

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

FILED/ACCEPTED

DEC - 7 2006

Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	
Telefonica International Wholesale Services USA, Inc., Licensee, and)	SCL-MOD-2006 _____ - _____
)	
TI Wholesale Services Puerto Rico, Inc., Licensee.)	SCL-LIC-20000204-00003
)	
Joint Application for Modification to Submarine Cable Landing License And Request for Streamlined Treatment)	

**JOINT APPLICATION FOR MODIFICATION TO SUBMARINE CABLE
LANDING LICENSE AND REQUEST FOR STREAMLINED TREATMENT**

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States¹ and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, Telefonica International Wholesale Services USA, Inc. ("TIUSA") and TI Wholesale Services Puerto Rico, Inc. ("TIPR") (TIUSA and TIPR, collectively, "Applicants") hereby jointly seek Commission approval to a modification to their cable landing license, SCL-LIC-20000204-00003, for an additional segment to be located between their existing cable landing station at Puerto Rico and a new destination point in Colombia, as discussed herein (the "Application"). In support hereof, Applicants state as follows:

¹ 47 U.S.C. §§ 34-39 (Cable Landing License Act); *see also* Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301.

I. BACKGROUND

In an order dated August 10, 2000,² the International Bureau granted the joint application of the predecessors-in-name of TIUSA and TIPR³ for authority to land and operate a private fiber optic submarine cable system to be called the South America-1 Cable Network (“SAM-1 Cable Network”). In their February 2000 joint application, granted in the August 10, 2000 order, the Applicants indicated that they might sometime in the future request a modification of the cable landing license to include a landing point in Colombia.⁴ This Application seeks that modification.

II. APPLICATION

A. Description of Proposed Extension to SAM-1 Cable Network

The SAM-1 Cable Network is a private, non-common carrier fiber optic submarine cable system extending among: Boca Raton, Florida; Isla Verde, Puerto Rico; Fortaleza, Brazil; Salvador, Brazil; Rio de Janeiro, Brazil; Santos, Brazil; Las Toninas, Argentina; Valparaiso, Chile; Arica, Chile; Lurin, Peru; Puerto San Jos, Guatemala; and Puerto Barrios, Guatemala. The SAM-1 Cable Network is a 25,000-km system (22,000

² See *In re Telefonica SAM USA, Inc.*, 15 FCC Rcd 14915 (2000).

³ The corporate names of TIUSA and TIPR at the time the application was granted were Telefonica SAM USA, Inc. and Telefonica SAM de Puerto Rico, Inc., respectively, each of whom, through a series of intermediate holding companies, was an indirect, wholly-owned subsidiary of Telefonica, S.A. (“Telefonica”), a Spanish corporation. An internal reorganization led to name changes to Emergia USA, Inc. and Emergia Puerto Rico, Inc. See Public Notice, 16 FCC Rcd 11778 (2001). TIUSA and TIPR informed the Commission of their current name change in a letter dated September 12, 2005. See Letter from Maria Dolores Pizarro Figueroa, General Counsel, TIUSA and TIPR, to Marlene Dorch, Secretary, FCC, File No. SCL-LIC-20000204-00003 (Sept. 12, 2005). In a November 17, 2006 request for approval of a *pro forma* transfer of control, TIUSA and TIPR reiterated their request that the Commission update its records to reflect the corporate name changes. See Letter from Brett A. Snyder, counsel to TIUSA and TIPR, to Marlene H. Dorch, Secretary, FCC, at 1 n.1, File No. SCL-LIC-20000204-00003 (Nov. 17, 2006).

⁴ See *Telefonica SAM USA, Inc.*, 15 FCC Rcd at 14915 n.3.

km of submarine cable and 3,000 km of terrestrial links across Argentina, Chile, and Guatemala) in a self-healing ring architecture comprised of four fiber pairs ultimately capable of carrying 48 channels at 10 Gbps each. Current capacity on the SAm-1 Cable Network is 80 Gbps.⁵ Multiple upgrades are possible using dense wave division multiplexing up to 1.92 Tbps.

In this Application, the Applicants seek approval for a modification to their cable landing license only to add a submarine cable segment to the SAm-1 Cable Network between their existing cable landing station at Miramar, Puerto Rico and a new foreign destination point, Barranquilla, Colombia.

The SAm-1 Cable Network's undersea cable segments, including the proposed Puerto Rico-Colombia segment, and their capacity are summarized in Exhibit 1 hereto.

A map of the SAm-1 Cable Network showing the proposed Puerto Rico-Colombia segment is attached as Exhibit 2.

B. Information Required Under Section 1.767(a)

(1) *The name, address and telephone number(s) of the applicants.*

Telefonica International Wholesale Services USA, Inc.
Metro Office Park, Edificio 17
Suite 600
Guaynabo, Puerto Rico 00968
(787) 273-5629

TI Wholesale Services Puerto Rico, Inc.
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Suite 600
Guaynabo, Puerto Rico 00968
(787) 273-5629

⁵ Initial capacity of the SAm-1 Cable System was 40 Gbps but it was upgraded in 2004 to 80 Gbps. *See 2004 Section 43.82 Circuit Status Data*, 2005 FCC LEXIS 6913 at *8 (Dec. 2005).

- (2) *The Government, State, or Territory under the laws of which each corporate or partnership applicant is organized.*

TIUSA: Florida
TIPR: Puerto Rico

- (3) *The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed.*

Maria Dolores Pizarro Figueroa
Corporate Counsel
TI Wholesale Services Puerto Rico, Inc. and
Telefonica International Wholesale Services United Status, Inc.
Metro Office Park, Edificio 17
Suite 600
Guaynabo, Puerto Rico 00968

and

Richard Rubin
LeBoeuf, Lamb, Greene & MacRae, LLP
1875 Connecticut Avenue, NW, 12th Floor
Washington, DC 20009
(202) 986.8111 (voice)
(202) 956.3303 (fax)

- (4) *A description of the submarine cable, including the type and number of channels and the capacity thereof.*

The SAM-1 Cable Network is a matter of record with the Commission.⁶ The extension of the SAM-1 Cable Network proposed in this Application will add a new undersea link from Puerto Rico to Colombia. The new digital fiber optic segment will have a minimum design capacity of 10 Gbps per fiber pair on two fiber pairs. Each fiber pair will be capable of carrying a minimum of one wavelength of traffic. Exhibit 2 provides a route map showing the routing of the new segment.

⁶ File No. SCL-LIC-20000204-00003.

- (5) *A specific description of the cable landing stations on the shore of the United States and in foreign countries where the cable will land.*

The SAm-1 Cable Network extension will land at Isla Verde, Puerto Rico and Barranquilla, Colombia. At Isla Verde, Puerto Rico, the extension will utilize the existing beach manhole and cable terminal station owned by TIPR. The Isla Verde beach manhole is located on Calle José M. Tartak at 18° 26.608' N Latitude, 66° 01.277' W Longitude. The cable terminal station is located on Calle Loiza. At Barranquilla, Colombia, the SAm-1 Cable Network extension will land using the existing beach manhole and cable terminal station owned by PARAPAT, a Colombian trust containing the telecommunications infrastructure formerly owned by the national telecommunications service provider which was liquidated earlier this year.⁷ The Barranquilla beach manhole is located at: 11-00-30.9 N Latitude, 74-57-12.6 W Longitude. The cable terminal station is located at Km 06 Antigua Carretera Puerto Colombia, Ciudadela Universitaria in Barranquilla.

- (6) *A statement as to whether the cable will be operated on a common carrier or non-common carrier basis.*

The SAm-1 Cable Network, including the extension proposed herein, will continue to be operated on a non-common carrier basis as authorized by the Commission.

⁷ The trustee of PARAPAT is the government of Colombia and its beneficiary is Colombia Telecomunicaciones S.A. ESP, a Colombia entity that operates the national telecommunications network. Colombia Telecomunicaciones S.A. ESP is controlled by Telefonica.

- (7) *A list of the proposed owners of the cable system, including each U.S. cable landing station, their respective voting and ownership interests in each U.S. cable landing station, their respective voting interests in the wet link portion of the cable system, and their respective ownership interests by segment in the cable.*

The Puerto Rico cable landing station will continue to be owned by TIPR. The Colombia cable landing station is owned by PARAPAT as described in item 5 and footnote 6 above.

- (8) *For each applicant of the cable system, a certification as to whether the applicant is, or is affiliated with, a foreign carrier, including an entity that owns or controls a foreign cable landing station in any of the cable's destination markets. Include the citizenship of each applicant and information and certifications required in §§ 63.18(h) through (k), and in § 63.18(o), of this chapter.*

Each Applicant hereby certifies that it is not a foreign carrier but is affiliated with foreign carriers, as set forth more fully below.

§ 63.18(h). The name, address, citizenship and principal businesses of any person or entity that directly or indirectly owns at least ten percent of the equity of the applicant, and the percentage of equity owned by each of those entities (to the nearest one percent). The applicant shall also identify any interlocking directorates with a foreign carrier.

Name: Telefonica International Wholesale Services America S.A.
Address: Luis Alberto de Herrera 1248. Piso 4.
11300. Montevideo, Uruguay
Citizenship: Uruguay
Equity Owned: 100% of Applicants
Principal Business: Telecommunications

Name: Telefonica International Wholesale Services, S.L.
Address: Gran Via 28
28013 Madrid
Spain
Citizenship: Spain
Equity Owned: 100% of Applicants (indirect)
Principal Business: Telecommunications

Name: Telefonica, S.A.
Address: Gran Via 28
28013 Madrid
Spain

Citizenship: Spain
Equity Owned: 100% of Applicants (indirect)
Principal Business: Telecommunications

Telefonica is a publicly-traded company, and no person or entity owns, directly or indirectly, 10% or more of the Telefonica equity.

Maria Dolores Pizarro Figueroa, Eduardo Saravia and Guillermo Canete are directors of both TIPR and TIUSA. There are no other interlocking directorates.

§ 63.18(i). A certification as to whether or not the applicant is, or is affiliated with, a foreign carrier.

Each Applicant certifies that it is not a foreign carrier. However, each Applicant is affiliated with other foreign carriers in Argentina, Austria, Brazil, Canada, Chile, Colombia, Cuba, the Czech Republic, El Salvador, Guatemala, Italy, Mexico, Morocco, Peru, Spain, the United Kingdom, Uruguay and Venezuela.

§ 63.18(j).

The Applicants certify that they seek to extend the SAM-1 Cable Network to Colombia, where the Applicants are affiliated with a foreign carrier. More specifically, Telefonica, S.A., through subsidiaries, controls Colombia Telecomunicaciones S.A. ESP, the carrier with exclusive rights of use of the national telecommunications infrastructure in Colombia which is held in trust by PARAPAT. The Applicants certify that they do not seek herein to extend the SAM-1 Cable Network to any other country in which (1) either Applicant is a foreign carrier; or (2) either Applicant controls or together control a foreign carrier; or (3) two or more foreign carriers (or parties that control foreign carriers) together own more than 25 percent of either Applicant and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.

The Applicants also certify that, through a series of intermediate holding companies, they are indirect, wholly-owned subsidiaries of Telefonica, a Spanish corporation. Both TIUSA and TIPR are wholly-owned by Telefonica International Wholesale Services America S.A., a corporation organized under the laws of Uruguay. Telefonica International Wholesale Services America S.A. is wholly-owned by Telefonica International Wholesale Services, S.L., a Spanish corporation, which, in turn is 100% owned by Telefonica.

Through its subsidiary, Compañía Olympic, Telefónica holds a controlling interest in Telefónica Moviles Colombia S.A., a wireless carrier in Colombia.

Through its subsidiary, Telefónica Internacional S.A.U., a Spanish corporation, Telefónica holds a controlling interest in Colombia Telecomunicaciones S.A. ESP, the national wireline carrier in Colombia.

§ 63.18(k).

Each Applicant certifies that it is not a foreign carrier in Colombia. For purposes of this Application, the Applicants seek authority to extend the existing SAM-1 Cable Network to create a U.S.-Colombia route only. Colombia is a member of the World Trade Organization.

§ 63.18(o). A certification pursuant to §§ 1.2001 through 1.2003 of this chapter that no party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. 853a.

The Applicants certify, pursuant to Sections 1.2001 through 1.2003 of the Commission's rules, 47 C.F.R. §§ 1.2001-1.2003, that no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

- (9) *A certification that the applicant accepts and will abide by the routine conditions specified in paragraph (g) of this section.*

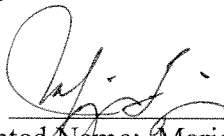
Applicant hereby certifies that it will abide by the routine conditions of Section 1.767(g) of the Commission's rules.

III. REQUEST FOR STREAMLINED TREATMENT

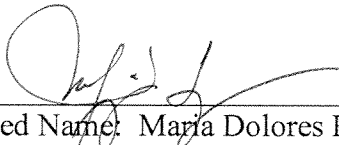
The Applicants request streamlined processing of the Application pursuant to section 1.767(j) and (k) of the Commission's rules, 47 C.F.R. § 1.767(j)-(k). The Applicants hereby certify that Colombia, the landing station market proposed in this Application, is a member of the World Trade Organization. The Applicants agree to accept and abide by the reporting requirements set out in Section 1.767(k)(1) of the Commission's rules.

Respectfully submitted,

Telefonica International Wholesale Services USA,
Inc.

By: 
Printed Name: Maria Dolores Pizarro Figueroa
Title: Corporate Counsel

TI Wholesale Services Puerto Rico, Inc.

By: 
Printed Name: Maria Dolores Pizarro Figueroa
Title: Corporate Counsel

Date: 12/7/2006

Exhibit 1

The Extension of the SAm-1 Cable system will add a new undersea segment, G1, between Puerto Rico and Colombia. Figure 1 below shows the existing configuration of the SAm-1 Network.

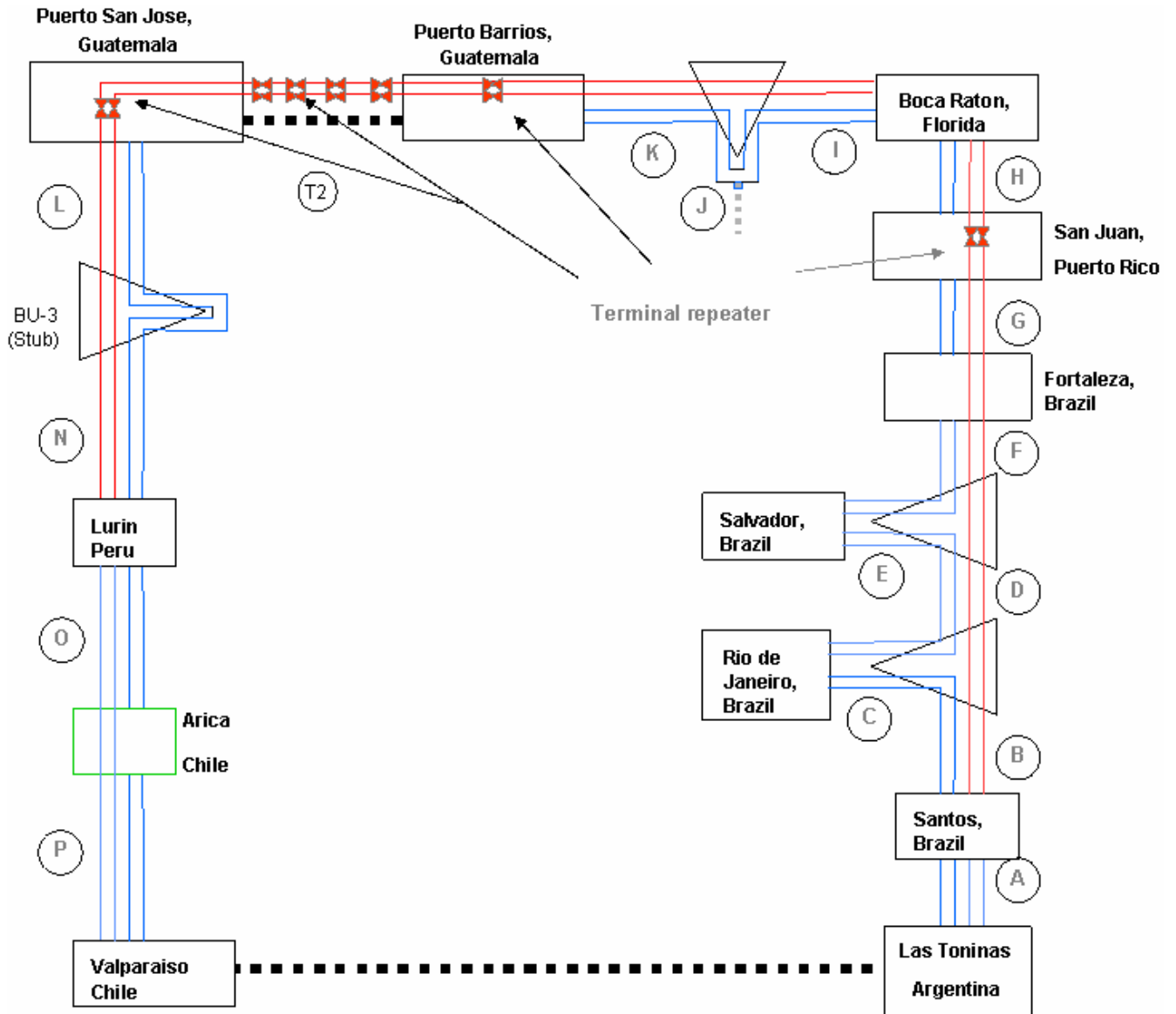


Figure 1. SAm-1 Configuration-Existing
(dotted lines indicate terrestrial fiber links)

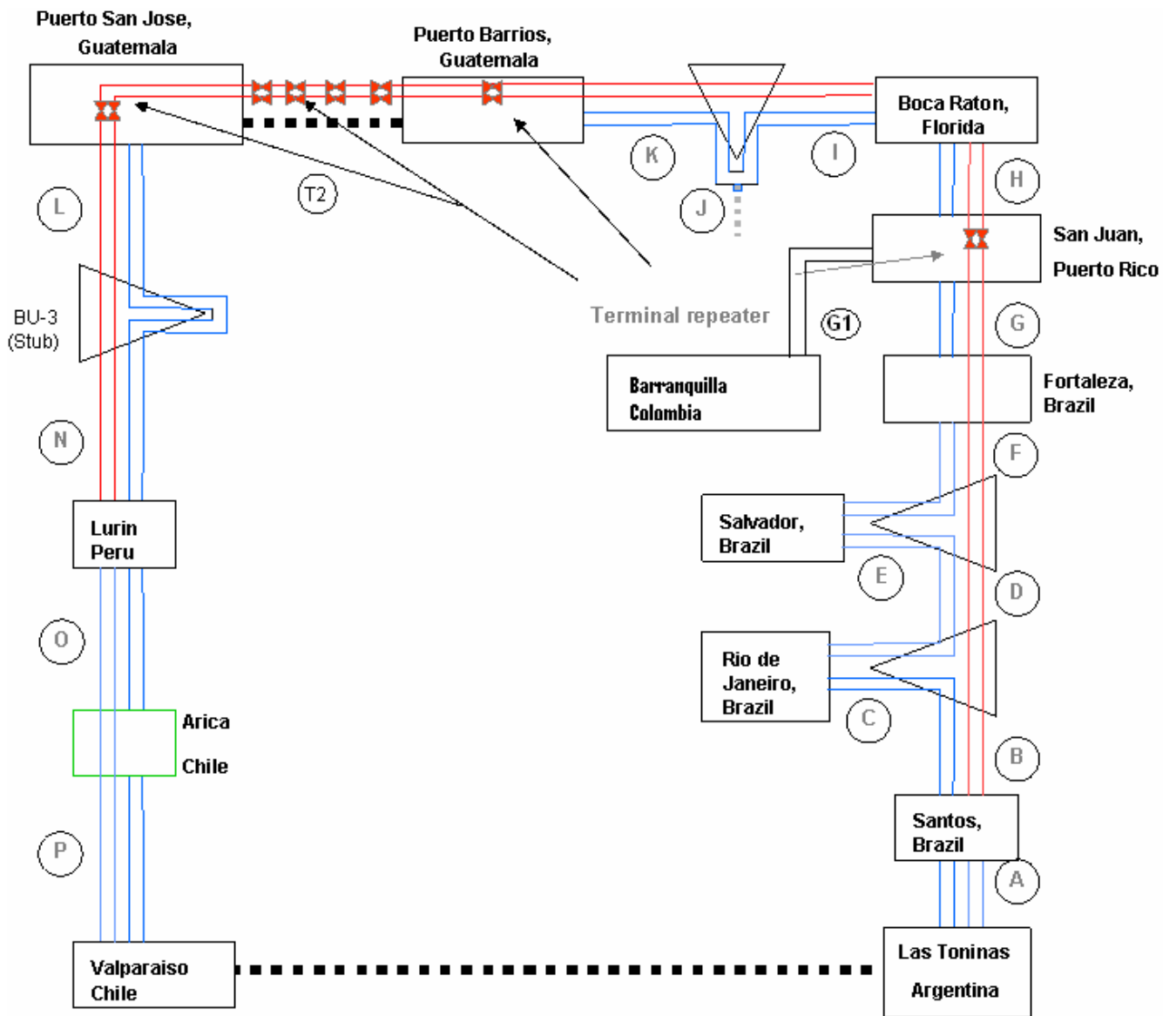
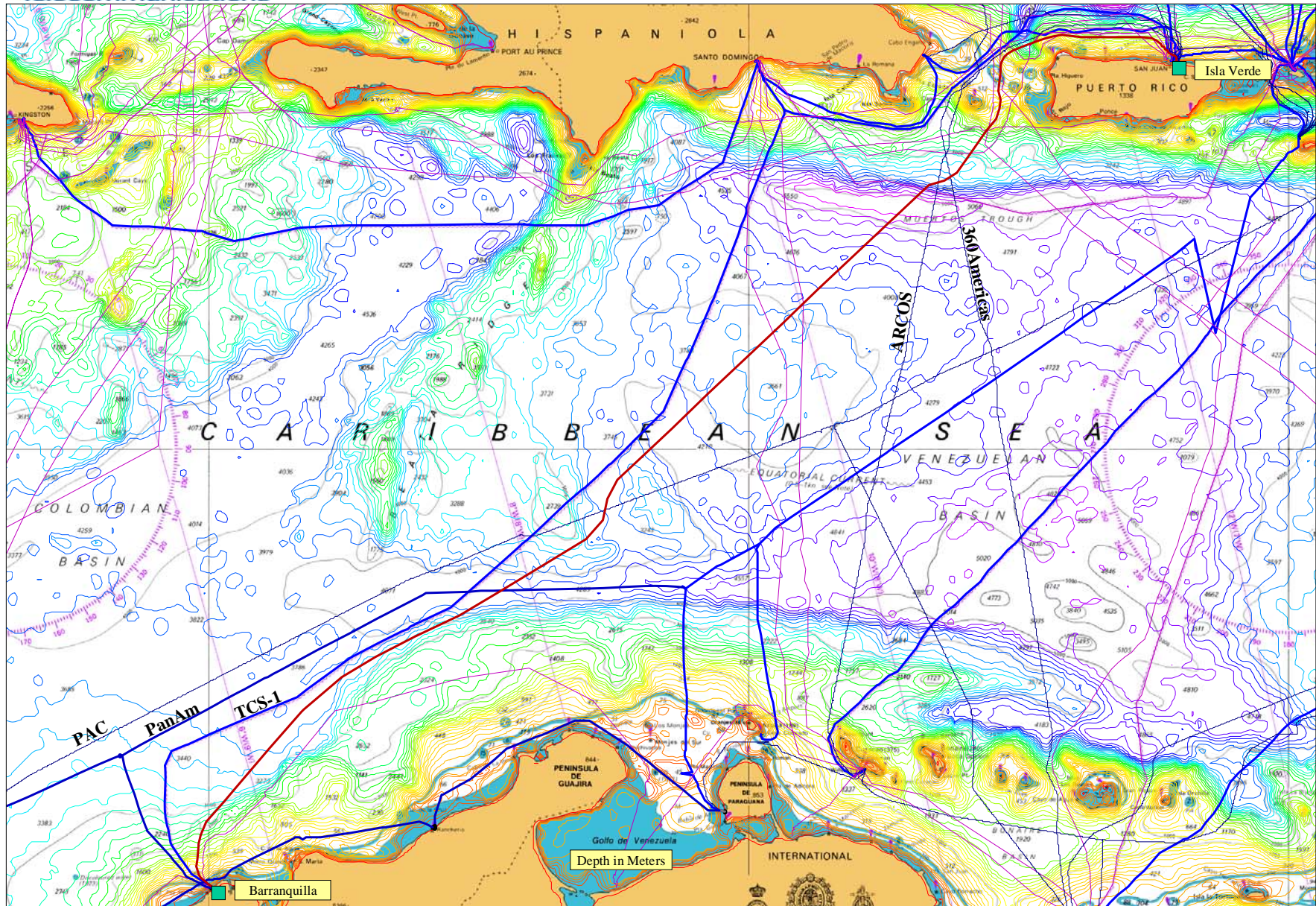


Figure 2. SAM-1 Configuration with Colombia extension
(dotted lines indicate terrestrial fiber links)

Telecommunications

System Overview



TYCO TELECOMMUNICATIONS (US) INC.

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DESKTOP STUDY GROUP


CERTIFICATE OF SERVICE

I hereby certify that I have served this 7th day of December, 2006 a copy of the foregoing document by first-class mail, postage prepaid upon the persons below:

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Brett A. Snyder