ 64 (Int’l Bur. 1996) (“*St. Thomas-St. Croix Cable Order*”) (finding that an “offer of access, nondiscriminatory terms and conditions and market pricing of IRUs does not rise to the level of an ‘indiscriminate’ offering” so as to constitute common carriage), *aff’d* 13 FCC Rcd. 21,585 (1998), *aff’d sub nom. Virgin Islands Telephone Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999).

¹¹ *NARUC I*, 525 F.2d at 642 (stating that the court must inquire “whether there will be any legal compulsion . . . to serve [the public] indifferently”).

¹² *See St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,893 ¶ 30.

¹³ *See AT&T Corp. et al.*, Cable Landing License, 14 FCC Rcd. 13,066, 13,080 ¶ 39 (2000) (stating that “[a]lthough this public interest analysis has generally focused on the availability of alternative facilities, we are not limited to that reasoning”); *Australia-Japan Cable (Guam) Limited*, Cable Landing License, 15 FCC Rcd. 24,057, 24,062 ¶ 13 (Int’l Bur. 2000) (stating that “[t]his public interest analysis generally has focused on whether an applicant will be able to exercise market power because of the lack of alternative facilities, although the Commission has not limited itself to that reasoning”); *Telefonica SAM USA, Inc. et al.*, Cable Landing License, 15 FCC Rcd. 14,915, 14,920 ¶ 11 (Int’l Bur. 2000) (stating that “[t]his public interest analysis has focused on the availability of alternative facilities, although the Commission has stated it is not limited to that reasoning”).

- **Anguilla:** Deep Blue will compete with the Eastern Caribbean Fiber System (“ECFS”), which connects Anguilla to the British Virgin Islands (with onward connectivity provided via the Pacific-Caribbean Cable System (“PCCS”)) and with Sint Maarten (with onward connectivity to the United States via the St. Maarten Puerto Rico-1 (“SMPR-1”) system).
- **British Virgin Islands:** Deep Blue will compete directly with the PCCS system. It will also compete with the Caribbean-Bermuda U.S. system (with onward connectivity to the United States via the Gemini-Bermuda system).
- **Cayman Islands:** Deep Blue will compete directly with the MAYA-1 system on the U.S.-Cayman Islands route. It will also compete with the Cayman-Jamaica Fiber System (“CJFS”), which connects the Cayman Islands to Jamaica (with onward connectivity to the United States via the CFX-1 system).
- **Colombia:** Deep Blue will compete directly with the AMX-1, ARCOS, CFX-1, GlobeNet, PanAm, PCCS, SAm-1, South American Crossing systems on the U.S.-Colombia route.
- **Curaçao:** Deep Blue will compete directly with the Americas-II and ARCOS systems on the U.S.-Curaçao route. It will also compete with EC Link, which connects Curaçao to Trinidad (with onward connectivity to the United States via the Americas-II system) and with the Alonso de Ojeda system, which connects Curaçao with Aruba (with onward connectivity to the United States via the PanAm and PCCS systems).
- **Dominican Republic:** Deep Blue will compete directly with the AMX-1, Antillas-1, and ARCOS systems on the U.S.-Dominican Republic route.

- ***Haiti***: Deep Blue will compete with Bahamas Domestic Submarine Network, which connects to the Bahamas (with onward connectivity to the United States via ARCOS, Bahamas-2, and Bahamas Internet Cable System) and with the Fibralink system, which connects to the Dominican Republic (with onward connectivity to the United States via the AMX-1 and ARCOS systems) and Jamaica (with onward connectivity to the United States via the CFX-1 system).
- ***Jamaica***: Deep Blue will compete directly with the CFX-1 system on the U.S.-Jamaica route.
- ***Panama***: Deep Blue will compete directly with the ARCOS, MAYA-1, PanAm, PCCS, and South American Crossing systems on the U.S.-Panama route.
- ***Saint-Martin/Sint Maarten***: Deep Blue will compete directly with the SMPR-1 on the U.S.-Saint-Martin/Sint Maarten route.
- ***Trinidad and Tobago***: Deep Blue will compete directly with the Americas-II system on the U.S.-Trinidad and Tobago route. It will also compete with the EC Link system, which connects to Curaçao (with onward connectivity via the ARCOS system).
- ***Turks and Caicos Islands***: Deep Blue will compete directly with the ARCOS system on the U.S.-Turks and Caicos Islands route.

The Commission has previously found that facilities need not be identical in order to offer pro-competitive benefits.¹⁴ The existence of ample competing submarine cable facilities

¹⁴ *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,898 ¶ 44 (stating that “requiring current identical substitute common carrier facilities before non-common carrier facilities will be authorized would serve as a disincentive for entities to take risks and expend capital to expand and upgrade facilities”).

providing U.S.-Caribbean and U.S.-Turks and Caicos Islands connectivity will ensure that the Deep Blue system would not function as a bottleneck facility on those routes. The Applicants' intended operation of the Deep Blue cable system therefore serves the Commission's long-standing policy to encourage competition through private submarine cable transmissions, pursuant to which the Commission has granted numerous cable landing licenses.¹⁵ As noted in the introductory section above, the Deep Blue system will provide the first-ever competitive submarine cable connectivity to Anguilla, British Virgin Islands, Cayman Islands, Haiti, Jamaica, and the Turks and Caicos Islands—markets in which C&W Networks currently provides all submarine cable connectivity.

G. Cable Ownership Information¹⁶

The Applicants will own the Deep Blue system as follows:

- Deep Blue USA will own and control those portions of the Deep Blue system's wet segment in the U.S. territorial sea extending from Boca Raton, Naples, and Puerto Rico.
- Deep Blue Parent will own and control the remainder of the Deep Blue system's wet segment outside the U.S. territorial sea.

The Deep Blue system will land at the U.S. and foreign cable landing stations identified in Table 1 below.

¹⁵ See *Tel-Optik Ltd.*, Memorandum Opinion and Order, 100 FCC.2d 1033, 1041 (1985).

¹⁶ See 47 C.F.R. § 1.767(a)(7).

TABLE 1: OWNERSHIP AND CONTROL OF CABLE LANDING STATIONS

Cable Landing Station	New or Existing Facility	Ownership/Control
The Valley, Anguilla	Existing	Wireless Ventures (Anguilla) Limited (d/b/a Digicel Anguilla Limited)
East End Village, Tortola, British Virgin Islands	New	Digicel (BVI) Limited
Georgetown, Grand Cayman, Cayman Islands	New	Digicel (Cayman) Limited
Barranquilla, Colombia	Existing	GlobeNet Cabos Submarinos Bermuda Limited
Willemstad, Curaçao	Existing	United Telecommunication Services (UTS) N.V.
Mahuma, Willemstad, Curaçao	Existing	Blue NAP Americas
Puerto Plata, Dominican Republic	Existing	Northern Caribbean Fiber Dominicana, S.A. (d/b/a BW Telecom)
Kaliko, Haiti	Existing	Alpha Communications Network S.A. (d/b/a Digicel Haiti Limited)
Kingston, Jamaica	New	Digicel (Jamaica) Limited
Mammee Bay, Ocho Rios, Jamaica	New	Digicel (Jamaica) Limited
Maria Chiquita, Panama	Existing	Trans Ocean Network Corp.
Saint-Louis, Saint-Martin	Existing	Global Caribbean Fiber S.A.S.
Milford Road, Tobago	New	Southern Caribbean Fiber Limited
Chaguaramas, Trinidad, Trinidad and Tobago	Existing	Southern Caribbean Fiber Limited
Lower Manzanilla, Trinidad, Trinidad and Tobago	New	Southern Caribbean Fiber Limited
Providenciales, Turks and Caicos Islands	Existing	Digicel (Turks & Caicos) Limited
Boca Raton, Florida	Existing	365 Data Centers LLC
Naples, Florida	Existing	Skylink Data Centers LLC

Cable Landing Station	New or Existing Facility	Ownership/Control
Palo Seco/Isla Verde, Puerto Rico	Existing	Prepa Networks LLC (“Prepa Networks,” which owns the building) / AT&T of Puerto Rico, Inc. (“AT&T,” which controls space in the Prepa Networks building and will serve as the Puerto Rico landing party)

H. Certifications Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates¹⁷

The Applicants certify that they have the following 10-percent-or-greater direct or indirect interest holders:

(1) Deep Blue Cable Limited (“Deep Blue Parent”)

Address: 20 Micoud Street, Castries LC04 101, Saint Lucia

Place of Organization: St. Lucia

Principal Business: telecommunications

Relationship: Deep Blue Parent holds a 100-percent voting-and-equity interest in Deep Blue USA.

(2) Digicel Investments Limited (“Digicel Investments”)

Address: 7 Church Street, Hamilton HM 11, Bermuda

Place of Organization: Bermuda

Principal Business: investments

Relationship: Digicel Investments holds a 100-percent voting-and-equity interest in Deep Blue Parent.

(3) Danemann Limited

Address: Suite 1, 4th Floor, Exchange House, 54/58 Athol Street, Douglas IM1 1JD, Isle of Man *Place of Organization:* Isle of Man

Principal Business: investments

Relationship: Danemann Limited holds a 100-percent voting-and-equity interest in Digicel Investments.

¹⁷ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

(4) IoLCSM Nominees Limited (“IoLCSM”)

Address: Suite 1, 4th Floor, Exchange House, 54/58 Athol Street, Douglas IM1 1JD, Isle of Man

Place of Organization: Isle of Man

Principal Business: investments

Relationship: IoLCSM holds a 100-percent voting-and-equity interest in Danemann Limited.

(5) Mr. Denis O’Brien

Address: Flat 6, Suite F, 60 Tigne Street, Sliema SLM 3172, Malta

Citizenship: Ireland

Principal Business: investments

Relationship: Mr. O’Brien holds a 100-percent voting-and-equity interest in IoLCSM.

Deep Blue certifies that it has the following interlocking directorate with a foreign carrier: Mr. Steve Scott, who is President of Deep Blue USA, is also CEO of Deep Blue Parent.

I. Certification Regarding the Anti-Drug Abuse Act of 1988¹⁸

The Applicants certify that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.¹⁹

J. Certification Regarding Foreign Carrier Status and Foreign Affiliations²⁰

The Applicants certify that: (A) neither is a foreign carrier in any foreign country; (B) neither owns or controls a cable landing station in any foreign country; and (C) each is affiliated with foreign carriers, including foreign carriers that control cable landing stations in foreign countries, as summarized in Table 2 below.

¹⁸ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

¹⁹ 21 U.S.C. § 862(a). Pub. L. 100-690, title V, Section 5301 (Nov. 18, 1988), 102 Stat. 4310, which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, Section 1002(d)(1) (Nov. 29, 1990), 104 Stat. 4827, and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

²⁰ See 47 C.F.R. § 1.767(a)(8)(ii).

TABLE 2: AFFILIATED FOREIGN CARRIERS

Country	Entity	Owns/Controls Cable Landing Station? Y/N
Anguilla	Caribbean Cable Communications (Anguilla) Limited	N
	Wireless Ventures (Anguilla) Limited	N
Antigua and Barbuda	Southern Caribbean Fiber S.A.S.	N
	Wireless Ventures (Antigua) Limited	N
Aruba	New Millennium Telecom Services N.V.	N
Barbados	Antilles Crossing LP	N
	Digicel (Barbados) Limited	N
Bermuda	Telecommunications (Bermuda & West Indies) Limited	N
Bonaire	Antilliano Por N.V.	N
British Virgin Islands	Digicel (BVI) Limited	N
Cayman Islands	Digicel Cayman Limited	N
	Wireless Ventures (Cayman) Limited	N
Curaçao	Curaçao Telecom N.V.	N
Dominica	Middle Caribbean Network S.A.S.	Y
	SAT Telecommunications Limited	N
	Wireless Ventures (Dominica) Limited	N
El Salvador	Digicel S.A. de C.V.	N
Fiji	Digicel (Fiji) Limited	N
French Guiana	Digicel Antilles Françaises Guyane S.A.S.	N
Grenada	Digicel (Grenada) Limited	N
	Southern Caribbean Fiber Limited	N
	Wireless Ventures (Grenada) Limited	N
Guadeloupe	Digicel Antilles Françaises Guyane S.A.S.	N
	Middle Caribbean Network S.A.S.	N

Country	Entity	Owns/Controls Cable Landing Station? Y/N
Guyana	Digicel Guyana Limited	N
	U-Mobile Cellular Inc.	N
	U-Mobile Networks Inc.	N
Haiti	Alpha Communication Network S.A.	Y
	Communication Cellulaire d'Haïti	N
Jamaica	Digicel (Jamaica) Limited	N
Martinique	Digicel Antilles Françaises Guyane S.A.S.	N
	Middle Caribbean Network S.A.S.	Y
	Southern Caribbean Fiber S.A.S	N
Montserrat	Caribbean Cable Communications (Montserrat) Limited	N
Nauru	Digicel (Nauru) Corporation	N
Panama	Digicel (Panama) S.A.	N
Papua New Guinea	Digicel (PNG) Limited	N
Saint-Barthélemy	Digicel Antilles Françaises Guyane	Y
Saint-Martin	Digicel Antilles Françaises Guyane	Y
Samoa	Digicel (Samoa) Limited	N
St. Kitts and Nevis	Caribbean Cable Communications (Nevis) Limited	N
	Southern Caribbean Fiber Limited.	Y
	Wireless Ventures (St. Kitts-Nevis) Limited	N
St. Lucia	AWS Caribbean Holdings Limited	N
	Digicel (St. Lucia) Limited	Y
	Southern Caribbean Fiber Limited	N
	Antilles Crossing St Lucia	Y
	Wireless Ventures (St. Lucia) Limited	N
St. Vincent and	Digicel (SVG) Limited	N

Country	Entity	Owns/Controls Cable Landing Station? Y/N
the Grenadines	Southern Caribbean Fiber Limited	Y
Suriname	Digicel Suriname Limited	N
Tonga	Digicel (Tonga) Limited	N
Trinidad and Tobago	Digicel (Trinidad & Tobago) Limited	N
	Southern Caribbean Fiber Limited	N
Turks and Caicos Islands	Digicel (Turks & Caicos) Limited	N
	TCT Limited	N
Vanuatu	Digicel (Vanuatu) Limited	N

K. Certification Regarding Destination Countries²¹

The Applicants certify to the following:

- (A) neither is a foreign carrier in Anguilla, British Virgin Islands, Cayman Islands, Colombia, Curaçao, Dominican Republic, Haiti, Jamaica, Panama, Saint-Martin, Trinidad and Tobago, or Turks and Caicos Islands, the twelve foreign destination markets in which the Deep Blue cable system will land;
- (B) neither controls a foreign carrier in Anguilla, British Virgin Islands, Cayman Islands, Colombia, Curaçao, Dominican Republic, Haiti, Jamaica, Panama, Saint-Martin, Trinidad and Tobago, or Turks and Caicos Islands;
- (C) Mr. Denis O'Brien, who indirectly controls each of the Applicants, controls foreign carriers in Anguilla, British Virgin Islands, Cayman Islands, Curaçao, Haiti, Jamaica, Panama, Saint-Martin, Trinidad and Tobago, Turks and Caicos Islands; and

²¹ See *id.* § 1.767(a)(8)(iii).

(D) no grouping of two or more foreign carriers in Anguilla, British Virgin Islands, Cayman Islands, Colombia, Curaçao, Dominican Republic, Haiti, Jamaica, Panama, Saint-Martin, Trinidad and Tobago, or Turks and Caicos Islands (or parties that control foreign carriers in any of those foreign destination markets) own, in aggregate, more than 25 percent of it and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the Deep Blue cable system in the United States.

L. Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets²²

No response is required, as the Applicants did not identify any non-WTO markets in response to 47 C.F.R. § 1.767(a)(8)(iii).

M. Certifications Regarding Routine Conditions²³

The Applicants certify that they accept and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

N. Streamlining—Market Power²⁴

The Applicants request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). The Applicants are affiliated with foreign carriers in the landing countries of Anguilla, British Virgin Islands, Cayman Islands, Curaçao, Haiti, Jamaica, Panama, Saint-Martin, Trinidad and Tobago, and Turks and Caicos Islands, where each affiliate has far less than a fifty-percent market share in the respective international-transport or local-access markets. None of these landing-country

²² See *id.* § 1.767(a)(8)(iv).

²³ See *id.* § 1.767(a)(9).

²⁴ See *id.* § 1.767(j), (k).

affiliates appears on the Commission’s list of foreign carriers presumed to have market power in foreign destination markets.²⁵ The Applicants’ affiliation with these landing country affiliates therefore poses no risk to competition on the respective U.S.-international routes. The Applicants therefore qualify for presumptive non-dominant treatment pursuant to 47 C.F.R. §§ 63.10(a)(3) and 63.12(c)(1)(ii).

O. Streamlining—CZMA²⁶

The Applicants certify that they are not required to submit a consistency certification to any state or territory pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). Neither Florida nor Puerto Rico, the respective U.S. state and territory in which the Deep Blue cable system will land, lists—and neither has ever proposed to list—a cable landing license as a federal activity requiring a consistency certification.²⁷

P. Certification Regarding Service to Executive Branch Agencies²⁸

The Applicants have sent a complete copy of this application to the U.S. Departments of State, Commerce, and Defense. The Applicants’ counsel has certified such service in the certificate of service attached to this application.

²⁵ See *International Bureau Revises and Reissues the Commission’s List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 22 FCC Rcd. 945 (Int’l Bur. 2007).

²⁶ See *id.*

²⁷ See National Oceanic and Atmospheric Administration, Coastal Zone Management Program, *Virginia’s Listed Federal Actions*, <https://coast.noaa.gov/czm/consistency/media/fl.pdf>; 380.23(3) Fla. Stat. (2016); National Oceanic and Atmospheric Administration, Coastal Zone Management Program, *Puerto Rico’s Listed Federal Actions*, <https://coast.noaa.gov/czm/consistency/media/pr.pdf>.

²⁸ See 47 C.F.R. § 1.767(j).

II. REQUEST FOR WAIVER OF 47 C.F.R. § 1.767(h)(1)

The Applicants request a waiver of 47 C.F.R. § 1.767(h)(1) rules so that the owners of the Boca Raton, Naples, and Puerto Rico cable landing stations need not be joint applicants for the Deep Blue cable landing license. “The purpose of [Section 1.767(h)(1)] is to ensure that entities having a significant ability to affect the operation of the cable system become licensees so that they are subject to the conditions and responsibilities associated with the license.”²⁹ Neither Skylink Data Centers LLC (“Skylink”) nor 365 Data Centers LLC (“365”) nor AT&T—the three U.S. landing parties for the Deep Blue system—will have any ability to affect significantly Deep Blue’s operation. Inclusion of Skylink, 365, and AT&T as joint applicants is not necessary to ensure compliance by the Applicants with the Cable Landing License Act, the Commission’s cable landing license rules, or the terms of any cable landing license. Grant of the waiver is therefore consistent with longstanding Commission precedent.³⁰

²⁹ See *Actions Taken Under the Cable Landing License Act*, Public Notice, 23 FCC Rcd. 227, 229 (Int’l Bur. 2008) (“*TPE Cable Landing License*”) (citing *Review of Commission Consideration of Applications under the Cable Landing License Act*, Report and Order, 16 FCC Rcd. 22,167, 22,194-95 ¶¶ 53-54 (2001)).

³⁰ See, e.g., *Actions Taken Under the Cable Landing License Act*, Public Notice, 32 FCC Rcd. 1436, 1437 (Int’l Bur. 2017) (accepting the applicant’s representations that Tata “will not have the ability to affect significantly Atisa’s operation” and declining to require Tata be a joint applicant for the cable landing license); *Actions Taken Under the Cable Landing License Act*, Public Notice, 24 FCC Rcd. 7828, 7829-30 (Int’l Bur. 2009) (accepting the applicants representations that “Tata will not be able to affect significant the operation of HANTRU-1” and declining to require Tata be a joint applicant for the cable landing license); *Actions Taken Under the Cable Landing License Act*, Public Notice, 24 FCC Rcd. 226, 227-28 (Int’l Bur. 2009) (noting that “Applicants will retain operational authority over their ASHC System facilities and provide direction to AT&T in all matters relating to the ASHC System”); *Actions Taken Under the Cable Landing License Act*, Public Notice, 23 FCC Rcd. 13,419, 13,420 (Int’l Bur. 2008) (declining to require that Tata Communications (US) Inc.—which owns the existing cable station at Piti, Guam, where the PPC 1 System will land—be a joint applicant or licensee for the PPC 1 System, noting that “Applicants will retain operational authority over PPC 1 System facilities and provide direction to [Tata] in all matters relating to the PPC 1 System.”); *TPE Cable Landing License*, 23 FCC Rcd. at 229

For Deep Blue’s Boca Raton, Naples, and Puerto Rico landings, Deep Blue USA will contract with Skylink, 365 and AT&T, respectively, for the provisions of certain limited services that would not provide it with any ability to affect significantly the Deep Blue system’s operation. For each cable landing station facility, Deep Blue USA will enter into long-term leases for collocation space for power feed equipment in their respective cable landing stations. Deep Blue USA will retain operational authority over the Deep Blue landing facilities and provide direction to Skylink, 365, and AT&T in all matters relating to the Deep Blue system. Deep Blue USA will seek to ensure that all IRU and lease agreements will have initial terms, with extension options at Deep Blue USA’s sole discretion, for a total 25 years each, coextensive with the term of the cable landing license.

(declining to require that WCI Cable, Inc. (“WCIC”)—which owns an existing cable station at Nedonna Beach, Oregon—be a joint applicant or licensee for the Trans-Pacific Express Network (“TPE”), which will land at WCIC’s Nedonna Beach cable station, finding that “WCIC will not have the ability to affect the operation of the TPE Network. Verizon will retain effective operational authority and provide direction to WCIC in all matters relating to the TPE Network”).

CONCLUSION

For the foregoing reasons, the Applicants request that the Commission expeditiously grant a cable landing license for the Deep Blue cable system pursuant to streamlined processing.

Respectfully submitted,



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March 15, 2018

Attachments

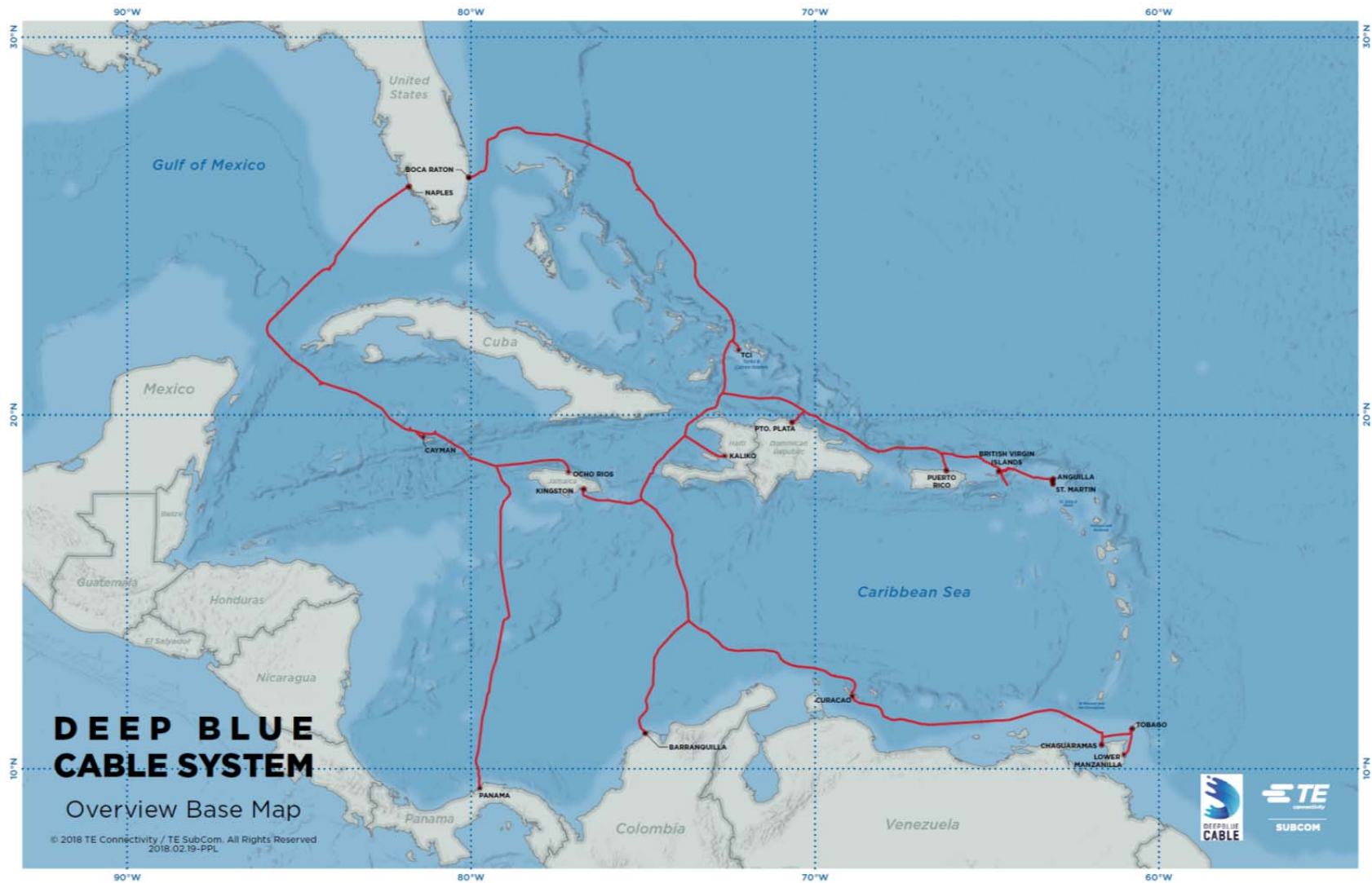
LIST OF APPENDICES

- Appendix A: Deep Blue Route Map
- Appendix B: Crocus Point, Anguilla, Landing Point Information
- Appendix C: Sandy Point, Anguilla, Landing Point Information
- Appendix D: Whelk Point, Tortola, British Virgin Islands, Landing Point Information
- Appendix E: Josiah's Bay, Tortola, British Virgin Islands, Landing Point Information
- Appendix F: Long Bay, Beef Island, British Virgin Islands, Landing Point Information
- Appendix G: Turtle Farm, Grand Cayman, Cayman Islands, Landing Point Information
- Appendix H: Barranquilla, Colombia, Landing Point Information
- Appendix I: Mahuma, Willemstad, Curaçao, Landing Point Information
- Appendix J: Marie Pampoen, Willemstad, Curaçao, Landing Point Information
- Appendix K: Long Beach, Puerto Plata, Dominican Republic, Landing Point Information
- Appendix L: Kaliko, Haiti, Landing Point Information
- Appendix M: Harbour View, Kingston, Jamaica, Landing Point Information
- Appendix N: Mammee Bay, Ocho Rios, Jamaica, Landing Point Information
- Appendix O: Maria Chiquita, Panama, Landing Point Information
- Appendix P: Saint-Louis, Saint-Martin, Landing Point Information
- Appendix Q: Kilgwyn Bay, Tobago, Trinidad and Tobago, Landing Point Information
- Appendix R: Chaguaramas, Trinidad, Trinidad and Tobago, Landing Point Information
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- Appendix U: Boca Raton, Florida, Landing Point Information
- Appendix V: Naples, Florida, Landing Point Information
- Appendix W: Palo Seco, Puerto Rico, Landing Point Information
- Appendix X: Ownership and Control of Applicants

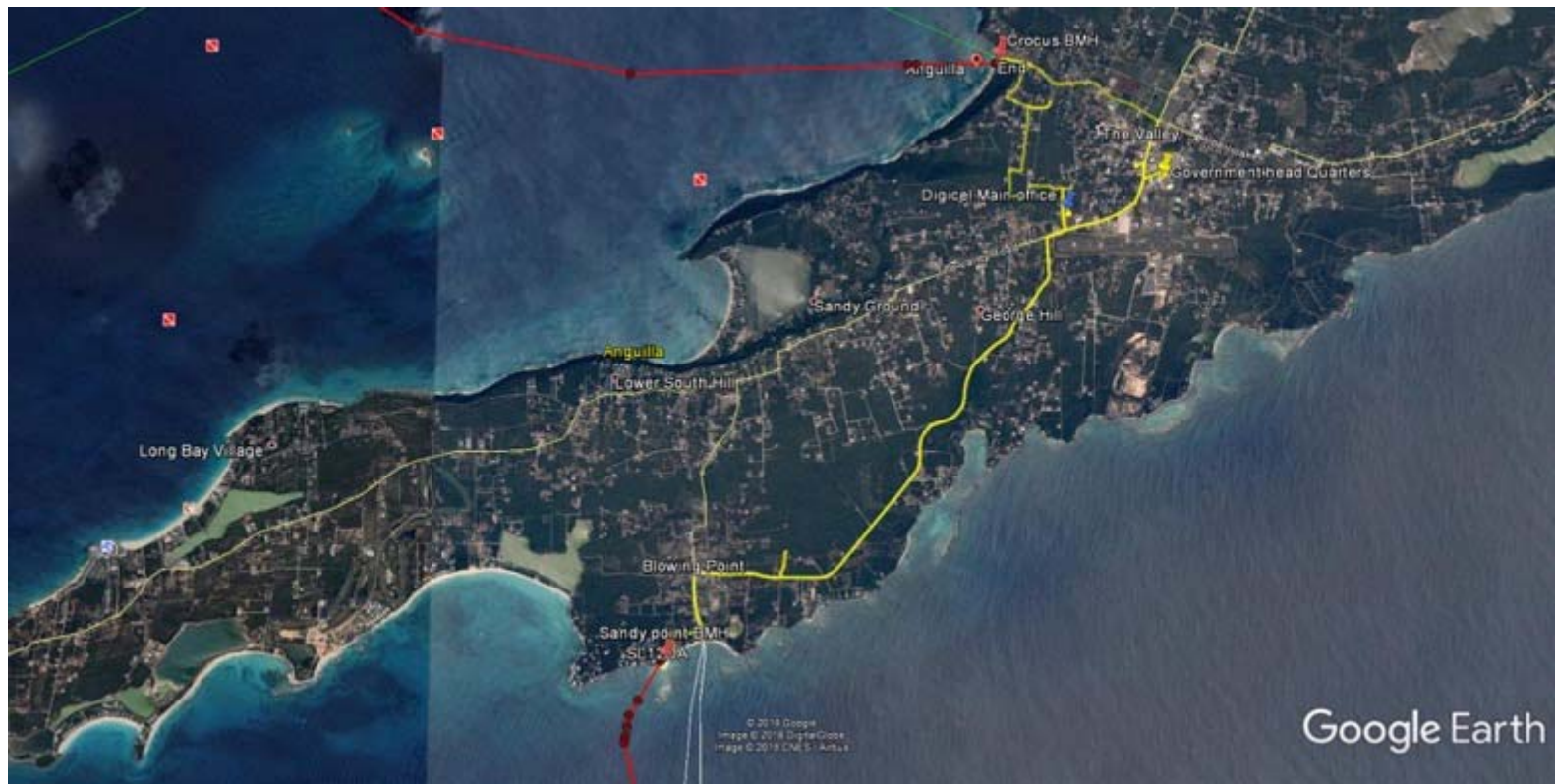
Certificate of Service

APPENDIX A:

DEEP BLUE ROUTE MAP

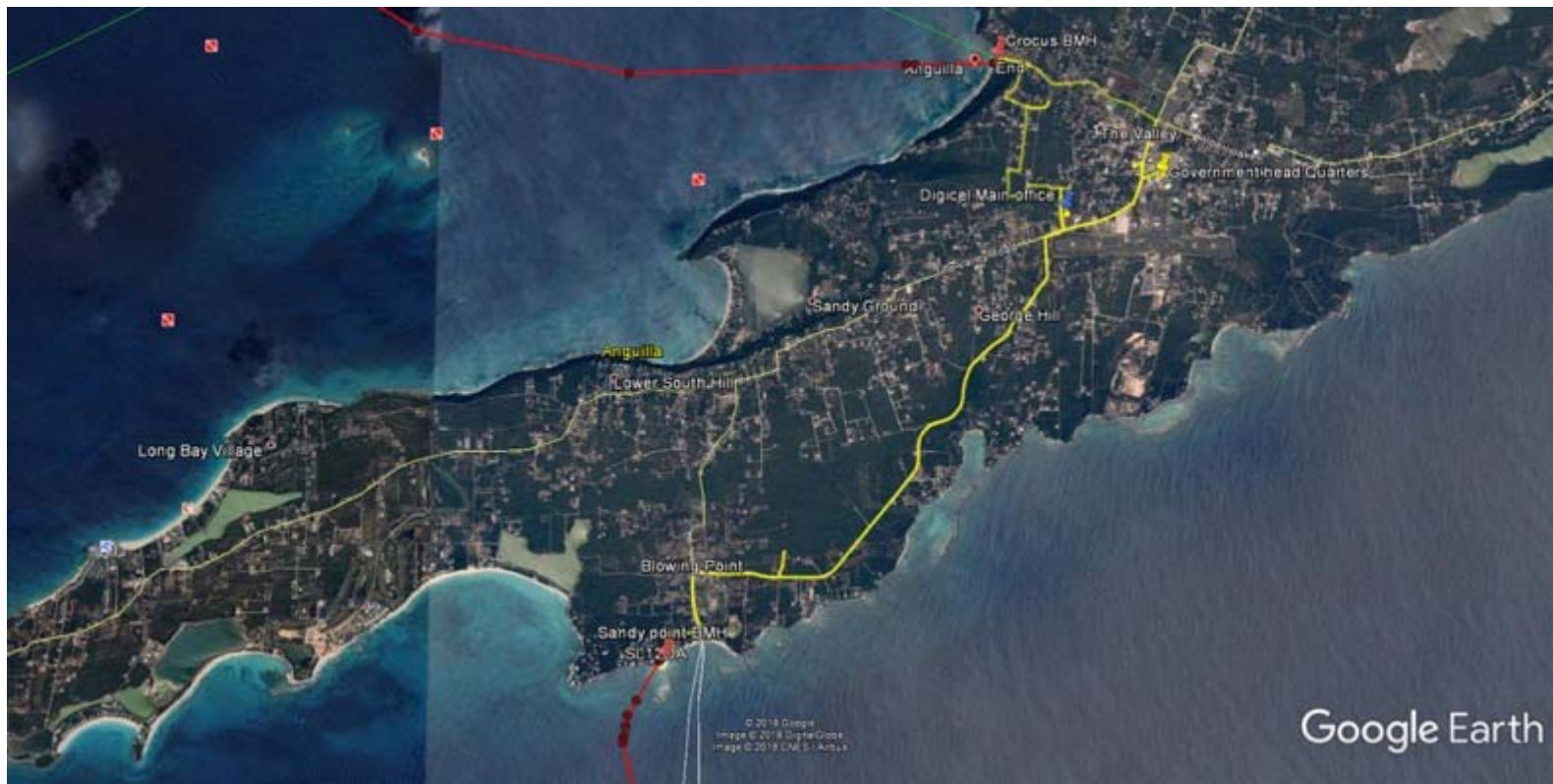


APPENDIX B:
CROCUS POINT, ANGUILLA, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	18° 13.238'N; 63° 4.003'W
Cable station geographic coordinates:	18° 12.445'N; 63° 3.660'W
Cable landing station street address:	Rock Farm, The Valley, Anguilla

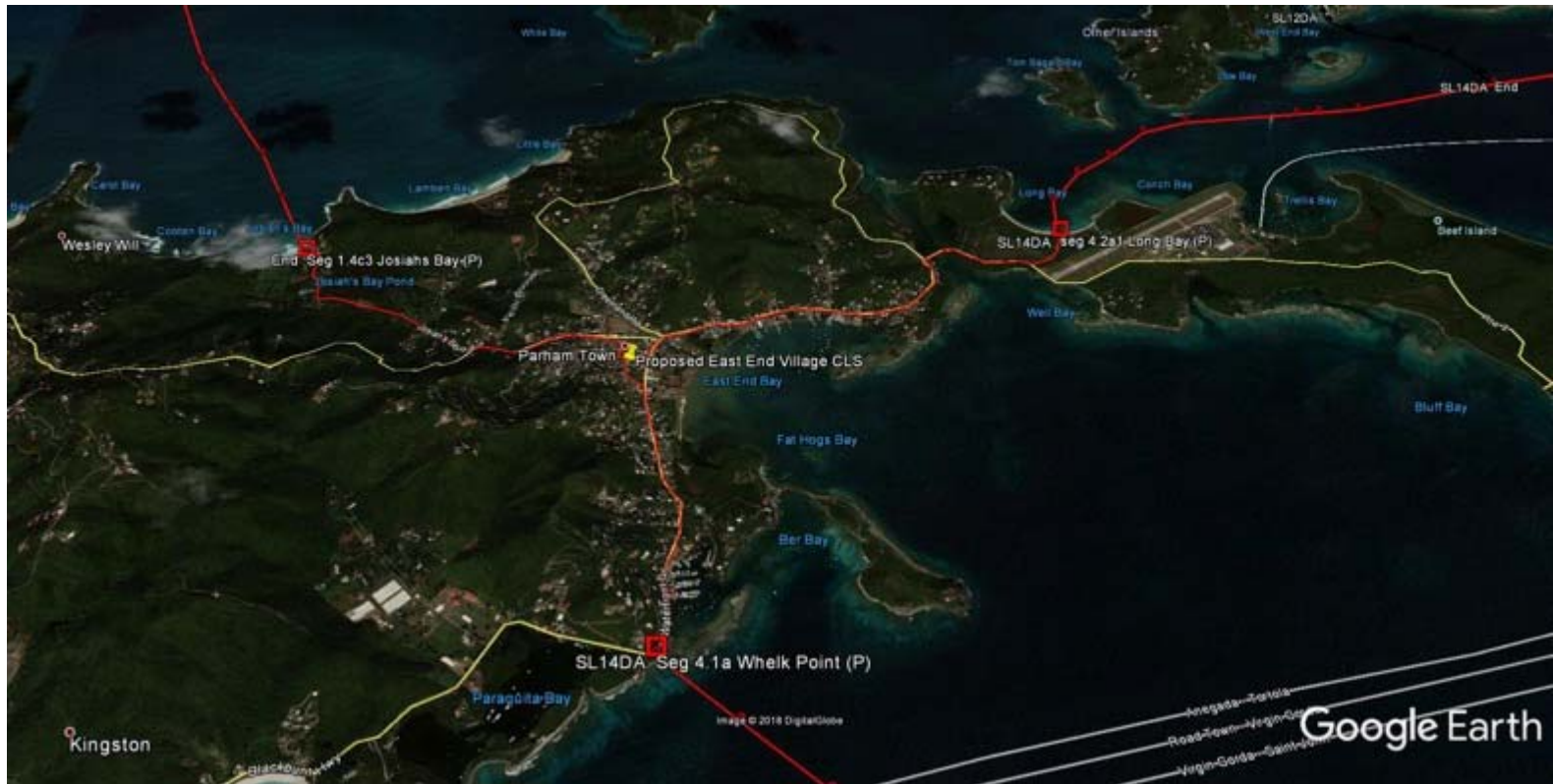
APPENDIX C:
SANDY POINT, ANGUILLA, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	18° 10.207'N; 63° 5.796'W
Cable station geographic coordinates:	18° 12.445'N; 63° 3.660'W
Cable landing station street address:	Rock Farm, The Valley, Anguilla

APPENDIX D:

WHELK POINT, TORTOLA, BRITISH VIRGIN ISLANDS, LANDING POINT INFORMATION



Beach manhole geographic coordinates:

18° 25.256'N; 64° 34.165'W

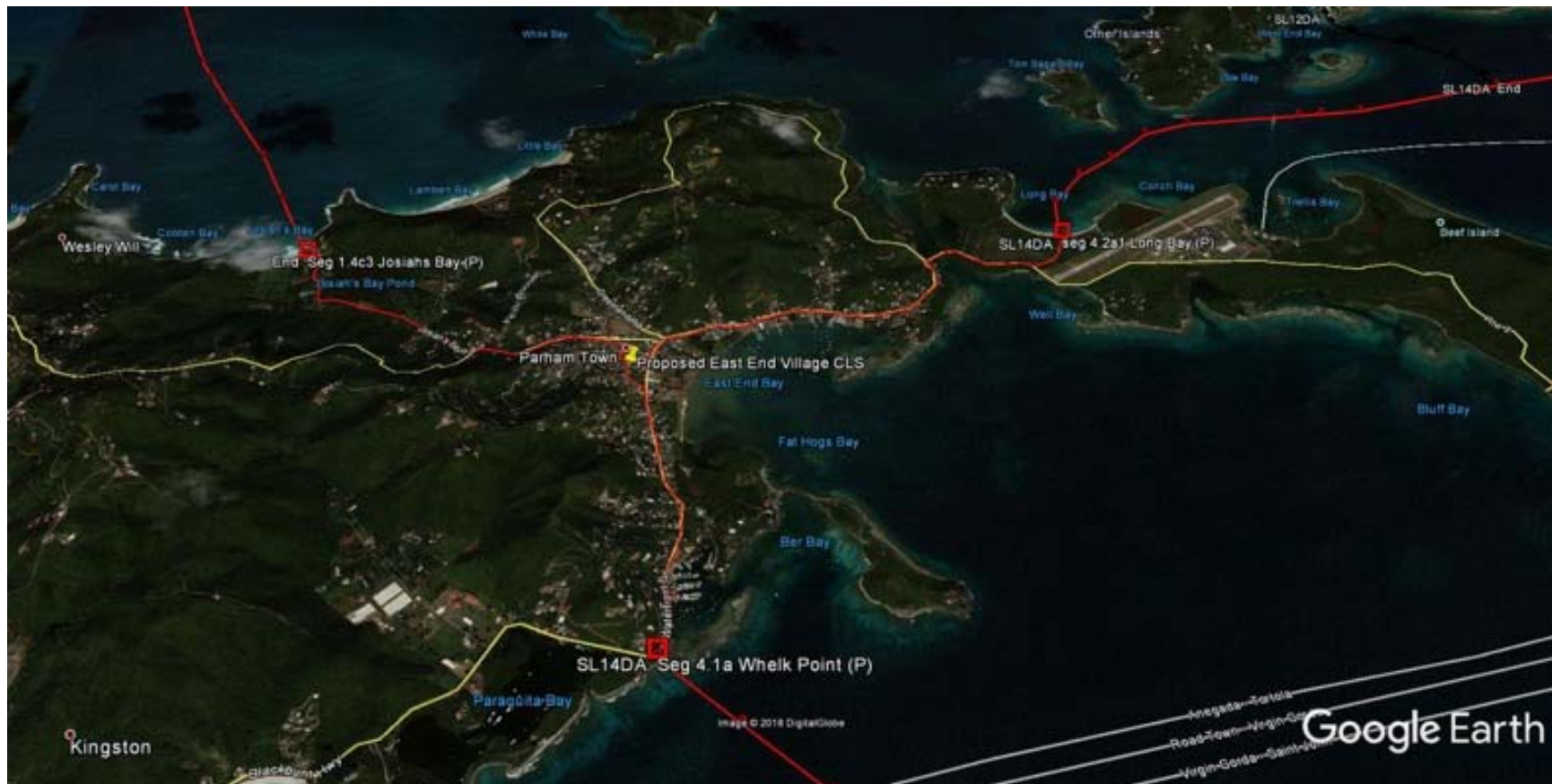
Cable station geographic coordinates:

18° 26.242'N; 64° 34.257'W

Cable landing station street address:

Ridge Road, East End Village, Tortola, British Virgin Islands

JOSIAH'S BAY, TORTOLA, BRITISH VIRGIN ISLANDS, LANDING POINT INFORMATION

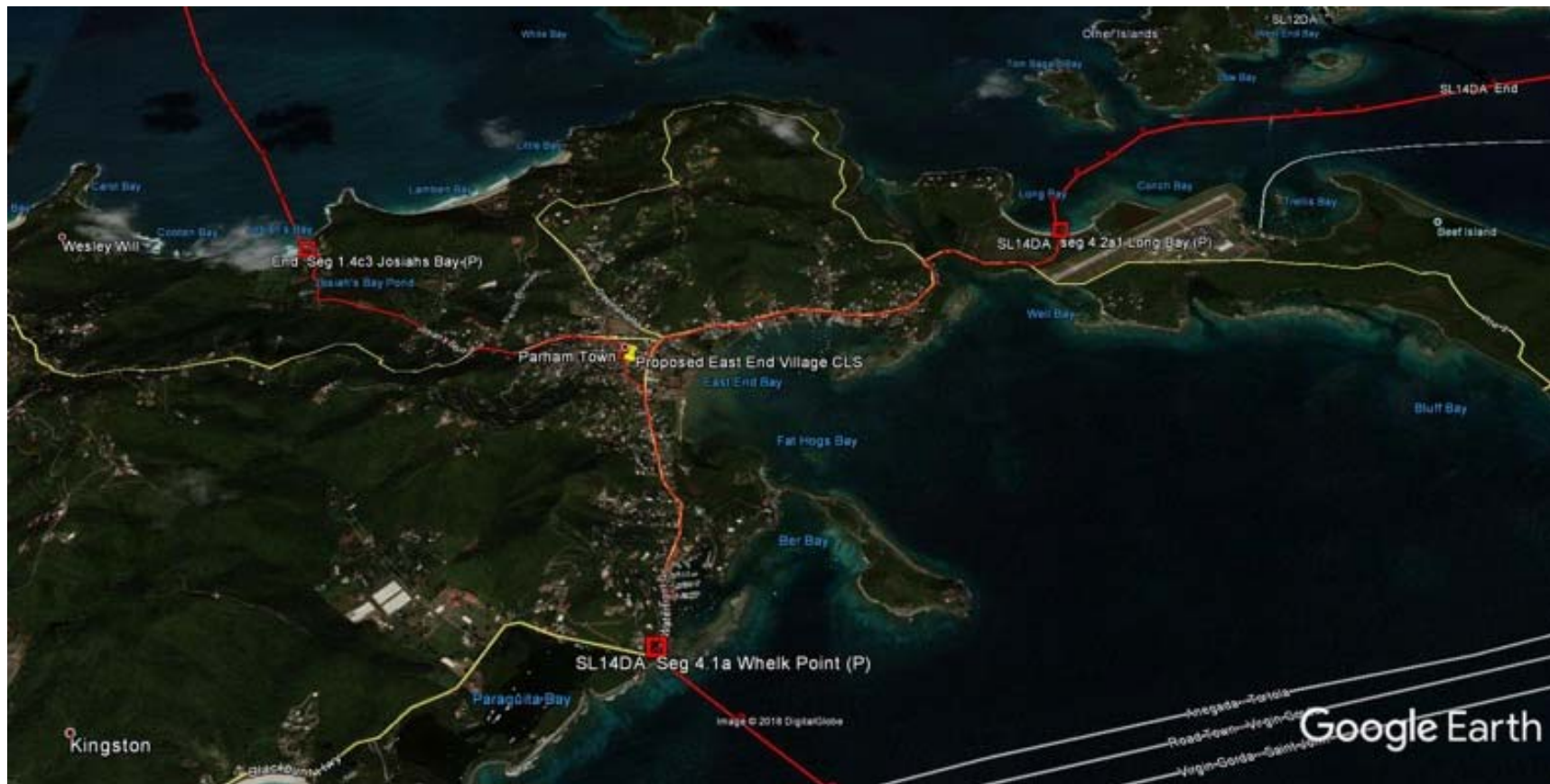


Beach manhole geographic coordinates:
Cable station geographic coordinates:
Cable landing station street address:

18° 26.784'N; 64° 35.342'W
18° 26.242'N; 64° 34.257'W
Ridge Road, East End Village, Tortola, British Virgin Islands

APPENDIX F:

LONG BAY, BEEF ISLAND, BRITISH VIRGIN ISLANDS, LANDING POINT INFORMATION



Beach manhole geographic coordinates:

18° 26.736'N; 64° 32.784'W

Cable station geographic coordinates:

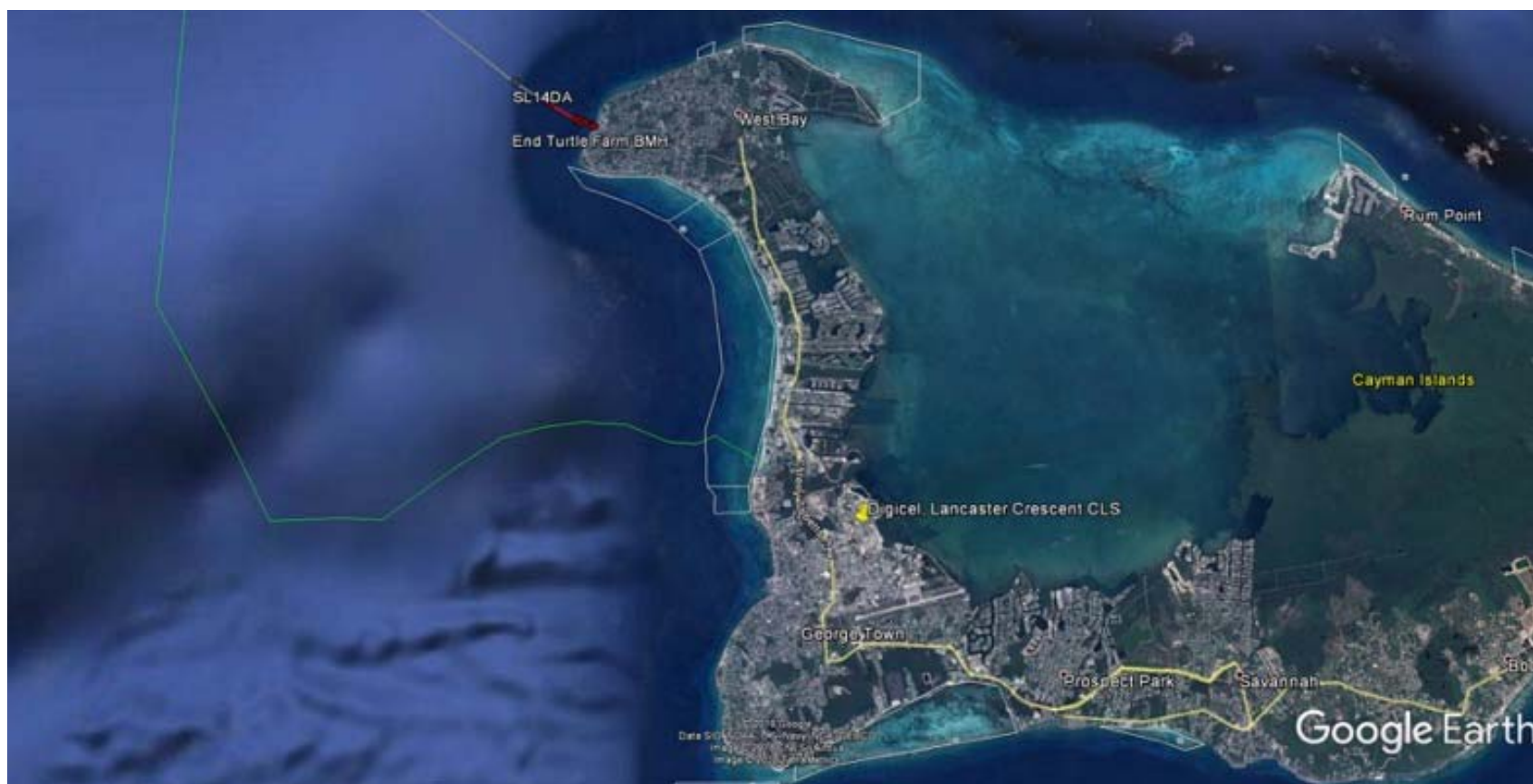
18° 26.242'N; 64° 34.257'W

Cable landing station street address:

Ridge Road, East End Village, Tortola, British Virgin Islands

APPENDIX G:

TURTLE FARM, GRAND CAYMAN, CAYMAN ISLANDS, LANDING POINT INFORMATION



Beach manhole geographic coordinates:

19° 22.792'N; 81° 25.050'W

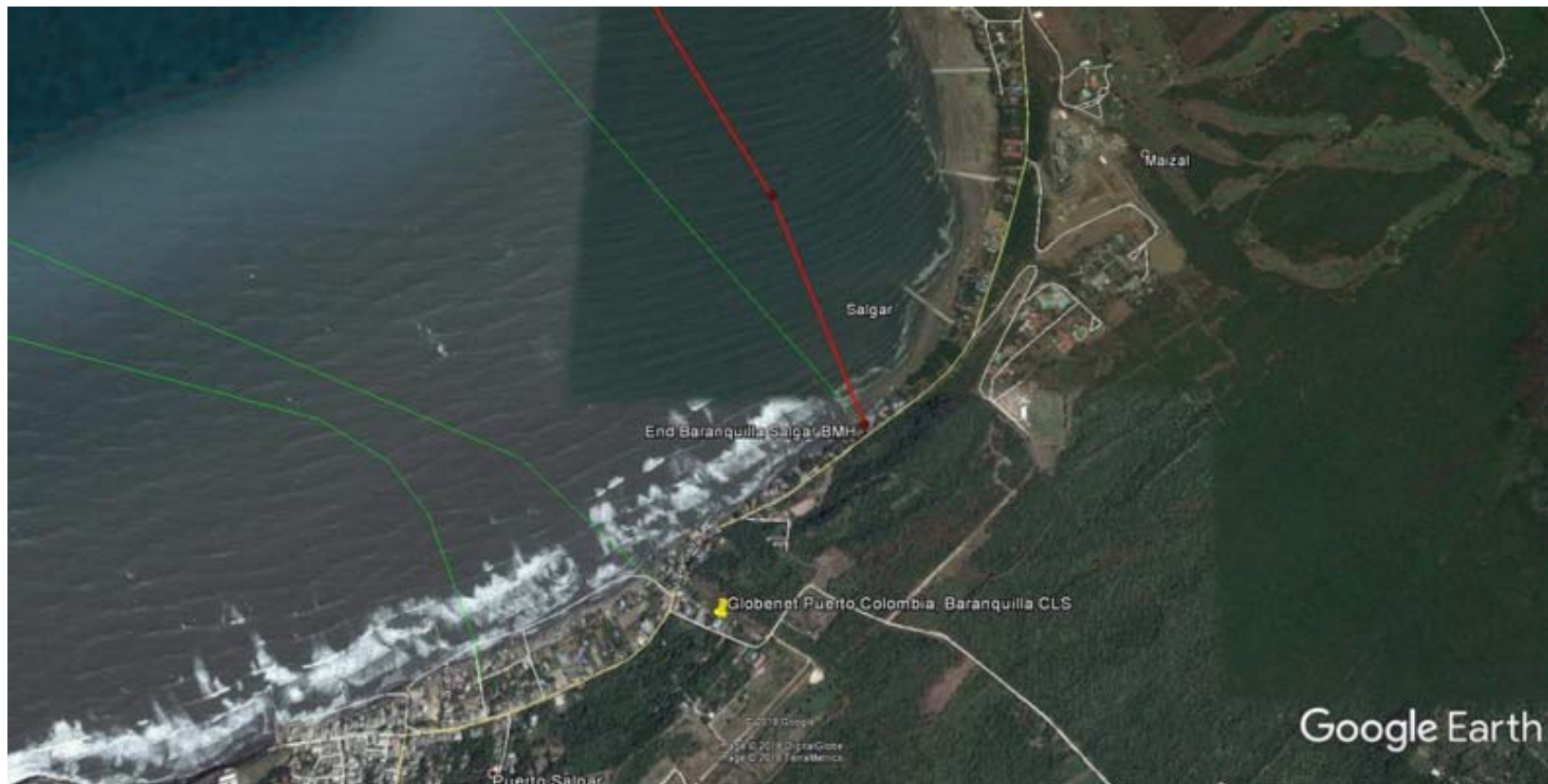
Cable station geographic coordinates:

19° 18.373'N; 81° 22.011'W

Cable landing station street address:

Lancaster Crescent, Georgetown, Grand Cayman, Cayman Islands

APPENDIX H:
BARRANQUILLA, COLOMBIA, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	11° 1.595'N; 74° 55.415'W
Cable station geographic coordinates:	11° 1.324'N; 74° 55.615'W
Cable landing station street address:	Calle 6, No. 20 - 10, Lote A2, Puerto Colombia, Atlántico Barranquilla, Colombia

APPENDIX I:
MAHUMA, WILLEMSTAD, CURAÇAO, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	12° 11.131'N; 68° 56.393'W
Cable station geographic coordinates:	12° 10.661'N; 68° 57.313'W
Cable landing station street address:	Kaya Seru Mahuma z/n, Willemstad, Curaçao

APPENDIX J:

MARIE PAMPOEN, WILLEMSTAD, CURAÇAO, LANDING POINT INFORMATION



Beach manhole geographic coordinates:

12° 5.584'N; 68° 54.500'W

Cable station geographic coordinates:

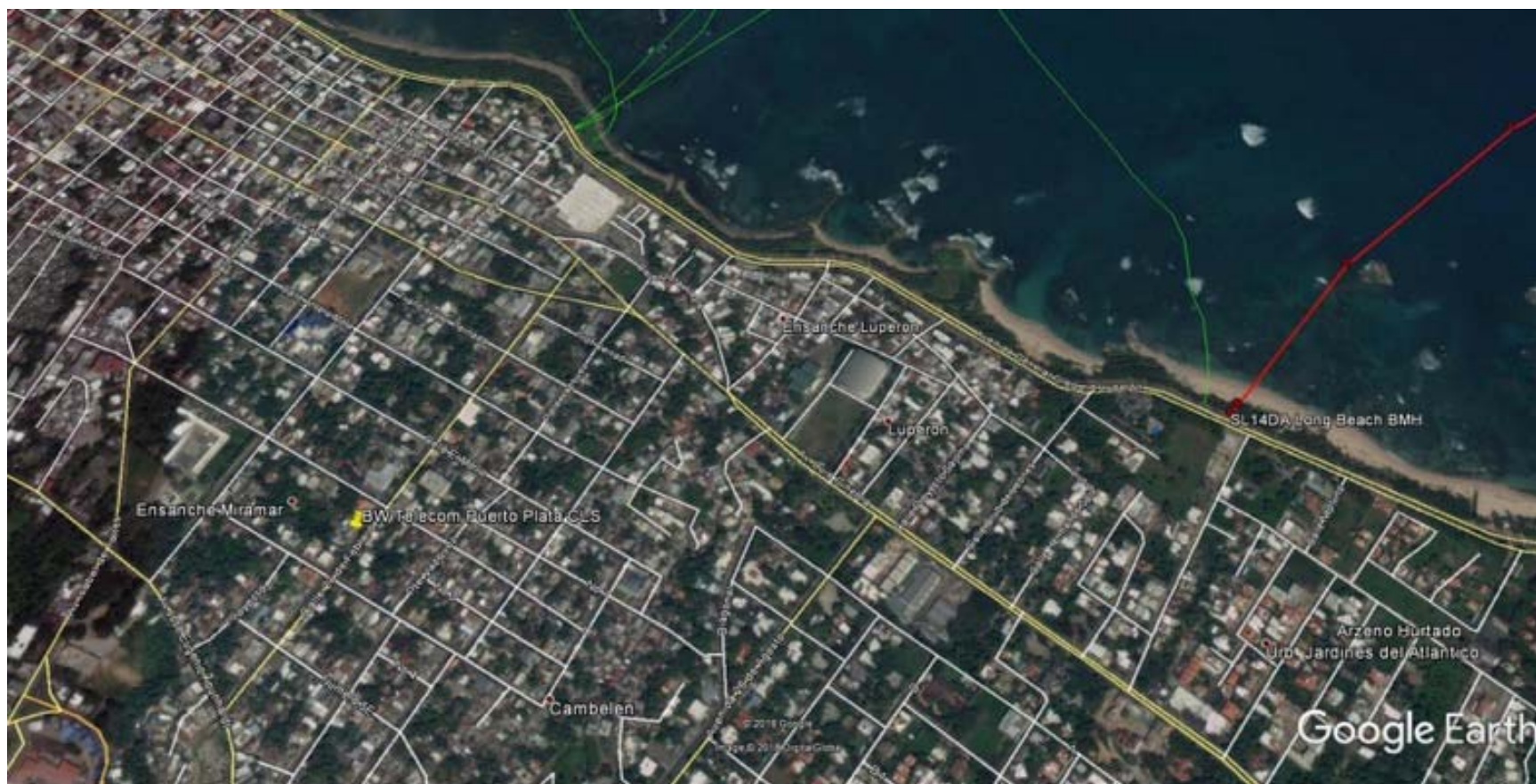
12° 5.888'N; 68° 54.463'W

Cable landing station street address:

Vredenberg CLS, Dr. M.J.Hugenholtzweg, Willemstad, Curaçao

APPENDIX K:

LONG BEACH, PUERTA PLATA, DOMINICAN REPUBLIC, LANDING POINT INFORMATION



Beach manhole geographic coordinates:

19° 47.540'N; 70° 40.530'W

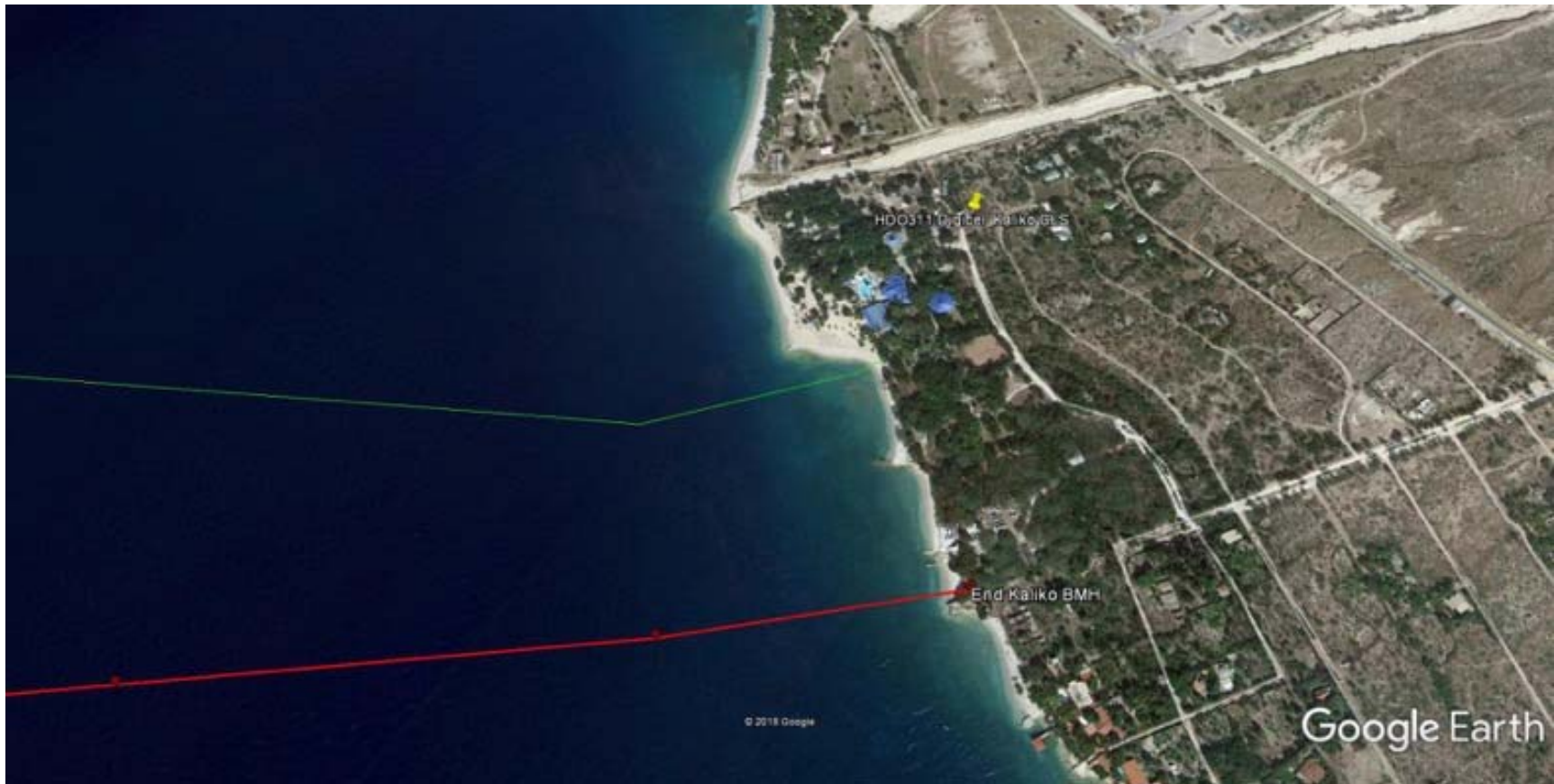
Cable station geographic coordinates:

19° 47.431'N; 70° 41.262'W

Cable landing station street address:

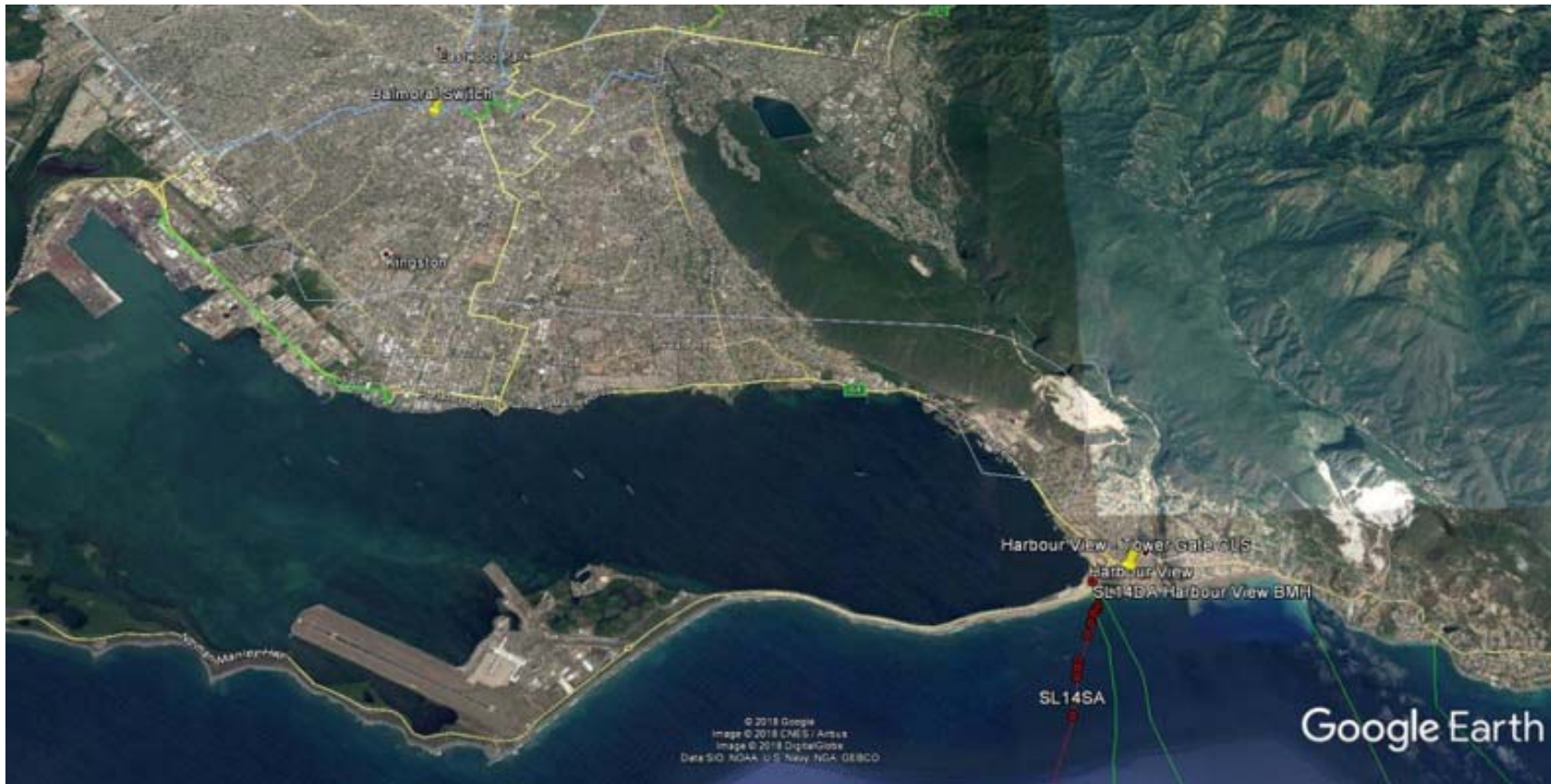
Calle 27 de Febrero, Puerto Plata, Dominican Republic

APPENDIX L:
KALIKO, HAITI, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	18° 52.097'N; 72° 36.891'W
Cable station geographic coordinates:	18° 52.313'N; 72° 36.873'W
Cable landing station street address:	Kaliko Beach, Côte des Arcadins, Haiti

APPENDIX M:
HARBOUR VIEW, KINGSTON, JAMAICA, LANDING POINT INFORMATION



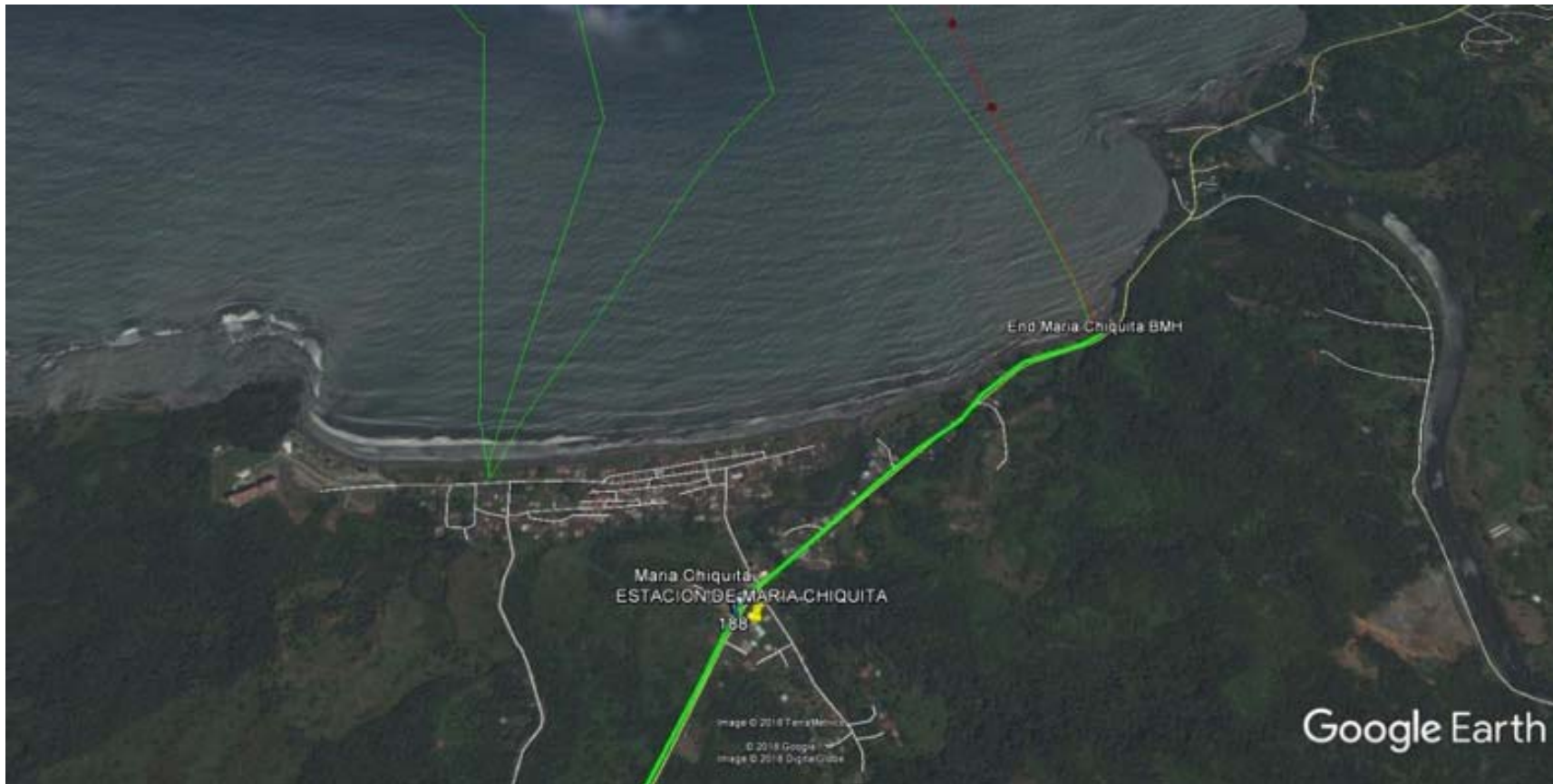
Beach manhole geographic coordinates:	17° 56.807'N; 76° 43.333'W
Cable station geographic coordinates:	17° 56.880'N; 76° 43.132'W & 18° 0.263'N; 76° 47.923'W
Cable landing station street address:	Harbour View Cell Site & Balmoral Switch, Balmoral Avenue, Kingston, Jamaica

APPENDIX N:
MAMMEE BAY, OCHO RIOS, JAMAICA, LANDING POINT INFORMATION



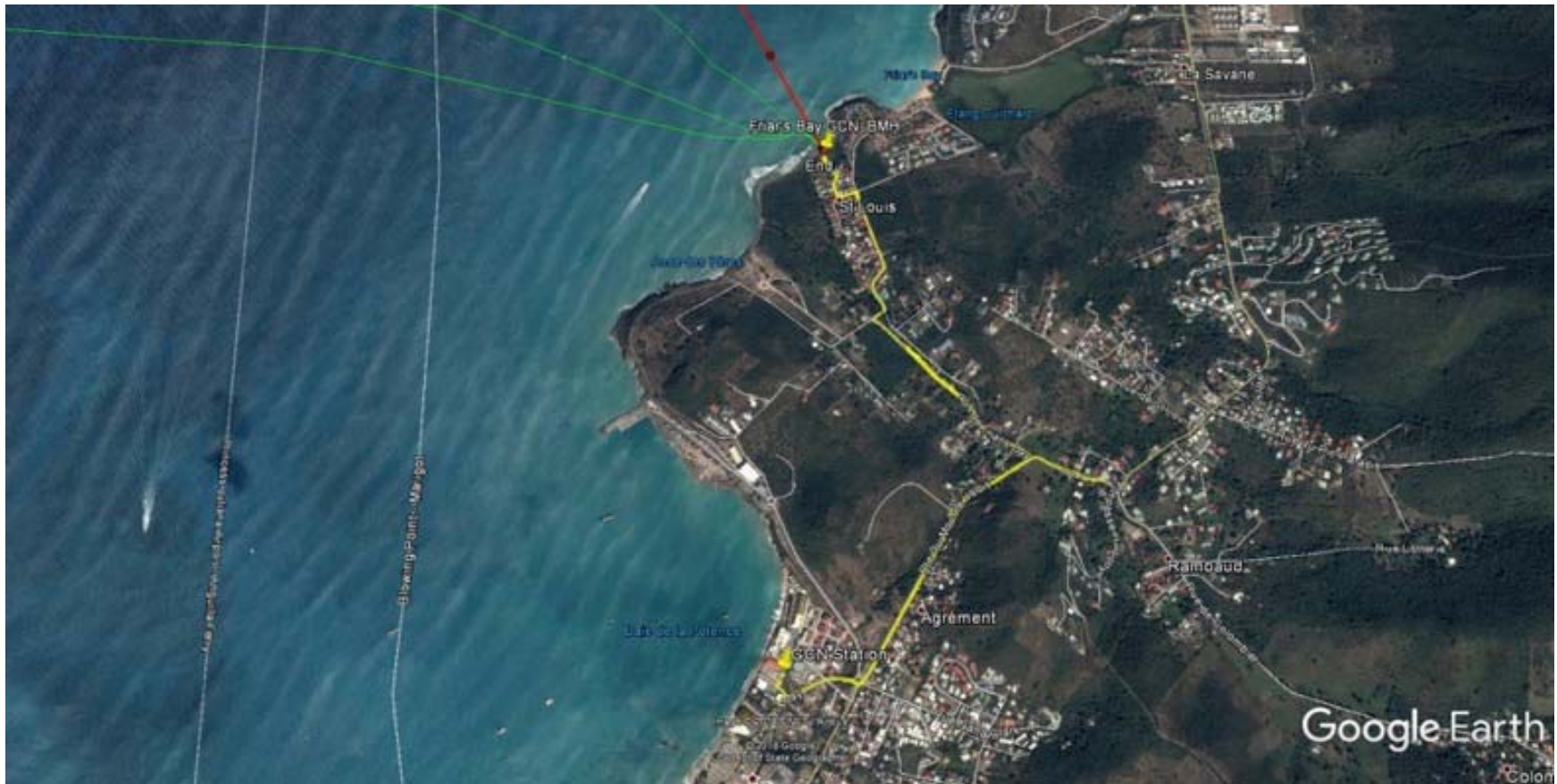
Beach manhole geographic coordinates:	18° 25.819'N; 77° 9.785'W
Cable station geographic coordinates:	18° 25.458'N; 77° 9.931'W
Cable landing station street address:	Greenwich Parkway Cell Site, Mammee Bay, Ocho Rios, Jamaica

APPENDIX O:
MARIA CHIQUITA, PANAMA, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	9° 26.828'N; 79° 44.643'W
Cable station geographic coordinates:	9° 26.390'N; 79° 45.090'W
Cable landing station street address:	Maria Chiquita CLS, Colon, Panama

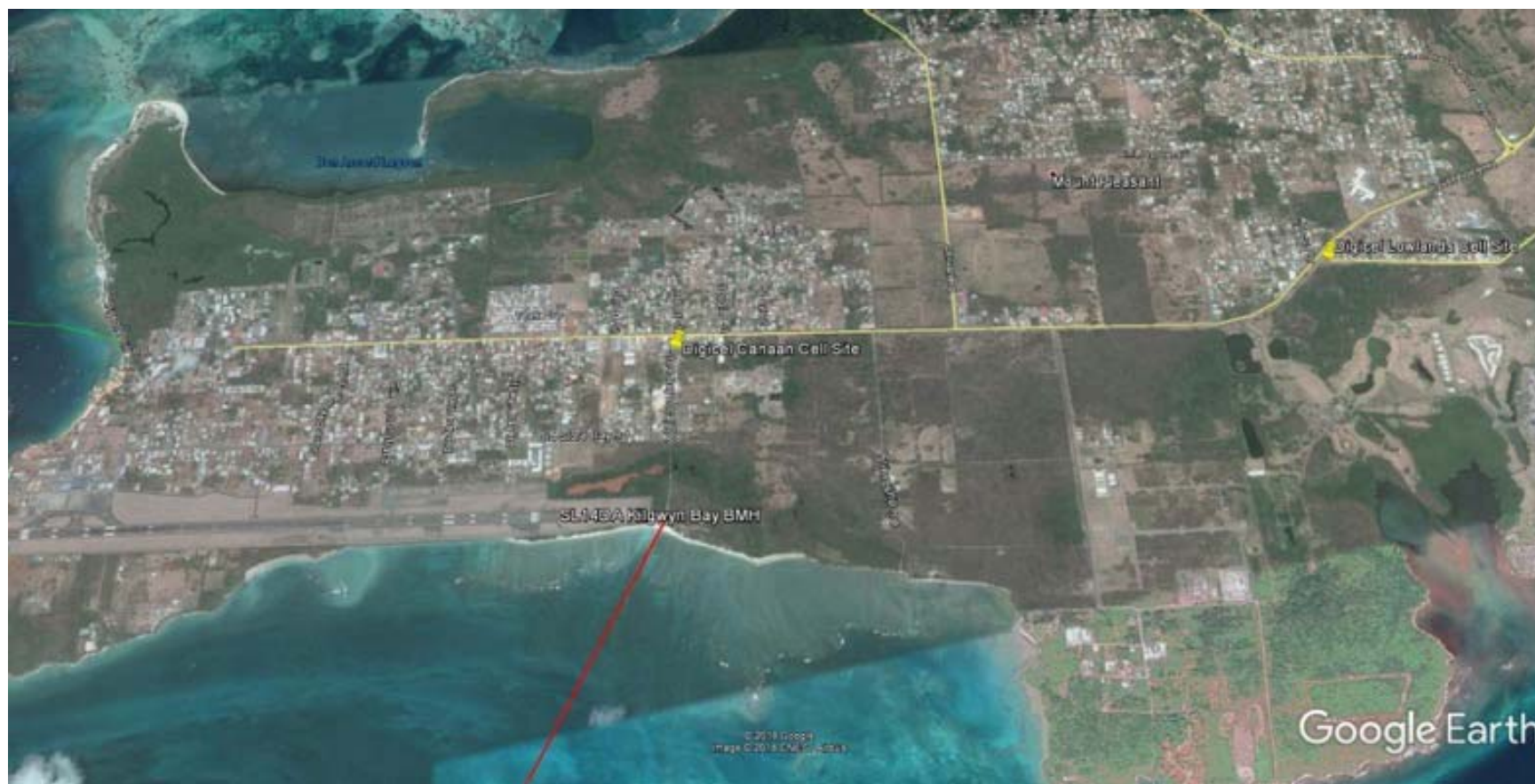
APPENDIX P:
SAINT-LOUIS, SAINT-MARTIN, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	18° 5.499'N; 63° 4.709'W
Cable station geographic coordinates:	18° 4.552'N; 63° 4.870'W
Cable landing station street address:	zi Galisbay, 97150, Saint-Martin

APPENDIX Q:

KILGWYN BAY, TOBAGO, TRINIDAD AND TOBAGO, LANDING POINT INFORMATION



Beach manhole geographic coordinates:

11° 8.879'N; 60° 48.855'W

Cable station geographic coordinates:

11° 9.355'N; 60° 48.797'W

Cable landing station street address:

Canaan Cell Site, Store Bay Local Road, Milford Road, Tobago

APPENDIX R:
CHAGUARAMAS, TRINIDAD, TRINIDAD AND TOBAGO, LANDING POINT INFORMATION



Beach manhole geographic coordinates:

10° 40.729'N; 61° 39.194'W

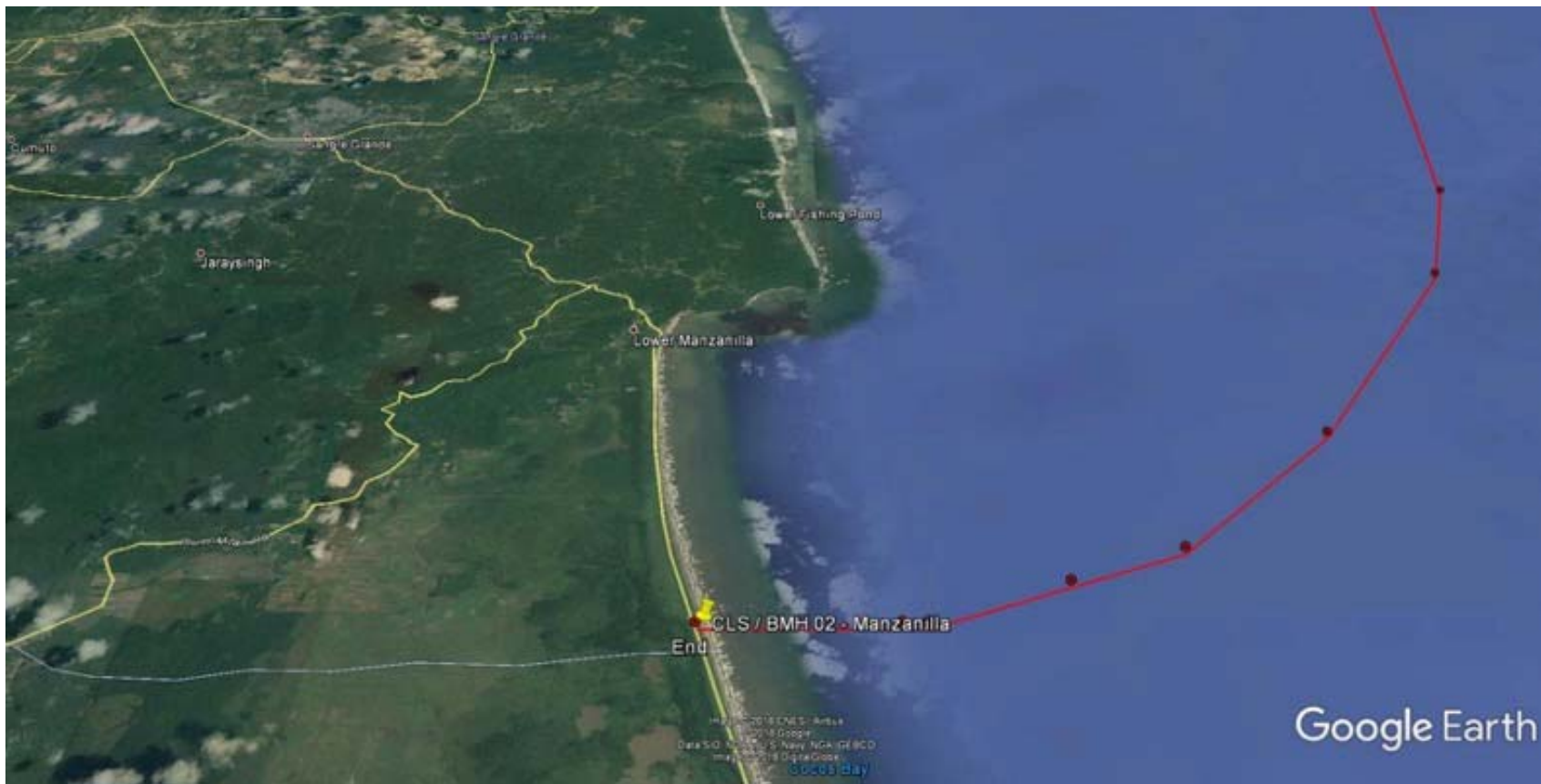
Cable station geographic coordinates:

10° 41.324'N; 61° 36.878'W

Cable landing station street address:

Chaguaramas Development Authority, Airway Road, Chaguaramas,
Trinidad

APPENDIX S:
LOWER MANZANILLA, TRINIDAD, TRINIDAD AND TOBAGO, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	10° 26.150'N; 61° 1.975'W
Cable station geographic coordinates:	10° 26.150'N; 61° 1.975'W
Cable landing station street address:	Manzanilla Maya Road, Manzanilla, Trinidad

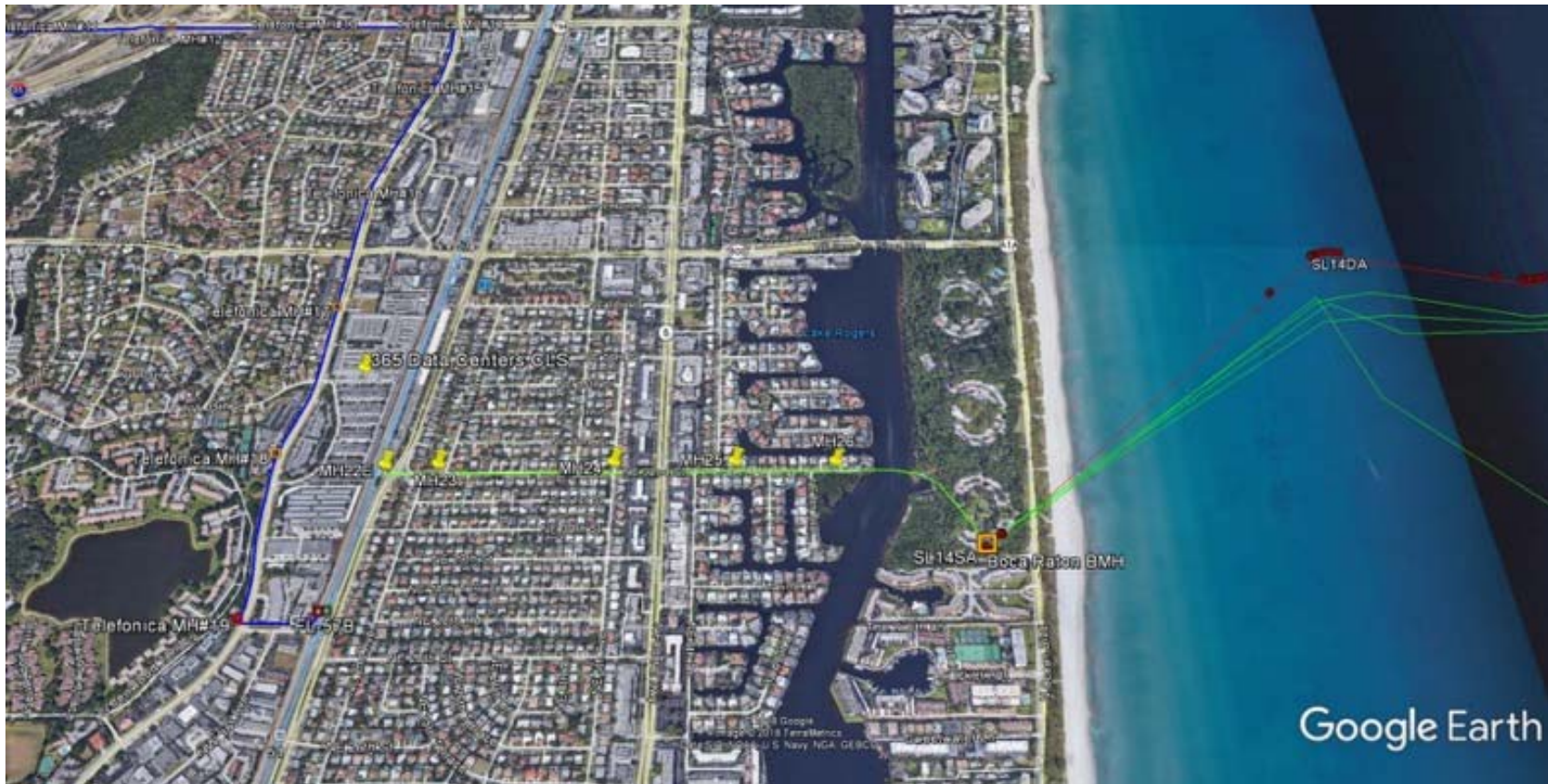
APPENDIX T:

GRACE BAY, PROVIDENCIALES, TURKS AND CAICOS ISLANDS, LANDING POINT INFORMATION



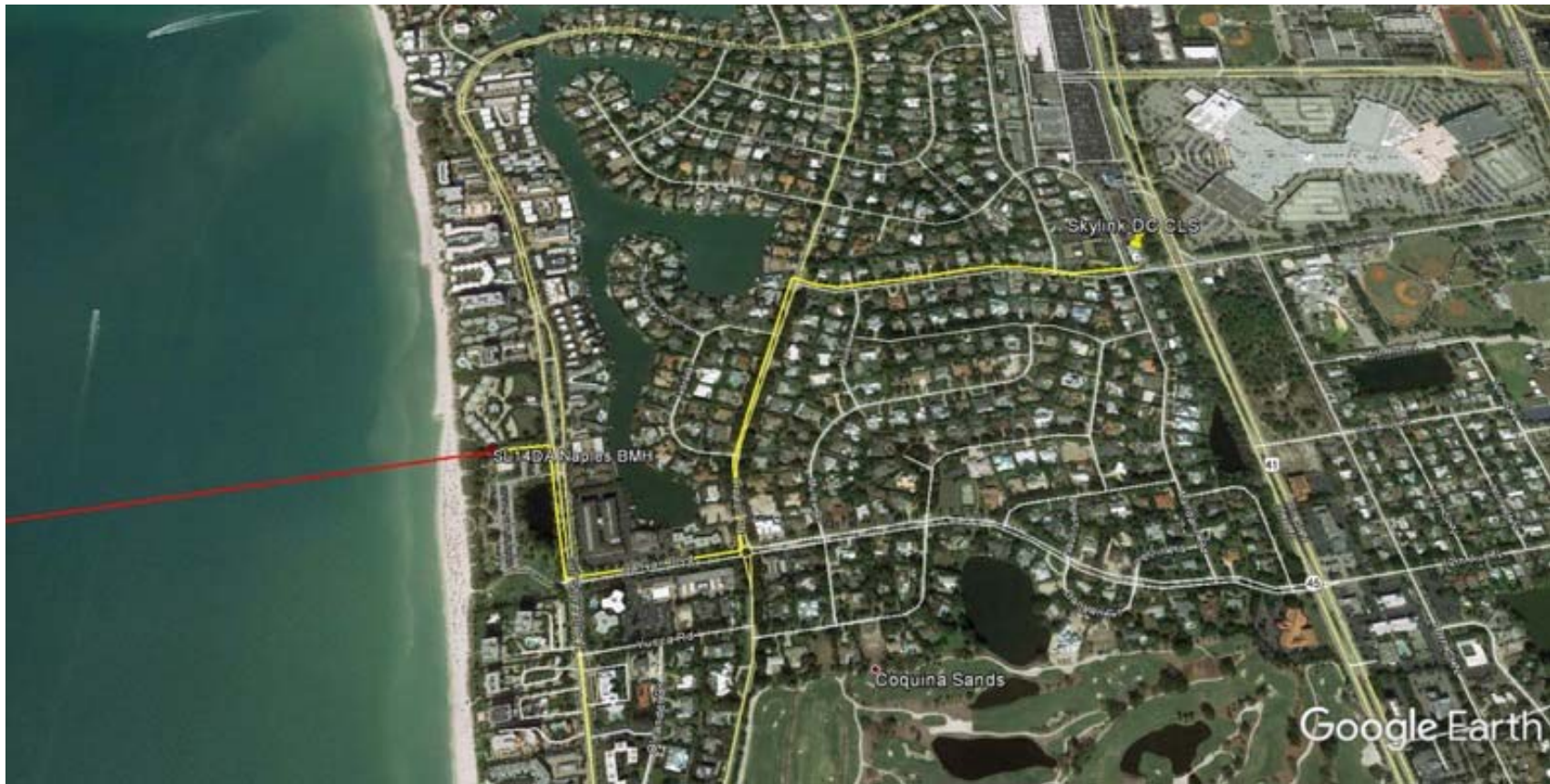
Beach manhole geographic coordinates:	21° 46.962'N; 72° 12.746'W
Cable station geographic coordinates:	21° 46.589'N; 72° 13.413'W
Cable landing station street address:	991 A Leeward Highway, Providenciales, Turks & Caicos Islands

APPENDIX U:
BOCA RATON, FLORIDA, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	26° 22.673'N; 80° 4.126'W
Cable station geographic coordinates:	26° 22.940'N; 80° 5.049'W
Cable landing station street address:	3500 NW Boca Raton Blvd, Building 900, Boca Raton, Florida, 33341

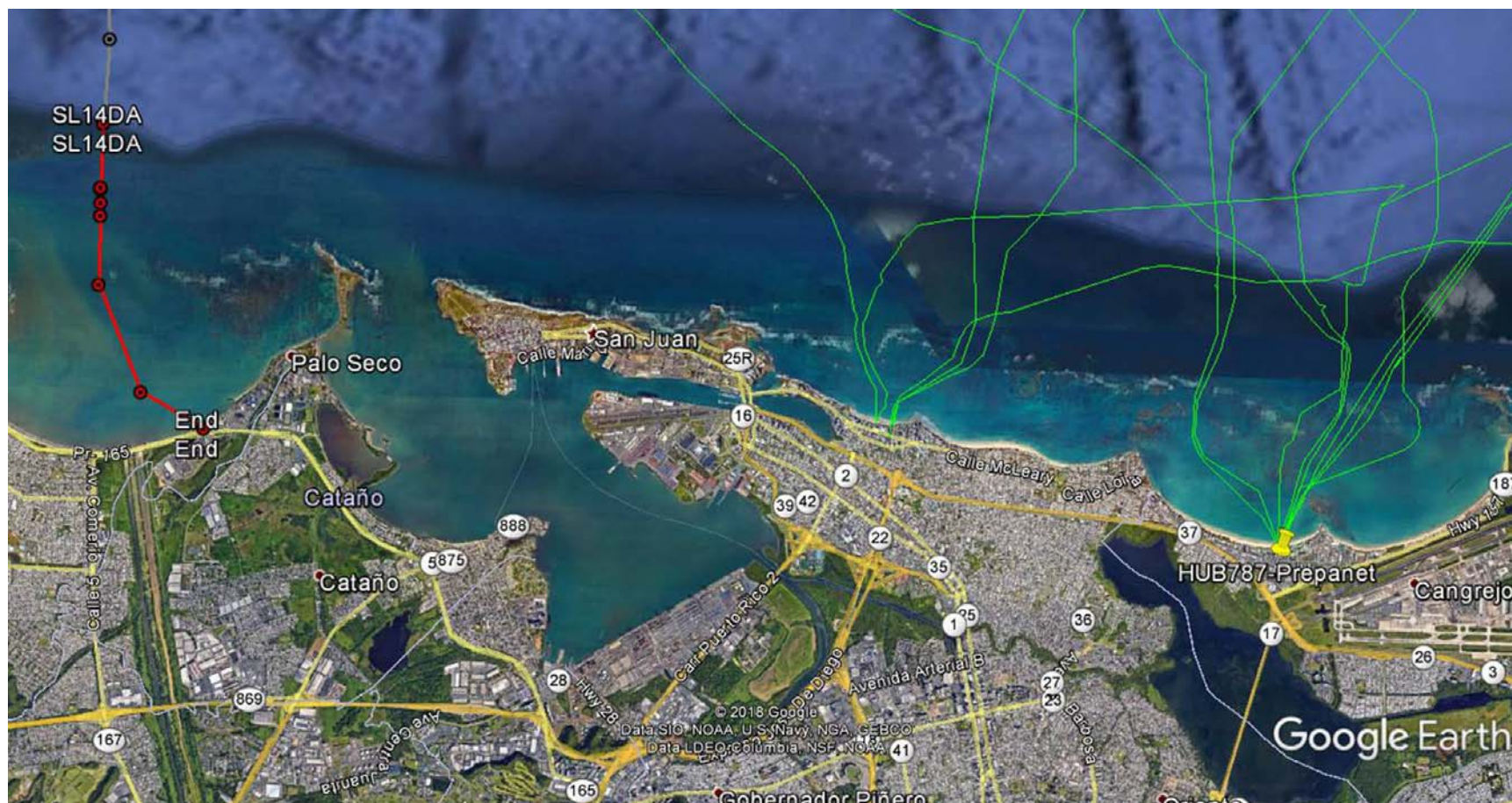
APPENDIX V:
NAPLES, FLORIDA, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	26° 9.850'N; 81° 48.633'W
Cable station geographic coordinates:	26° 10.065'N; 81° 47.993'W
Cable landing station street address:	801 Orchid Drive, Naples, Florida, 34102

APPENDIX W:

PALO SECO/ISLA VERDE, PUERTO RICO, LANDING POINT INFORMATION

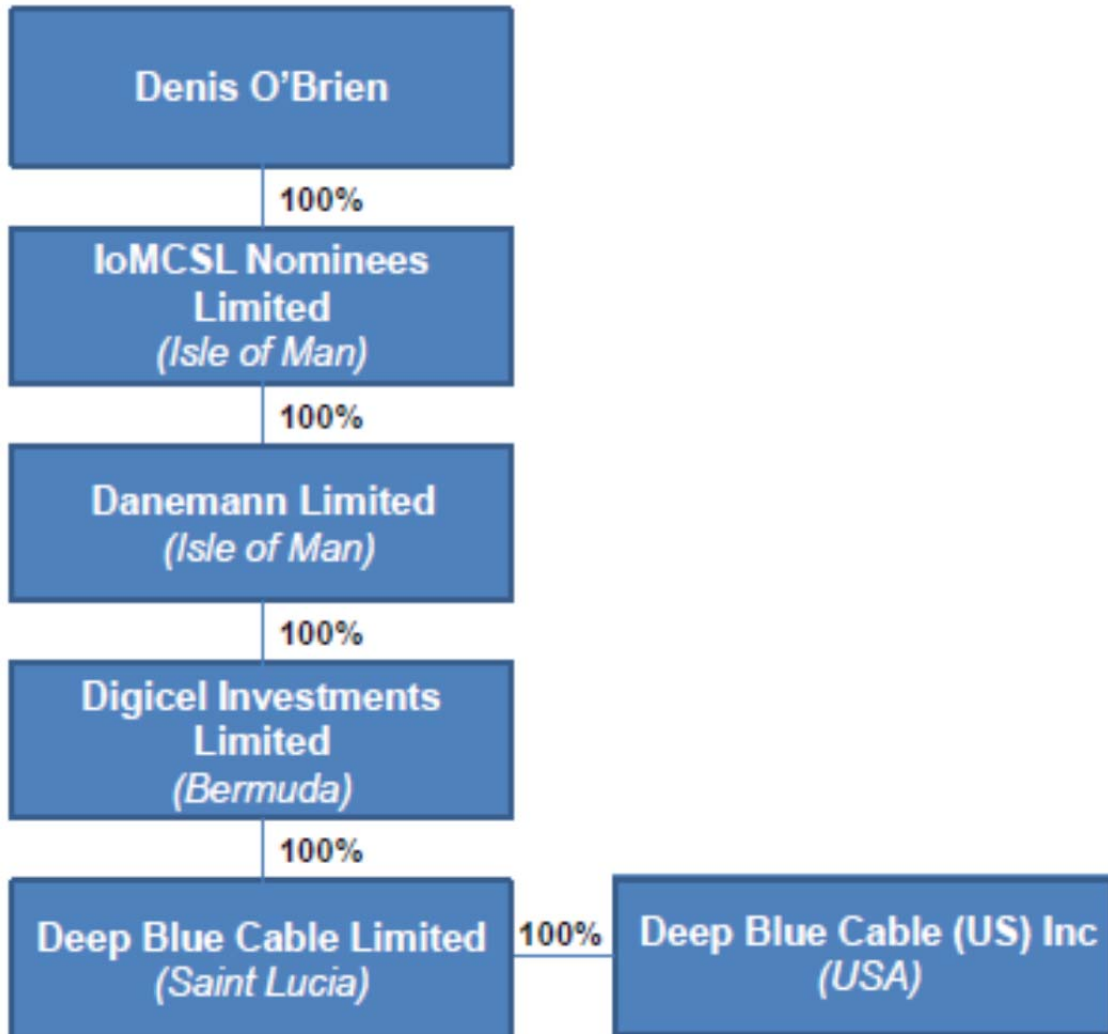


Beach manhole geographic coordinates: 18° 27.252'N, 66° 9.173'W

Cable station geographic coordinates: 18° 26.516'N, 66° 1.301'W

Cable landing station street address: PrepaNet HUB787, Isla Verde, Carolina, San Juan 00979

APPENDIX X:
OWNERSHIP AND CONTROL OF APPLICANTS



CERTIFICATE OF SERVICE

I, Kent Bressie, hereby certify that consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing application for a cable landing license for the Deep Blue cable system, by hand delivery or electronic mail this 15th day of March, 2018, to the following:

Robert L. Strayer
Deputy Assistant Secretary of State for Cyber and
International Communications and Information Policy
Bureau of Economic and Business Affairs
U.S. DEPARTMENT OF STATE
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