

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

---

In the Matter of )  
 )  
 )  
**BRASIL TELECOM OF AMERICA, INC.** ) FCC File No. SCL-MOD-2009\_\_  
 )  
Cable Landing License Modification – )  
Request to Relinquish Cable Landing License )  
 )

---

**CABLE LANDING LICENSE MODIFICATION  
REQUEST TO RELINQUISH CABLE LANDING LICENSE**

Brasil Telecom of America Inc. d/b/a GlobeNet (“GlobeNet”) by its undersigned counsel, hereby respectfully requests that the Commission cancel the BUS-1 cable landing license (“License”) released by the Commission on December 6, 1996, in FCC File No. SCL-LIC-19961026-00001.

The BUS-1 Cable System (“BUS-1”) extended between the United States and Bermuda.<sup>1</sup> GlobeNet was assigned the License in 2003 at the time it acquired out of bankruptcy the Atlantica-1 Cable System (“Atlantica-1”), currently known as the GlobeNet Cable System.<sup>2</sup> The GlobeNet Cable System is a non-common carrier system that operates as a ring system, with landing points in New Jersey, Florida, Bermuda, Venezuela, and Brazil.

---

<sup>1</sup> See TeleBermuda International, L.L.C., Application for a License to Land and Operate a Private Submarine Fiber Optic Cable between the United States and Bermuda, File No. SCL-LIC-19961026-00001, formerly File No. SCL-95-009, Cable Landing License, 11 FCC Rcd 21141 (TD/IB 1996).

<sup>2</sup> See Actions Taken Under Cable Landing License Act, Public Notice DA No. 03-1063, FCC File No. SCL-ASG-20030205-0004, released April 2, 2003.

In 1999, the BUS-1 ceased to operate as a stand alone cable system. At that time, GlobeNet Communications Group Limited (“GlobeNet Communications”), the ultimate owner of BUS-1, decided to incorporate the assets of BUS-1 into a new cable system it was designing, the Atlantica-1. On June 2, 1999, GlobeNet Communications’ indirect subsidiary, Atlantica USA LLC (“Atlantica”) filed the license application for Atlantica-1. In the application, Atlantica specifically stated that the new cable system would incorporate and upgrade the existing fiber used by BUS-1 on the New Jersey to Bermuda segment of Atlantica-1.

When the FCC issued the Atlantica-1 cable license, the FCC recognized that the BUS-1 cable would no longer be a stand-alone cable, but would become an integral part of the Atlantica-1 cable.<sup>3</sup> Therefore the BUS-1 license was superseded by the Atlantica-1 license, and for all intents and purposes, upon completion of Atlantica-1, BUS-1 ceased to exist. Therefore, Atlantica-1 operates pursuant to its own license, and is not dependent on the BUS-1 license.

As further evidence of the need to cancel the License, for the last ten years, the owners of Atlantica-1 (now known as the GlobeNet Cable System) have treated the system as one system, not two, for both marketing and FCC filing purposes. The FCC’s annual circuit status reports have also treated it as one cable system.<sup>4</sup> Rather than continue to have the FCC records reflect a separate license for a cable system that is no longer in operation, GlobeNet encourages the FCC staff to clean up the Commission’s records and cancel the License.

---


<sup>3</sup> *In the Matter of Atlantica USA LLC*, Cable Landing License, FCC File No. SCL-LIC-19990602-00010, DA 99-2778, rel. Dec. 10, 1999 at ¶ 5 (“Segment 5 [is] between St. David’s Bermuda and Tuckerton, New Jersey (currently the BUS-1 cable”).

<sup>4</sup> *See, e.g., International Bureau Report, 2007 Section 43.82 Circuit Status Data, March 2009*, at Table 7, page 33.

For the foregoing reasons, GlobeNet respectfully requests that the License for the BUS-1 Cable System be cancelled.

Respectfully submitted,

**Brasil Telecom of America, Inc.**

By: 

Ulises R. Pin  
Troy F. Tanner  
Bingham McCutchen LLP  
2020 K Street, N.W.  
Washington, D.C. 20006  
(202) 373-6000 (Tel)  
(202) 373-6001 (Fax)

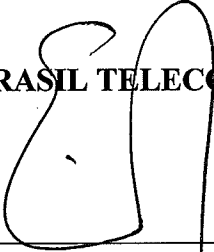
Its Counsel

Dated: September 25, 2009

**CERTIFICATION OF BRASIL TELECOM OF AMERICA INC.**

On behalf of Brasil Telecom of America Inc., I hereby certify that the statements in the Foregoing *Cable Landing License Modification – Request to Relinquish Cable Landing License*, for which Commission approval is sought, are true, complete and correct to the best of my knowledge, information and belief. I declare under penalty of perjury that the foregoing is true and correct.

**BRASIL TELECOM OF AMERICA INC.**



---

Erick W. Contag  
Chief Operating Officer

Date: September 17, 2009



CERTIFICATE OF SERVICE

I, Troy F. Tanner, hereby certify that on this the 25th day of September 2009, I served a copy of the foregoing document *via* First Class Mail, postage pre-paid (unless served by a method noted otherwise), to the following:

  
Troy F. Tanner

<p>Hillary Morgan Defense Information Systems Agency Code RGC 701 S. Courthouse Road Arlington, VA 22204 (via first class U.S. mail, postage prepaid)</p>	<p>Philip L. Verveer United States Coordinator for International Communications &amp; Information Policy EB/CIP U.S. Department of State 2201 C Street, N.W. Washington, D.C. 20520-5818 (via first class U.S. mail, postage prepaid)</p>
<p>David Krech International Bureau Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 (via electronic mail to David.Krech@fcc.gov)</p>	<p>Kathy Smith Office of Chief Counsel/NTIA U.S. Department of Commerce 14<sup>th</sup> Street and Constitution Ave., N.W. Washington, D.C. 20230 (via first class U.S. mail, postage prepaid)</p>
<p>Susan O'Connell International Bureau Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 (via electronic mail to Susan.O'Connell@fcc.gov)</p>	