

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

EDGE CABLE HOLDINGS USA, LLC,
AQUA COMMS (AMERICAS) INC.,
AQUA COMMS (IRELAND) LIMITED,
CABLE & WIRELESS AMERICAS SYSTEMS, INC.,
AND
MICROSOFT INFRASTRUCTURE GROUP, LLC,

Application for a License to Land and Operate
a Private Fiber-Optic Submarine Cable System
Connecting the United States, the United
Kingdom, and France, to Be Known as

THE AMITIÉ CABLE SYSTEM

File No. SCL-LIC-2020-_____

**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, Edge Cable Holdings USA, LLC (“Edge USA”), Aqua Comms (Americas) Inc. (“Aqua Comms Americas”), Aqua Comms (Ireland) Limited (“Aqua Comms Ireland,” together with Aqua Comms Americas, “Aqua Comms”), Cable & Wireless Americas Systems, Inc. (“CWAS”), and Microsoft Infrastructure Group, LLC (“Microsoft Infrastructure”) (collectively, the “Applicants”) hereby apply for a license to land and operate within U.S. territory the Amitié system, a private fiber-optic submarine cable network connecting the United States, the United Kingdom, and France. The Applicants and their affiliates will operate the Amitié system on a non-common-carrier basis, either by providing bulk capacity to wholesale and enterprise customers on particularized terms and conditions pursuant to individualized negotiations or by using the Amitié cable system to serve their own internal business connectivity needs. The

existence of robust competition on U.S.-U.K., U.S.-France, and (more broadly) U.S.-Western Europe routes obviates any need for common-carrier regulation of the system on public-interest grounds.

The Applicants intend to commence commercial operation of the Amitié system by the first calendar quarter of 2022. They therefore seek the timely grant of a cable landing license no later than July 31, 2021 in order to permit construction activities to proceed on schedule.

An expeditious grant of this application will significantly advance the public interest. Amitié will provide new and replacement capacity on U.S.-Western Europe routes, particularly as many trans-Atlantic submarine cable systems may be retired in the near future. Amitié will also enhance geographic diversity and network resilience by landing in Massachusetts on the U.S. end of the system and in Le Porge, near Bordeaux in southwestern France, neither of which is currently a common landing point for submarine cables.

The Applicants request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1) and (2), as the Applicants are either not foreign carriers, not affiliated with foreign carriers, or not affiliated with foreign carriers with market power in the United Kingdom or France. They also request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(4), as Massachusetts does not require a consistency certification under the Coastal Zone Management Act with respect to a cable landing license issued by the Commission. Below, the Applicants provide information required by 47 C.F.R. § 1.767.

I. COMPLIANCE WITH 47 C.F.R. § 1.767

A. Information Required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)

The Applicants provide company-specific responses to and certifications required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k) in the following appendices:

- Appendix A: Edge USA
- Appendix B: Aqua Comms
- Appendix C: CWAS
- Appendix D: Microsoft Infrastructure

B. System Description¹

The Amitié system will consist of three segments:

- Segment 1.1 will connect Lynn, Massachusetts with a branching unit in the Atlantic Ocean between the United Kingdom and France. It will have 16 fiber pairs, each having a design capacity of 20.1Tb/s using current technology, and a length of 5,276 kilometers.
- Segment 1.2 will connect Bude, United Kingdom, with the branching unit. It will have 12 fiber pairs, each having a design capacity of 20.1Tb/s using current technology, and a length of 645 kilometers.
- Segment 1.3 will connect Le Porge, France with the branching unit. It will have 12 fiber pairs, each having a design capacity of 20.1Tb/s using current technology, and a length of 871 kilometers.

The Applicants have not yet decided on the initial lit capacity of the system. The Applicants expect the Amitié system to commence commercial service during the first calendar quarter of 2022. In Appendix E, the Applicants provide a route map for the system.

¹ See 47 C.F.R. § 1.767(a)(4).

C. Landing Points²

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 F: Lynn, Massachusetts
- Appendix G: Bude, United Kingdom
- Appendix H: Le Porge, France

D. Regulatory Classification³

The Applicants will operate the Amitié 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 will advance the public interest.

First, the Commission should not subject the Amitié system to common-carrier regulation because the Amitié system will not operate on a common-carrier basis as defined in *NARUC I*.⁴ 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

² See *id.* § 1.767(a)(5).

³ See *id.* § 1.767(a)(6).

⁴ 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 the enactment of the Telecommunications Act of 1996).

indifferently.”⁵ On the Amitié system, however, the Applicants will not sell capacity indifferently to the user public:

- For Edge USA and its affiliates, the Amitié system will provide capacity to support Facebook’s global platform to connect its users, points of presence, and data centers.
- For Microsoft Infrastructure and its affiliates, the Amitié system will provide capacity to support Microsoft’s cloud services and connect its data centers and points of presence.
- For Aqua Comms, CWAS, and their respective affiliates, the Amitié system will provide capacity to support their wholesale capacity businesses in Europe and the Americas, offering bulk capacity to particular carrier, enterprise, and government 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.⁶

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

⁶ *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 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).

Second, the Commission should not subject the Amitié system to common-carrier regulation because there is no legal compulsion or other public-interest reason for the Applicants to operate the Amitié system in such a manner. Under the *NARUC I* test, the Commission must determine whether the public interest requires common-carrier operation of the submarine cable system.⁷ Traditionally, the Commission has focused on whether the applicant has sufficient market power to warrant common-carrier regulation,⁸ 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.⁹ The Amitié system poses no such competitive or public-interest concerns.

The Amitié system will enhance competition by competing vigorously with other submarine cable systems on the U.S.-U.K., U.S.-France, and broader U.S.-Western Europe routes. Specifically, on the U.S.-U.K. route, the Amitié system will compete directly with the existing Apollo, Atlantic Crossing-1, FLAG Atlantic-1, GTT Atlantic/GTT Express, TAT-14, TGN Atlantic, and Yellow systems. On the U.S.-France route, the Amitié system will compete directly with the existing Apollo, FLAG Atlantic-1, TAT-14, and TGN Atlantic/TGN Western Europe systems, as well as the planned Dunant system. On the broader U.S.-Western Europe

⁷ *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”).

⁸ *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,893 ¶ 30.

⁹ See *AT&T Corp. et al.*, Cable Landing License, 14 FCC Rcd. 13,066, 13,080 ¶ 39 (1999) (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”).

route, Amitié will compete with a multiplicity of systems, including the AE Connect-1, Columbus-III, Havfrue, and Marea systems. The Commission has previously found that facilities need not be identical in order to offer pro-competitive benefits.¹⁰ The existence of ample competing submarine cable facilities providing U.S.-U.K., U.S.-France, and U.S.-Western Europe connectivity ensures that the Amitié system would not function as a bottleneck facility on those routes. The Applicants’ intended operation of the Amitié system therefore serves the Commission’s long-standing policy to encourage competition through private submarine cables, a policy pursuant to which the Commission has granted numerous cable landing licenses.¹¹

E. Cable Ownership Information¹²

The Applicants and their affiliates will own the Amitié system as shown in Tables 1 and 2 below.

**Table 1: Ownership of Wet Infrastructure and Common Infrastructure
(percentages reflect both voting and economic interests)**

Party	Portion in U.S. Territory	Portion in International Waters	Portion in U.K. Territory	Portion in French Territory
Edge USA	81.25%	0.00%	0.00%	0.00%
Edge Network Services Limited	0.00%	81.90%	83.33%	0.00%
Aqua Comms Americas	6.25%	0.00%	0.00%	0.00%
Aqua Comms Ireland	0.00%	5.63%	0.00%	0.00%
Aqua Comms (UK) Limited	0.00%	0.00%	8.33%	0.00%
Microsoft Infrastructure	6.25%	0.00%	0.00%	0.00%
Microsoft Ireland Operations Limited	0.00%	5.46%	0.00%	0.00%
Orange S.A.	0.00%	0.00%	0.00%	100.00%

¹⁰ *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”).

¹¹ *See Tel-Optik Ltd.*, Memorandum Opinion and Order, 100 FCC.2d 1033, 1040-41 (1985).

¹² *See* 47 C.F.R. § 1.767(a)(7).

Party	Portion in U.S. Territory	Portion in International Waters	Portion in U.K. Territory	Portion in French Territory
CWAS	6.25%	0.00%	0.00%	0.00%
Apollo Submarine Cable System Limited	0.00%	7.01%	8.33%	0.00%
TOTAL	100.00%	100.00%	100.00%	100.00%

As reflected in Table 1 above and Table 2 below, for permitting purposes Orange S.A. will serve both as the France landing party for the system and will own that portion of the system extending 12 nautical miles from the French shore. Orange S.A. will grant to the Applicants and their affiliates dark fiber IRUs on that portion of the system. Because none of the non-Applicant entities listed in Table 1 above (including Orange S.A.) will use the U.S. endpoints of the Amitié system, none of these entities is required by 47 C.F.R. § 1.767(h)(2) to be an applicant for the cable landing license.

Table 2: Cable Landing Stations

Cable Landing Station	New or Existing Facility?	Owner	Landing Party
Lynn, Massachusetts	Existing	GTT Americas LLC ("GTT")	Edge USA
Bude, United Kingdom	Existing	Apollo Submarine Cable System Limited	Apollo Submarine Cable System Limited
Le Porge France	New	Orange S.A.	Orange S.A.

As stated in part II below, the Applicants seek a waiver of 47 C.F.R. § 1.767(h)(1), as GTT will have no ability to affect significantly the operation of the Amitié system.

F. Certification Regarding Service to Executive Branch Agencies¹³

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

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 GTT—the owner of the Lynn, Massachusetts cable landing station—need not be a joint applicant for the Amitié 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.”¹⁴ As explained below, GTT, the owner of the Lynn cable landing station, will not have any ability to affect significantly the Amitié system’s operation. Inclusion of GTT as a joint applicant 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 and in the public interest.¹⁵

For the Lynn landing, Edge USA will contract with GTT for the provision of certain limited services that would not provide GTT with any ability to affect significantly the Amitié

¹³ See *id.* § 1.767(j).

¹⁴ See *Actions Taken Under 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)).

¹⁵ See, e.g., *Actions Taken Under Cable Landing License Act*, Public Notice, 32 FCC Rcd. 1436, 1438 (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 that Tata be a joint applicant for the cable landing license); *Actions Taken Under Cable Landing License*

system's operation. Edge USA will enter into long-term leases for colocation space for power feed equipment for the Lynn cable landing station, and it will retain operational authority over the Amitié system landing facilities and provide direction to GTT in all matters relating to the Amitié system. Edge USA will ensure that all IRU and lease agreements have initial terms, with extension options at Edge USA's sole discretion, for a total of 25 years each, coextensive with the term of 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 significantly the operation of HANTRU1" and declining to require Tata be a joint applicant for the cable landing license); *Actions Taken Under 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 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 (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 Cable 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 Commission should expeditiously grant this cable landing license application for the Amitié system pursuant to streamlined processing.

Respectfully submitted,

Edge Cable Holdings USA, LLC
(as lead applicant)

Michael L. Johnson

Michael L. Johnson (Aug 7, 2020 12:57 PDT)

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August 7, 2020

Attachments

LIST OF APPENDICES

Appendix A: Edge Cable Holdings USA, LLC, Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)

Appendix B: Aqua Comms (Americas) Inc. and Aqua Comms (Ireland) Limited Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)

Appendix C: Cable and Wireless Americas Systems, Inc. Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)

Appendix D: Level 3 Communications, LLC, Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)

Appendix E: Microsoft Infrastructure Group, LLC, Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)

Appendix F: Amitié Route Map

Appendix G: Lynn, Massachusetts Landing Point Information

Appendix H: Bude, United Kingdom Landing Point Information

Appendix I: Le Porge, France Landing Point Information

APPENDIX A:

Edge Cable Holdings USA, LLC

Edge Cable Holdings USA, LLC (“Edge USA,” FRN 0025613159), a Delaware corporation with its principal place of business in Menlo Park, California, will (together with its affiliates) hold participation and voting interests in the Amitié submarine cable system, as described in part I.E of the main narrative application. It will also contract with a third-party cable landing station owner for services pertaining to the Lynn, Massachusetts landing, as described in part II of the main narrative application.

Edge USA is a wholly-owned, direct subsidiary of Facebook, Inc. (“Facebook”), a Delaware corporation with its principal place of business in Menlo Park, California. Edge USA provides connectivity exclusively to data centers and points of presence in the United States owned and operated by its affiliates. Edge USA is a cable landing licensee for the Marea, Havfrue , and JUPITER systems,¹ and is a joint applicant for a cable landing license for the Bay-to-Bay Express, Hong Kong-Americas (“HKA”), and Pacific Light Communications Network (“PLCN”) systems.² Below, Edge USA provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

(1) Applicant’s Name, Address, and Telephone Number³

Edge Cable Holdings USA, LLC
1601 Willow Road
Menlo Park, California 94025-1452
+1 650 543 4800

¹ File Nos. SCL-LIC-20160525-00012 (Marea), SCL-LIC-20180511-00010 (Havfrue), SCL-LIC-20180517-00012 (JUPITER).

² File Nos. SCL-LIC-20181125-00037 (Bay-to-Bay Express), SCL-LIC-20180711-00018 (HKA), and SCL-LIC-20170421-00012 (PLCN).

³ See 47 C.F.R. § 1.767(a)(1).

(2) Applicant's Place of Incorporation⁴

Edge USA is a Delaware limited liability company.

(3) Contact Information⁵

Correspondence concerning the application should be sent to the following:

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Counsel for Edge Cable Holdings USA, LLC

(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁶

Edge USA certifies that it has the following 10-percent-or-greater direct or indirect interest holders, based on the most current data as of January 1, 2020:

- **Facebook, Inc. ("Facebook")**
Address: 1601 Willow Road, Menlo Park, California 94025
Place of Organization: Delaware
Principal Business: software and technology
Relationship: Facebook holds a 100-percent voting and equity interest in Edge USA.

⁴ See *id.* § 1.767(a)(2).

⁵ See *id.* § 1.767(a)(3).

⁶ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

- **CZI Holdings, LLC (“CZI”)**

Address: 314 Lytton Avenue, Suite 200, Palo Alto, California 94301

Place of Organization: Delaware

Principal Business: philanthropy

Relationship: CZI owns 12.62 percent of Facebook’s outstanding shares and holds a 50.77-percent voting interest in Facebook.

- **Mark Zuckerberg**

Address: 1601 Willow Road, Menlo Park, California 94025^{[1][SEP]}

Citizenship: USA

Principal Business: software and technology^{[1][SEP]}

Relationship: Mr. Zuckerberg, who serves as Chairman and CEO of Facebook, owns all of CZI’s member interests and, together with his other ownership positions in Facebook, owns approximately 13.43 percent of Facebook’s outstanding shares and holds an approximate 58.84-percent voting interest in Facebook that includes (a) a 50.77-percent voting interest for shares he holds directly or controls through CZI; and (b) a 6.8-percent voting interest that he has authority to vote pursuant to voting agreements with (i) Dustin Moskovitz, Trustee of The Dustin Moskovitz 2008 Annuity Trust dated March 10, 2008, and (ii) Dustin Moskovitz, Trustee of The Dustin A. Moskovitz Trust dated December 27, 2005.

Facebook’s shares trade publicly on the NASDAQ Stock Market under the symbol “FB.”

As there is an active market in Facebook’s shares, Facebook’s share ownership is always fluid.

Moreover, Facebook can ascertain its significant shareholders only on the basis of its records and may not know of possibly related or affiliated shareholders that are not disclosed to it.

Recognizing these limitations, as of the most recent measurable date, January 1, 2020, Facebook has no 10-percent-or-greater direct or indirect shareholders other than CZI and Mr. Zuckerberg.

Edge USA further certifies that no corporate officer or director of Edge USA is also an officer or director of any foreign carrier.

(5) Certification Regarding the Anti-Drug Abuse Act of 1988⁷

Edge USA certifies 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.⁸

(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations⁹

Edge USA certifies that it:

(A) is not a foreign carrier in any foreign destination market;<sup>[L]
[SEP]</sup>

(B) does not own or control a cable landing station in any foreign destination market;

(C) is not affiliated with any foreign carrier and is not affiliated with any foreign carrier owning or controlling a cable landing station in any foreign destination market (although it is affiliated with Edge Network Holdings Limited, an entity that holds non-controlling ownership interests in cable landing stations in Blaabyerg, Denmark; Old Head Beach, Leckanvy, Ireland; and Bilbao, Spain).

(7) Certification Regarding Foreign Destination Markets¹⁰

Edge USA certifies to the following: (A) it is not a foreign carrier in the United Kingdom or France, the two foreign destination markets in which the Amitié system will land; (B) it does not control a foreign carrier in the United Kingdom or France; (C) no entity owning more than 25 percent of it or controlling it controls a foreign carrier in the United Kingdom or France; and (D) no grouping of two or more foreign carriers in the United Kingdom or France (or parties that control foreign carriers in the United Kingdom or France) own, in aggregate,

⁷ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

⁸ 21 U.S.C. § 862(a). The Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, title V, § 5301, 102 Stat. 4181, 4310 (1988), 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 the Crime Control Act of 1991, Pub. L. No. 101-647, title X, § 1002(d)(1), 104 Stat. 4789, 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

⁹ See 47 C.F.R. § 1.767(a)(8)(ii).

¹⁰ See *id.* § 1.767(a)(8)(iii).

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 Amitié cable system in the United States.

(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets¹¹

No response is required.

(9) Certification Regarding Routine Conditions¹²

Edge USA certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

(10) Streamlining—Market Power¹³

Edge USA requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). Edge USA certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in the United Kingdom or France, the two foreign destination markets in which the Amitié system will land.

(11) Streamlining—CZMA¹⁴

Edge USA certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). Massachusetts, the only U.S. state in which the Amitié system will land, does

¹¹ See *id.* § 1.767(a)(8)(iv).

¹² See *id.* § 1.767(a)(9).

¹³ See *id.* § 1.767(j), (k).

¹⁴ See *id.*

not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.¹⁵

¹⁵ See Massachusetts Office of Coastal Management, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/data/czm/consistency/media/ma.pdf>.

CERTIFICATION

On behalf of Edge USA, I certify that all the information contained in this application and Appendix A is true and correct to the best of my knowledge and belief.

Edge Cable Holdings USA, LLC

Michael L. Johnson

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August 7, 2020

APPENDIX B:

Aqua Comms (Americas) Inc. Aqua Comms (Ireland) Limited

Aqua Comms (Americas) Inc. (“Aqua Comms Americas,” FRN 0029384567), a Delaware corporation with its principal place of business in Dublin, Ireland, and Aqua Comms (Ireland) Limited (“Aqua Comms Ireland,” FRN 0029390234) a Irish limited company with its principal place of business in Dublin, Ireland, will (together with their affiliates) hold participation and voting interests in the Amitié submarine cable system, as described in part I.E of the main narrative application. Aqua Comms Americas and Aqua Comms Ireland (together, “Aqua Comms”) are wholly-owned, indirect subsidiaries of Aqua Comms DAC (“Aqua Comms Parent”), an Irish designated activity company with its principal place of business in Dublin, Ireland. Through its operating subsidiaries, Aqua Comms Parent develops and operates submarine cable networks in the North Atlantic region, including the AEConnect-1, AEConnect-2 (as Aqua Comms has branded its interest in the Havfrue system), CeltixConnect-1, CeltixConnect-2, and North Sea Connect systems.

Aqua Comms Americas owns and operates certain U.S.-territory network assets of Aqua Comms Parent and its affiliates. Aqua Comms Americas is a cable landing licensee for the AEConnect-1 submarine cable system,¹ while its affiliates America Europe Connect 2 USA Inc. and America Europe Connect 2 Limited are joint cable landing licensees for the Havfrue system.² Below, Aqua Comms provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

¹ File No. SCL-LIC-20140206-00002.

² File No. SCL-LIC-20180511-00010.

(1) Applicants' Name, Address, and Telephone Number³

Aqua Comms (Americas) Inc.
Aqua Comms (Ireland) Limited
51-54 Pearse Street
Dublin 2
Ireland
D02 KA66
+ 353 1 662 4399

(2) Applicant's Place of Incorporation⁴

Aqua Comms Americas is a Delaware limited liability company. Aqua Comms Ireland is an Irish limited company.

(3) Contact Information⁵

Correspondence concerning the application should be sent to the following:

Sandra Delany
General Counsel
Aqua Comms DAC
51-54 Pearse Street
Dublin 2
Ireland
D02 KA66
+353 (0)1 662 4397
sdelany@aquacomms.com

and

Kent Bressie
Harris, Wiltshire & Grannis LLP
1919 M Street, N.W., Suite 800
Washington, D.C. 20036-3537
+1 202 730 1337
kbressie@hwglaw.com

Counsel for Aqua Comms (Americas) Inc.

³ See 47 C.F.R. § 1.767(a)(1).

⁴ See *id.* § 1.767(a)(2).

⁵ See *id.* § 1.767(a)(3).

(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁶

Aqua Comms Americas and Aqua Comms Ireland each certifies that it has the following 10-percent-or-greater direct or indirect interest holders, based on the most current data as of April 1, 2020:

America Europe Connect Limited (“AEC2”)

Address: 51-54 Pearse Street, Dublin 2, Ireland, D02 KA66

Place of Organization: Ireland

Principal Business: telecommunications

Relationship: AEC2 holds a 100-percent voting and equity interest in Aqua Comms Americas.

Aqua Comms Connect Limited (“Aqua Comms Connect”)

Address: 51-54 Pearse Street, Dublin 2, Ireland, D02 KA66

Place of Organization: Ireland

Principal Business: telecommunications

Relationship: Aqua Comms Connect holds a 100-percent voting and equity interest in AEC2 and a 100-percent voting and equity interest in Aqua Comms Ireland.

Aqua Comms Designated Activity Company (“Aqua Comms Parent”)

Address: 51-54 Pearse Street, Dublin 2, Ireland, D02 KA66

Place of Organization: Ireland

Principal Business: telecommunications

Relationship: Aqua Comms Parent holds a 100-percent voting and equity interest in AEC2.

Aqua Ventures Limited (“Aqua Ventures”)

Address: 3rd Floor Charter Place, 23-27 Seaton Place, St Helier, Jersey, JE4 0WH

Place of Organization: Jersey

Principal Business: investments

Relationship: On a fully diluted basis, Aqua Ventures holds a 51-percent voting and equity interest in Aqua Comms Parent.

The 2013 Bake Family Trust

Address: 3rd Floor Charter Place, 23-27 Seaton Place, St. Helier JE4 0WH, Jersey

Place of Organization: Bailiwick of Jersey

Principal Business: investment holding

Relationship: The Bake Family Trust holds a 100-percent voting and equity interest in Aqua Ventures.

⁶ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Dominion Fiduciary Trust Limited (“Dominion Fiduciary Trust”)

Address: 3rd Floor Charter Place, 23-27 Seaton Place, St. Helier JE4 0WH, Jersey

Place of Organization: Bailiwick of Jersey

Principal Business: trust services

Relationship: Dominion Fiduciary Trust serves as the trustee of The Bake Family Trust.

The trustee legally owns the assets in its capacity as trustee for “The 2013 Bake Family Trust”. It has full control of assets within the trust. It exercises a discretionary power to provide benefits to the beneficiaries.

Mr. Christopher Paul Bake

Address: 13 Phillimore Gardens, Kensington, London W8 7QG, United Kingdom

Citizenship: Netherlands

Principal Business: business management

Relationship: Mr. Bake and his family are beneficiaries of The 2013 Bake Family Trust, for which they have no right to the assets. Mr. Bake is the economic settlor of the trust.

Pangaea Two Acquisition Holdings XV, LLC (“Pangaea Holdings”)

Address: 505 Fifth Avenue, 15th Floor, New York, New York 10017

Place of Organization: Delaware

Principal Business: holding company

Relationship: On a fully diluted basis, Pangaea Holdings holds a 19.6-percent interest in Aqua Comms Parent.

Pangaea Two Acquisition Holdings Parallel XV, LLC (“Pangaea Holdings Parallel”)

Address: 505 Fifth Avenue, 15th Floor, New York, New York 10017

Place of Organization: Delaware

Principal Business: holding company

Relationship: On a fully diluted basis, Pangaea Holdings Parallel holds an 8.8-percent interest in Aqua Comms Parent.

Pangaea Two LP (“Pangaea Two”)

Address: 505 Fifth Avenue, 15th Floor, New York, New York 10017

Place of Organization: Delaware

Principal Business: investments

Relationship: Pangaea Two is sole member of and holds 100-percent of the equity in Pangaea Holdings.

Pangaea Two Parallel, LP (“Pangaea Parallel”)

Address: 505 Fifth Avenue, 15th Floor, New York, New York 10017

Place of Organization: Cayman Islands

Principal Business: investment partnership

Relationship: Pangaea Parallel is sole member of and holds 100-percent of the equity in Pangaea Holdings Parallel.

Pangaea Two GP, LP (“Pangaea Two GP”)

Address: 505 Fifth Avenue, 15th Floor, New York, New York 10017

Place of Organization: Delaware

Principal Business: investment management

Relationship: Pangaea Two GP is the general partner of each of Pangaea Two and Pangaea Parallel.

Pangaea Two Admin GP, LLC (“Pangaea Two Admin”)

Address: 505 Fifth Avenue, 15th Floor, New York, New York 10017

Place of Organization: Cayman Islands

Principal Business: investment management

Relationship: Pangaea Two Admin is the general partner of Pangaea Two GP.

Cartesian Capital Group, LLC (“Cartesian Capital”)

Address: 505 Fifth Avenue, 15th Floor, New York, New York 10017

Place of Organization: Delaware

Principal Business: investment advisory

Relationship: Cartesian Capital is the managing member of Pangaea Two Admin.

Mr. Peter M. Yu

Address: 505 Fifth Avenue, 15th Floor, New York, New York 10017

Citizenship: United States

Principal Business: investments

Relationship: Based on publicly available information, Mr. Yu has a controlling interest in Cartesian Capital, with an economic and voting interest of between 50 and 74 percent. Mr. Yu has ultimate control of Pangaea Holdings and Pangaea Holdings Parallel, the two entities with direct interests in Aqua Comms Parent. Ownership information for Cartesian Capital is available on the SEC’s website at: https://adviserinfo.sec.gov/IAPD/IAPDFirmSummary.aspx?ORG_PK=159370

**Irish Strategic Investment Fund of
the National Treasury Management Agency (“ISIF”)**

Address: Treasury Dock, North Wall Quay, Dublin 1, Ireland, D01 A9T8

Place of Organization: Ireland -- Established under the National Treasury Management Agency (Amendment) Act 2014.

Principal Business: investments

Relationship: ISIF holds a 13.8-percent economic and voting interest in Aqua Comms Parent. ISIF is a sovereign development fund controlled and managed by the Government of Ireland with an objective to invest in critical infrastructure.

Aqua Comms Americas and Aqua Comms Ireland each further certifies that no corporate officer or director of Aqua Comms Americas or Aqua Comms Ireland is also an officer or director of any foreign carrier.

(5) Certification Regarding the Anti-Drug Abuse Act of 1988⁷

Aqua Comms Americas and Aqua Comms Ireland each certifies 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.⁸

(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations⁹

Aqua Comms Americas and Aqua Comms Ireland each certifies that it:

(A) is not a foreign carrier in any foreign destination market;

(B) does not own or control a cable landing station in any foreign destination market;

(C) is affiliated with America Europe Connect 2 Denmark ApS and North Sea Connect ApS, each a foreign carrier in Denmark that controls a cable landing station in Denmark, and with America Europe Connect 2 Limited, and Aqua Comms (Ireland) Limited, each a foreign carrier in Ireland that controls a cable landing station in Ireland; America Europe Connect (UK) Limited a foreign carrier in England and Wales that contracts cable landing stations in England and Wales and Celtix Connect Limited a foreign carrier in Ireland that controls a cable landing station in Ireland and Isle of Man.

(7) Certification Regarding Foreign Destination Markets¹⁰

Aqua Comms Americas and Aqua Comms Ireland each certifies to the following: (A) it is not a foreign carrier in the United Kingdom or France, the two foreign destination markets in which the Amitié system will land; (B) it does not control a foreign carrier in the United Kingdom or France; (C) no entity owning more than 25 percent of it or controlling it controls a

⁷ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

⁸ 21 U.S.C. § 862(a). The Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, title V, § 5301, 102 Stat. 4181, 4310 (1988), 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 the Crime Control Act of 1991, Pub. L. No. 101-647, title X, § 1002(d)(1), 104 Stat. 4789, 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

⁹ See 47 C.F.R. § 1.767(a)(8)(ii).

¹⁰ See *id.* § 1.767(a)(8)(iii).

foreign carrier in the United Kingdom or France; and (D) no grouping of two or more foreign carriers in the United Kingdom or France (or parties that control foreign carriers in the United Kingdom or France) 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 Amitié cable system in the United States.

(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets¹¹

No response is required.

(9) Certification Regarding Routine Conditions¹²

Aqua Comms Americas and Aqua Comms Ireland each certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

(10) Streamlining—Market Power¹³

Aqua Comms Americas and Aqua Comms Ireland request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). Aqua Comms Americas and Aqua Comms Ireland each certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in the United Kingdom or France, the two foreign destination markets in which the Amitié system will land.

(11) Streamlining—CZMA¹⁴

Aqua Comms Americas and Aqua Comms Ireland each certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal

¹¹ See *id.* § 1.767(a)(8)(iv).

¹² See *id.* § 1.767(a)(9).

¹³ See *id.* § 1.767(j), (k).

¹⁴ See *id.*


Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). Massachusetts, the only U.S. state in which the Amitié system will land, does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.¹⁵

¹⁵ See Massachusetts Office of Coastal Management, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/data/czm/consistency/media/ma.pdf>.

CERTIFICATION

On behalf of Aqua Comms Americas and Aqua Comms Ireland, I certify that all the information contained in this application and Appendix B is true and correct to the best of my knowledge and belief.

**Aqua Comms (Americas) Inc.
Aqua Comms (Ireland) Limited**



Nigel Bayliff
President
Aqua Comms (Americas) Inc.
Aqua Comms (Ireland) Limited
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*Counsel for Aqua Comms (Americas) Inc.
and Aqua Comms (Ireland) Limited*

August 7, 2020

APPENDIX C:

Cable & Wireless Americas Systems, Inc.

Cable & Wireless Americas Systems, Inc. (“CWAS,” FRN 0009696071), a Delaware corporation with its principal contact address in New York, New York, will (together with its affiliates) hold participation and voting interests in the Amitié submarine cable system, as described in part I.E of the main narrative application.

CWAS is a wholly-owned subsidiary, through the corporate entities listed in Section (4) below, of Vodafone Group plc. CWAS is the holder of a cable landing license for the Apollo Submarine Cable System (FCC File No. SCL-LIC-20010122-00002). Vodafone is one of the world’s largest mobile operators, with investments and operations on several continents. Vodafone generates revenues from mobile voice, messaging and data communications services, IoT services, fixed line services, business managed services and wholesale access to mobile virtual network operators. Below, Vodafone provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

(1) Applicant’s Name, Address, and Telephone Number¹

Cable & Wireless Americas Systems, Inc.
546 5th Avenue, 14th Floor
New York New York 10036
+1 720 498 3063

¹ See 47 C.F.R. § 1.767(a)(1).

(2) Applicant's Place of Incorporation²

CWAS is a Delaware corporation.

(3) Contact Information³

Correspondence concerning the application should be sent to the following:

Marshall Monda
220 East Capitol Street NE
Washington D.C. 20003
+1 303 720 1121
marshall.monda@vodafone.com

and

Ari Q. Fitzgerald
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004
+1 202 637 5423
ari.fitzgerald@hoganlovells.com

Counsel for CWAS

(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁴

CWAS certifies that it has the following 10-percent-or-greater direct or indirect interest holders, based on the most current data as of January 1, 2020:

- **Apollo Submarine Cable System Limited (“Apollo”)**
Address: Vodafone House. The Connection, Newbury, Berkshire RG14 2FN, UK
Place of Organization: United Kingdom
Principal Business: Telecommunications
Relationship: Apollo holds a 100-percent voting and equity interest in CWAS.
- **Vodafone Global Network Limited (“VGNL”)**
Address: Mountainview, Leopardstown, Dublin 18, Ireland
Place of Organization: Ireland
Principal Business: Telecommunications

² See *id.* § 1.767(a)(2).

³ See *id.* § 1.767(a)(3).

⁴ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Relationship: VGNL holds a 100-percent voting and equity interest in Apollo.

- **The Eastern Leasing Company Limited (“ELCL”)**
Address: Vodafone House. The Connection, Newbury, Berkshire RG14 2FN, UK
Place of Organization: United Kingdom
Principal Business: Telecommunications
Relationship: ELCL holds a 100-percent voting and equity interest in VGNL.
- **Cable & Wireless UK Holdings Limited (“CWHL”)**
Address: Vodafone House. The Connection, Newbury, Berkshire RG14 2FN, UK
Place of Organization: United Kingdom
Principal Business: Telecommunications
Relationship: CWHL holds a 100-percent voting and equity interest in ELCL.
- **Cable & Wireless Worldwide Limited (“CWWL”)**
Address: Vodafone House. The Connection, Newbury, Berkshire RG14 2FN, UK
Place of Organization: United Kingdom
Principal Business: Telecommunications
Relationship: CWWL holds a 100-percent voting and equity interest in CWHL.
- **Vodafone International Operations Limited (“VIOL”)**
Address: Vodafone House. The Connection, Newbury, Berkshire RG14 2FN, UK
Place of Organization: United Kingdom
Principal Business: Telecommunications
Relationship: VIOL holds a 100-percent voting and equity interest in CWWL.
- **Vodafone European Investments (“VEI”)**
Address: Vodafone House. The Connection, Newbury, Berkshire RG14 2FN, UK
Place of Organization: United Kingdom
Principal Business: Telecommunications
Relationship: VEI holds a 100-percent voting and equity interest in VIOL.
- **Vodafone Group plc (“Vodafone Parent”)**
Address: Vodafone House. The Connection, Newbury, Berkshire RG14 2FN, UK
Place of Organization: United Kingdom
Principal Business: Telecommunications
Relationship: Vodafone Parent holds a 100-percent voting and equity interest in VEI.

Vodafone Parent’s shares trade publicly on the London Stock Exchange under the symbol “VOD.” As there is an active market in Vodafone Parent’s shares, Vodafone Parent’s share ownership is always fluid. Moreover, Vodafone Parent can ascertain its significant shareholders only on the basis of its records and may not know of possibly related or affiliated shareholders

that are not disclosed to it. Recognizing these limitations, as of the most recent measurable date, January 1, 2020, Vodafone Parent has no 10-percent-or-greater direct or indirect shareholders.

CWAS further certifies that it has the following interlocking directorates with foreign carriers:

- **Megan Doberneck** is a director of Cable and Wireless Americas Systems, Inc., and is a director of Vodafone Empresa México S.de R.L. de C.V. and Vodafone Canada Inc.
- **Rebecca Temple** is a director of Cable and Wireless Americas Systems, Inc., and is a director of Vodafone Empresa México S.de R.L. de C.V. and Vodafone Canada Inc.
- **Ashley Alenick** is an officer of Cable and Wireless Americas Systems, Inc., and is an officer of Vodafone Empresa México S.de R.L. de C.V. and Vodafone Canada Inc.
- **Bryan Ganno** is an officer of Cable and Wireless Americas Systems, Inc., and is an officer of Vodafone Empresa México S.de R.L. de C.V. and Vodafone Canada Inc.

(5) Certification Regarding the Anti-Drug Abuse Act of 1988⁵

CWAS certifies 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.⁶

⁵ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

⁶ 21 U.S.C. § 862(a). The Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, title V, § 5301, 102 Stat. 4181, 4310 (1988), 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 the Crime Control Act of 1991, Pub. L. No. 101-647, title

(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations⁷

CWAS certifies that it:

(A) is not a foreign carrier in any foreign destination market;

(B) does not own or control a cable landing station in any foreign destination market;

(C) is affiliated with foreign carriers, some owning or controlling cable landing stations, as noted in Table 1 below.

TABLE 1: AFFILIATED FOREIGN CARRIERS

Destination Country	Foreign Affiliate(s)	Owns/Controls Cable Landing Station? Y/N
Albania	Vodafone Albania Sh.A	N
Angola	Vodacom Business (Angola) Limitada	N
Australia	Vodafone Enterprise Australia Pty Limited	N
	Vodafone Hutchison Australia Pty Limited	N
Austria	Vodafone Enterprise Austria GmbH	N
Bahrain	Vodafone Enterprise Bahrain W.L.L.	N
Belgium	Vodafone Belgium SA/NV	N
Bulgaria	Vodafone Enterprise Bulgaria EOOD	N
Cameroon	Vodacom Business Cameroon SA	N
Canada	Vodafone Canada Inc.	N
Congo, The Democratic Republic of the	Vodacom Congo (RDC) SA	N
Cyprus	Vodafone Mobile Operations Limited	N
Czech Republic	Vodafone Czech Republic A.S.	N
	Vodafone Enterprise Europe (UK) Limited- Czech Branch	N
	COOP Mobil s.r.o.	N
Denmark	Vodafone Enterprise Denmark A/S	N
Egypt	Vodafone Egypt Telecommunications S.A.E.	N
	Wataneya Telecommunications	N
Finland	Vodafone Enterprise Finland OY	N
France	Vodafone Enterprise France S.A.S.	Y
Germany	Vodafone Kabel Deutschland GmbH	N
	Vodafone Enterprise Germany GmbH	N
	Vodafone GmbH	N

X, § 1002(d)(1), 104 Stat. 4789, 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

⁷ See 47 C.F.R. § 1.767(a)(8)(ii).

Destination Country	Foreign Affiliate(s)	Owns/Controls Cable Landing Station? Y/N
	KABELCOM Braunschweig Gesellschaft Fur Breitbandkabel-Kommunikation Mit Beschränkter Haftung	N
	Urbana Teleunion Rostock GmbH & Co.KG	N
	KABELCOM Wolfsburg Gesellschaft Fur Breitbandkabel-Kommunikation Mit Beschränkter Haftung	N
Ghana	Ghana Telecommunications Company Limited	Y
	National Communications Backbone Company Limited	N
Greece	Vodafone-Panafon Hellenic Telecommunications Company S.A.	N
Hong Kong	Vodafone Enterprise Hong Kong Ltd	N
Hungary	Vodafone Magyarország Mobile Távközlési Zártkörűen Működő Részvénytársaság	N
India	Vodafone India Services Private Limited	N
	Vodafone Idea Limited	Y
Ireland	Cable & Wireless GN Limited	N
	Vodafone Enterprise Global Limited	N
	Vodafone Global Network Limited	Y
	Vodafone Ireland Limited	N
	Siro Limited	N
Italy	Vodafone Global Enterprise (Italy) S.R.L.	N
	Vodafone Italia S.p.A.	N
	Vodafone Enterprise Italy S.R.L.	N
	VND S.p.A.	N
Japan	Vodafone Enterprise U.K. – Japanese Branch	N
	Vodafone Global Enterprise (Japan) K.K.	N
Kenya	Safaricom PLC	N
	Vodacom Business (Kenya) Limited	N
Republic of Korea	Vodafone Enterprise Korea Limited	N
Lesotho	Vodacom Lesotho (Pty) Limited	N
Luxembourg	Vodafone Roaming Services S.à r.l.	N
	Vodafone Enterprise Luxembourg S.A.	N
Mexico	Vodafone Empresa México S.de R.L. de C.V.	N
Mozambique	VM, SA	N
Netherlands	Vodafone Enterprise Netherlands B.V.	N
	Vodafone Europe B.V.	N
	Vodafone Libertel B.V.	N
Netherlands	VodafoneZiggo Group B.V.	N
	Ziggo B.V.	N
	Ziggo Services B.V.	N
	Ziggo Services Netwerk 2 B.V.	N
Norway	Vodafone Enterprise Norway AS	N

Destination Country	Foreign Affiliate(s)	Owns/Controls Cable Landing Station? Y/N
	Vodafone Limited – Norway Branch	N
Poland	Vodafone Business Poland sp. z o.o.	N
Portugal	Vodafone Portugal – Comunicacoes Pessoais, S.A.	N
	Vodafone Enterprise Spain, S.L.U. – Portugal Branch	N
Romania	Vodafone Romania S.A.	N
Russia	Cable & Wireless CIS Svyaz LLC	N
Serbia	Vodafone Enterprise Equipment Limited Ogranak u Beogradu	N
Singapore	Vodafone Enterprise Singapore Pte. Ltd.	Y
Slovakia	Vodafone Czech Republic A.S. – Slovakia Branch	N
South Africa	Cable and Wireless Worldwide South Africa (Pty) Ltd	N
	GS Telecom (Pty) Limited	N
	Vodacom (Pty) Limited	N
	Vodacom Group Limited	N
Spain	Vodafone Enabler España, S.L.	N
	Vodafone Enterprise Spain S.L.U.	N
	Vodafone Espana S.A.U.	Y
	Vodafone ONO, S.A.U.	N
Sweden	Vodafone Enterprise Sweden AB	N
Switzerland	Vodafone Enterprise Switzerland AG	N
Taiwan	Vodafone Global Enterprise Taiwan Limited	N
Turkey	Vodafone Telekomunikasyon A.S	N
Ukraine	LLC Vodafone Enterprise Ukraine	N
United Kingdom	Apollo Submarine Cable System Limited	Y
	Energis Communications Limited	N
	Thus Limited	N
	Vodafone Enterprise U.K.	N
	Vodafone Limited	Y

(7) Certification Regarding Foreign Destination Markets⁸

CWAS certifies to the following: (A) it is not a foreign carrier in the United Kingdom or France, the two foreign destination markets in which the Amitié system will land; (B) it does not control a foreign carrier in the United Kingdom or France; (C) an entity owning more than 25 percent of it or controlling it controls foreign carriers in the United Kingdom and France, as

⁸ See *id.* § 1.767(a)(8)(iii).

noted in Table 1 above; and (D) no grouping of two or more foreign carriers in the United Kingdom or France (or parties that control foreign carriers in the United Kingdom or France) 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, or use of capacity on the Amitié cable system in the United States.

(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets⁹

No response is required.

(9) Certification Regarding Routine Conditions¹⁰

CWAS certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

(10) Streamlining—Market Power¹¹

CWAS requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). CWAS certifies that it is not a foreign carrier and is affiliated with foreign carriers in the United Kingdom and France, the two foreign destination markets in which the Amitié system will land. As noted in Table 1 above, CWAS is affiliated with foreign carriers in the United Kingdom and France. Each of these affiliated foreign carriers has far less than fifty percent market share in either the international-transport or local access-markets of each of the United Kingdom and France. Moreover, none of these affiliated foreign carriers appear on the Commission's list of

⁹ See *id.* § 1.767(a)(8)(iv).

¹⁰ See *id.* § 1.767(a)(9).

¹¹ See *id.* § 1.767(j), (k).

foreign carriers presumed to have market power in the United Kingdom and France.¹² These affiliated foreign carriers therefore pose no risk to competition on the U.S.-U.K. and U.S.-France routes. Accordingly, CWAS qualifies for presumptive nondominant treatment pursuant to 47 C.F.R. §§ 63.10(a)(3) and 63.12(c)(1)(ii).

(11) Streamlining—CZMA¹³

CWAS certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). Massachusetts, the only U.S. state in which the Amitié system will land, does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.¹⁴

¹² *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).

¹³ *See id.*

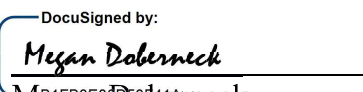
¹⁴ *See* Massachusetts Office of Coastal Management, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/data/czm/consistency/media/ma.pdf>.

CERTIFICATION

On behalf of CWAS, I certify that all the information contained in this application and Appendix C is true and correct to the best of my knowledge and belief.

Cable & Wireless Americas Systems, Inc.

Ari Q. Fitzgerald
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555 Thirteenth Street, NW
Washington, DC 20004
+1 202-637-5423
ari.fitzgerald@hoganlovells.com
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DocuSigned by:

Megan Doberneck
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August 7, 2020

APPENDIX D:

Microsoft Infrastructure Group, LLC

Microsoft Infrastructure Group, LLC (“Microsoft Infrastructure,” FRN 0024920977), a Washington limited liability company with its principal place of business in Redmond, Washington, will (together with its affiliates) hold participation and voting interests in the Amitié submarine cable system, as described in part I.E of the main narrative application. Microsoft Infrastructure is a wholly-owned, direct subsidiary of Microsoft Corporation, a Washington corporation with its principal place of business in Redmond, Washington.

Microsoft Infrastructure owns assets facilitating the provision of Microsoft cloud services. Microsoft Infrastructure is a cable landing licensee for the Marea and New Cross Pacific (“NCP”) cable systems.¹ Below, Microsoft Infrastructure provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

(1) Applicant’s Name, Address, and Telephone Number²

Microsoft Infrastructure Group, LLC
One Microsoft Way
Redmond, Washington 98052
+1 425 882 8080

(2) Applicant’s Place of Incorporation³

Microsoft Infrastructure is a Washington limited liability company.

(3) Contact Information⁴

Correspondence concerning the application should be sent to the following:

¹ File No. SCL-LIC-20160525-00012 (Marea), SCL-LIC-20151104-00029 (NCP).

² See 47 C.F.R. § 1.767(a)(1).

³ See *id.* § 1.767(a)(2).

⁴ See *id.* § 1.767(a)(3).

Gunnar Halley
Assistant General Counsel
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Redmond, Washington 98052
+1 425 703 3651
gunnarh@microsoft.com

and

Kent Bressie
Harris, Wiltshire & Grannis LLP
1919 M Street, N.W., Suite 800
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+1 202 730 1337
kbressie@hwglaw.com

Counsel for Microsoft Infrastructure Group, LLC

(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁵

Microsoft Infrastructure certifies that it has the following 10-percent-or-greater direct or indirect interest holders, based on the most current data as of January 1, 2020:

Microsoft Corporation

Address: One Microsoft Way, Redmond, Washington 98052

Citizenship: Washington

Principal Business: software and technology

Relationship: Microsoft Corporation holds a 100-percent voting and equity interest in Microsoft Infrastructure.

Microsoft Corporation's shares trade publicly on the NASDAQ Stock Market under the symbol "MSFT." As there is an active market in Microsoft Corporation's shares, Microsoft Corporation's share ownership is always fluid. Moreover, Microsoft Corporation can ascertain its significant shareholders only on the basis of its records and may not know of possibly related or affiliated shareholders that are not disclosed to it. Recognizing these limitations, as of the

⁵ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

most recent measurable date, January 1, 2020, Microsoft Corporation has no 10-percent-or-greater direct or indirect shareholders.

Microsoft Infrastructure further certifies that no corporate officer or director of Microsoft Infrastructure is also an officer or director of any foreign carrier.

(5) Certification Regarding the Anti-Drug Abuse Act of 1988⁶

Microsoft Infrastructure certifies 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.⁷

(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations⁸

Microsoft Infrastructure certifies that it:

(A) is not a foreign carrier in any foreign destination market;^[11]

(B) does not own or control a cable landing station in any foreign destination market;

(C) is not affiliated with any foreign carrier and is not affiliated with any foreign carrier providing international telecommunications services or owning or controlling a cable landing station in any foreign destination market (although it is affiliated with Microsoft Datacenter Netherlands B.V, an entity that holds a non-controlling ownership interest in a cable landing station in Bilbao, Spain).

(7) Certification Regarding Foreign Destination Markets⁹

Microsoft Infrastructure certifies to the following: (A) it is not a foreign carrier in the United Kingdom or France, the two foreign destination markets in which the Amitié system will

⁶ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

⁷ 21 U.S.C. § 862(a). The Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, title V, § 5301, 102 Stat. 4181, 4310 (1988), 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 the Crime Control Act of 1991, Pub. L. No. 101-647, title X, § 1002(d)(1), 104 Stat. 4789, 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

⁸ See 47 C.F.R. § 1.767(a)(8)(ii).

⁹ See *id.* § 1.767(a)(8)(iii).

land; (B) it does not control a foreign carrier in the United Kingdom or France; (C) no entity owning more than 25 percent of it or controlling it controls a foreign carrier providing international telecommunications services in the United Kingdom or France; and (D) no grouping of two or more foreign carriers in the United Kingdom or France (or parties that control foreign carriers in the United Kingdom or France) 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, or use of capacity on the Amitié cable system in the United States.

(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets¹⁰

No response is required.

(9) Certification Regarding Routine Conditions¹¹

Microsoft Infrastructure certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

(10) Streamlining—Market Power¹²

Microsoft Infrastructure requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). Microsoft Infrastructure certifies that it is not a foreign carrier and is not affiliated with a foreign carrier providing international telecommunications services in the United Kingdom or France, the two foreign destination markets in which the Amitié system will land.

¹⁰ See *id.* § 1.767(a)(8)(iv).

¹¹ See *id.* § 1.767(a)(9).

¹² See *id.* § 1.767(j), (k).

(11) Streamlining—CZMA¹³

Microsoft Infrastructure certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). Massachusetts, the only U.S. state in which the Amitié system will land, does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.¹⁴

¹³ *See id.*

¹⁴ *See* Massachusetts Office of Coastal Management, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/data/czm/consistency/media/ma.pdf>.

CERTIFICATION

On behalf of Microsoft Infrastructure, I certify that all the information contained in this application and Appendix E is true and correct to the best of my knowledge and belief.

Microsoft Infrastructure Group, LLC



Andrea Garrison
Partner, Cloud Interconnection & Acquisitions
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Kent Bressie
Colleen Sechrest
Harris, Wiltshire & Grannis LLP
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*Counsel for
Microsoft Infrastructure Group, LLC*

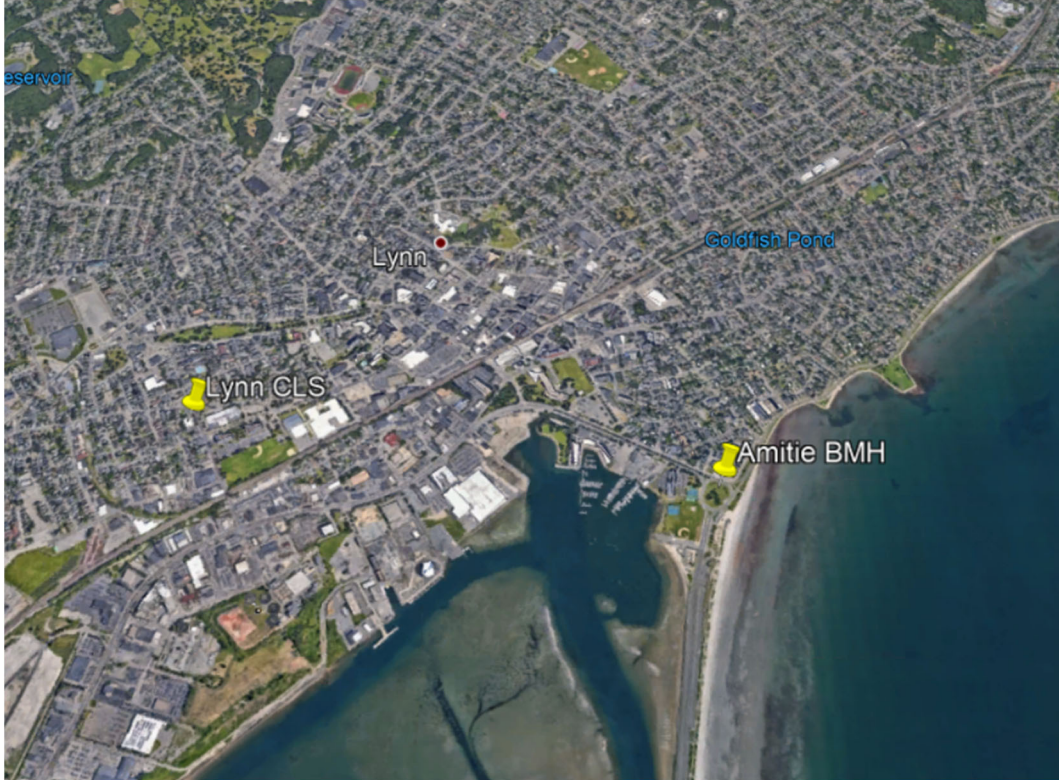
August ³[●], 2020

APPENDIX E:
AMITIÉ ROUTE MAP



APPENDIX F:

LYNN, MASSACHUSETTS LANDING POINT INFORMATION



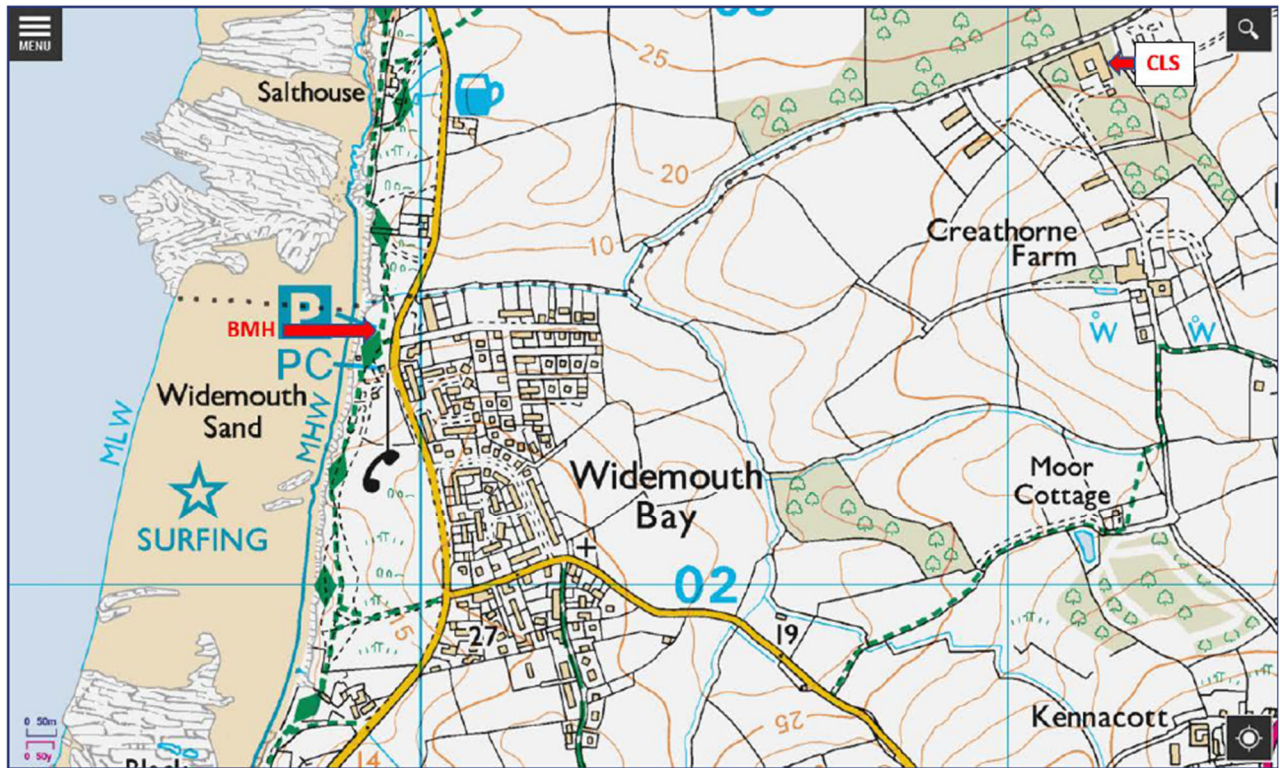
Beach manhole geographic coordinates: 42° 27.4240' N, 70° 56.2000' W

Cable landing station geographic coordinates: 42° 27.574' N, 70° 57.648' W

Cable landing station street address: 91 Commercial Street, Lynn, Massachusetts 01905

APPENDIX G:

BUDE, UNITED KINGDOM LANDING POINT INFORMATION



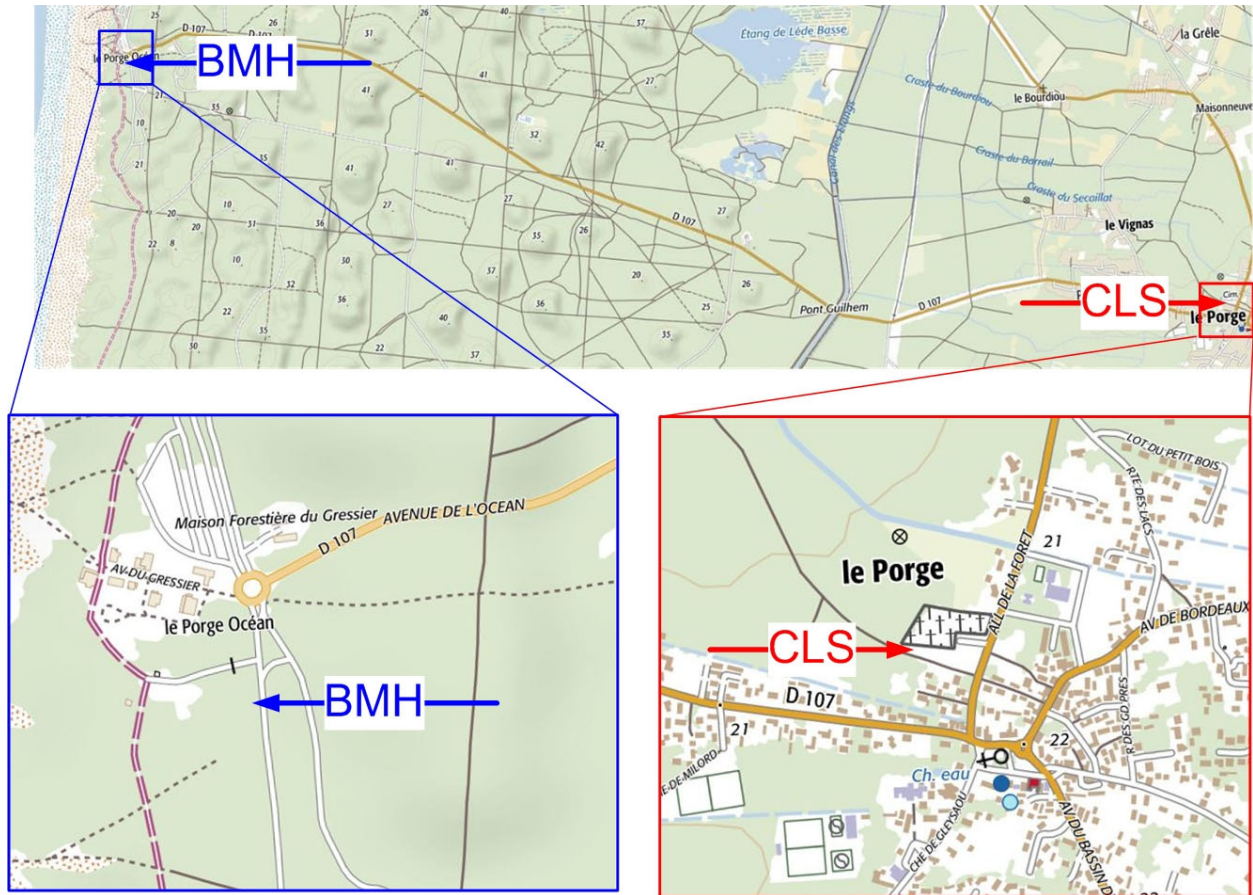
Beach manhole geographic coordinates: 50° 47.5990' N, 4° 33.3930' W

Cable landing station geographic coordinates: 50° 47.872' N, 04° 32.366' W

Cable landing station street address: Creathorne Farm, Bude, United Kingdom

APPENDIX H:

LE PORGE, FRANCE LANDING POINT INFORMATION



Beach manhole geographic coordinates: 44° 53.5322' N, 1° 12.7495' W

Cable landing station geographic coordinates: 44°52'28.52"N, 1° 5'42.17" W

Cable landing station street address: Cimetière – lieudit, Le Bourg Nord, 33680 Le Porge, France

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 Amitié submarine cable system, by hand delivery or electronic mail this 7th day of August, 2020, to the following:

Douglas May
Deputy Coordinator
International Communications and Information Policy
Bureau of Economic and Business Affairs
U.S. DEPARTMENT OF STATE
EB/CIP : Room 4634
2201 C Street, N.W.
Washington, D.C. 20520-4634

Kathy Smith
Chief Counsel
U.S. DEPARTMENT OF COMMERCE/NTIA
14th Street and Constitution Avenue, N.W.
Room 4713
Washington, D.C. 20230

William E. Brazis II
General Counsel
DEFENSE INFORMATION SYSTEMS AGENCY
6910 Cooper Avenue
Fort Meade, Maryland 20755

A handwritten signature in dark ink, appearing to read 'Kent Bressie', is written over a horizontal line.

Kent Bressie