

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

In the Matter of	)	
	)	
GT Landing II Corp.	)	SCL-MOD-2011 _____ - _____
	)	
Application for Modification to Submarine Cable Landing License	)	SCL-LIC-19981103-00022

**APPLICATION FOR MODIFICATION TO  
SUBMARINE CABLE LANDING LICENSE  
(STREAMLINED PROCESSING REQUESTED)**

Pursuant to 47 U.S.C. §§ 34-39, Executive Order 10,530, and 47 C.F.R. § 1.767, GT Landing II Corp. (“GT Landing II”) respectfully seeks Commission approval of a modification to its license for the Pan American Crossing (“PAC”) submarine cable system, File No. SCL-LIC-19981103-00022, to add a segment with a new landing point located in Jaco, Costa Rica.

**I. BACKGROUND**

In an order dated March 18, 1999, the Commission granted GT Landing II’s predecessor-in-interest, PAC Landing Corp., authority to land and operate the PAC submarine cable system, on a non-common carrier basis.<sup>1</sup> In December 2008, PAC Landing Corp. merged with and into GT Landing II—which was then affiliated with PAC Landing Corp. through their common

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<sup>1</sup> *PAC Landing Corp.*, Cable Landing License, FCC File No. SCL-LIC-19981103-00022, 14 FCC Rcd 3989 (1998) (“*PAC License Order*”); *see also* Public Notice, *Non-Streamlined International Applications Accepted for Filing*, Report No. TEL-00530NS, at 3 (rel. May 17, 2002) (noting modification regarding conditions, under File No. SCL-MOD-20020415-00036).

ownership by Global Crossing Limited (“GCL”)—as part of an internal corporate restructuring. That transaction resulted in the *pro forma* assignment of the PAC license to GT Landing II.<sup>2</sup>

The PAC system is a private, non-common carrier, fiber-optic submarine cable system. It is part of an integrated, global network of non-common carrier undersea cables deployed by subsidiaries of GCL to support a “carrier’s carrier” business, leading to increased facilities-based competition and the development of a robust infrastructure with increased capacity.<sup>3</sup> That global undersea network also consists of the Atlantic Crossing-1, Atlantic Crossing-2, Mid-Atlantic Crossing, and South American Crossing submarine cable systems. GT Landing II is the sole licensee for each of those cable systems except Atlantic Crossing-2, for which GT Landing II is a co-licensee with Level 3 Communications, LLC.<sup>4</sup> In fact, GT Landing II is one of only a few industry participants to own and operate multiple private cables by itself.

Pursuant to its initial authorization, the PAC system consisted of nine segments, connecting Grover Beach, California; Tijuana and Mazatlan, Mexico; Fort Amador and Ambush Range, Panama; Puerto Viejo, Venezuela; and St. Croix, U.S. Virgin Islands. The system employs a self-healing, collapsed ring architecture, with wavelength division multiplexing. The PAC system initially supported 10 gigabits per second (“Gbps”) of transmission capacity on each fiber pair between terminal stations, upgradeable to a minimum of 40 Gbps using dense wavelength division multiplexing. The system has since been upgraded to its current capacity of 300 Gbps.

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<sup>2</sup> *Actions Taken Under Cable Landing License Act*, Public Notice, FCC File No. SCL-ASG-20090917-00029, 24 FCC Rcd 12423 (2009) (accepting notification of *pro forma* assignment of cable landing license from PAC Landing Corp. to GT Landing II).

<sup>3</sup> *See, e.g., PAC License Order* ¶ 6.

<sup>4</sup> In addition, GT Landing II’s affiliate, Global Crossing Americas Solutions, Inc. (“GCAS”), is a joint cable landing licensee for the Americas-II undersea cable system, a common-carrier, consortium-owned system in which GCAS holds a 0.04115-percent voting-and-equity interest.

In July 2008, prior to the *pro forma* assignment of the PAC license to GT Landing II, PAC Landing Corp. completed construction of an additional submarine cable segment branching off from the PAC system with a new landing point in Jaco, Costa Rica. This new Costa Rica segment of the PAC system enables the delivery of twenty-five Synchronous Transport Module One (“STM-1”) equivalents of bandwidth to the landing station. This segment also permits the interconnection of the Costa Rica network with the global network operated by various GCL subsidiaries. Global Crossing International Networks, Ltd., an affiliate of GT Landing II, owns the wet link portion of the Costa Rica segment. Neither GT Landing II nor any of its affiliates owns the landing station for the Costa Rica segment. Rather, that landing station is owned and operated by Instituto Costarricense de Electricidad (“ICE”), the incumbent telecommunications carrier in Costa Rica.<sup>5</sup>

On April 10, 2011, GT Landing II’s indirect parent corporation, GCL, entered into an amalgamation (or merger) agreement by which, *inter alia*, Level 3 Communications, Inc. would acquire control of GT Landing II and its cable landing licenses (including the PAC license). Applications seeking Commission consent to that transfer of control were filed on May 12, 2011 (IB Docket No. 11-78). In the course of preparing those applications, GT Landing II discovered that a modification of the PAC license to add the new Costa Rica segment inadvertently had not been sought.

GT Landing II regrets this unfortunate oversight. Accordingly, after consulting with staff of the International Bureau (and as noted specifically in the application seeking consent to the transfer of control of its cable landing licenses), GT Landing II immediately began to prepare the

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<sup>5</sup> ICE is presumed to possess market power in Costa Rica. See Public Notice, *The International Bureau Revises and Reissues the Commission’s List of Foreign Telecommunications Carriers That Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, DA 07-233, at 4 (rel. Jan. 26, 2007).

instant modification application as well as a request for Special Temporary Authority (“STA”) that would authorize the new Costa Rica segment pending processing of this modification application. The modification at issue would be subject to the same conditions applicable to the PAC license more generally.<sup>6</sup>

## II. INFORMATION REQUIRED BY SECTION 1.767

Pursuant to 47 C.F.R. § 1.767(a), GT Landing II provides the following information in support of the instant modification application:

### (1) Applicant’s Name, Address, and Telephone Number<sup>7</sup>

The applicant for purposes of this modification request is:

GT LANDING II CORP.  
225 Kenneth Drive  
Rochester, NY 14623  
(585) 255-1100

### (2) Applicant’s Place of Incorporation<sup>8</sup>

GT Landing II is a Delaware corporation.

### (3) Contact Information<sup>9</sup>

The Commission should address correspondence regarding this application to:

Paul Kouroupas  
Security Officer & Vice President, Regulatory Affairs  
GT LANDING II CORP.  
200 Park Avenue  
Suite 300  
Florham Park, NJ 07932  
(973) 937-0100  
Paul.Kouroupas@globalcrossing.com

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<sup>6</sup> PAC License Order ¶ 16; see also File No. SCL-MOD-20020415-00036.

<sup>7</sup> See 47 C.F.R. § 1.767(a)(1).

<sup>8</sup> See *id.* § 1.767(a)(2).

<sup>9</sup> See *id.* § 1.767(a)(3).

with a copy to:

Matthew A. Brill  
Brian W. Murray  
LATHAM & WATKINS LLP  
555 11th Street, N.W.  
Suite 1000  
Washington, DC 20004  
(202) 637-2200  
matthew.brill@lw.com  
brian.murray@lw.com

*Counsel for GT Landing II Corp.*

**(4) Description of the Submarine Cable, Including the Type and Number of Channels and the Capacity Thereof<sup>10</sup>**

The PAC system is a matter of record with the Commission.<sup>11</sup> The modification at issue relates to the addition of a new segment extending the PAC system to Jaco, Costa Rica, via a branching unit inserted into the existing system as illustrated in Exhibit 1. That branching unit broke the direct fiber path between the previously authorized landing points in Mazatlan, Mexico and Fort Amador, Panama, creating two new fiber paths between Mazatlan and Jaco and between Fort Amador and Jaco. These newly created segments support wet-plant designs of eight channels at 10 Gbps per fiber pair. As noted above, the Costa Rica segment will enable the delivery of twenty-five STM-1 equivalents of bandwidth to the landing station at Jaco.

**(5) Specific Description of the Cable Landing Station on the Shore of the United States and in Foreign Countries Where the Cable Will Land<sup>12</sup>**

The Costa Rica extension lands at Jaco, Costa Rica. In Jaco, the system utilizes the existing beach manhole and landing station owned and operated by ICE. The beach manhole is

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<sup>10</sup> See *id.* § 1.767(a)(4).

<sup>11</sup> See *PAC License Order* ¶¶ 3-4, 11, 14.

<sup>12</sup> See 47 C.F.R. § 1.767(a)(5).

located at 9° 31.3160' N, 84° 26.6650' W. The landing station is located in Jaco at Esterillos Parrita, 9° 52.94' N, 84° 44.22' W.

**(6) Statement as to Whether the Cable Will Be Operated on a Common Carrier or Non-Common Carrier Basis<sup>13</sup>**

The PAC system, including the Costa Rica extension, will continue to be operated on a non-common carrier basis.

**(7) List of the Proposed Owners of the Cable System<sup>14</sup>**

The cable landing station in Jaco, Costa Rica will continue to be owned by ICE. The wet link portion of the Costa Rica extension is owned by Global Crossing International Networks, Ltd. The ownership of the PAC system is otherwise unchanged.<sup>15</sup>

**(8) 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<sup>16</sup>**

GT Landing II certifies that it is not a foreign carrier, but that it is affiliated with foreign carriers as described below.

**(i) Name, Address, Citizenship, and Principal Businesses of Any Person or Entity that Directly or Indirectly Owns at Least 10 Percent of the Equity of the Applicant, and Interlocking Directorates<sup>17</sup>**

As of the filing of this modification application, GT Landing II certifies that it has the following 10-percent-or-greater shareholders:

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<sup>13</sup> See *id.* § 1.767(a)(6).

<sup>14</sup> See *id.* § 1.767(a)(7).

<sup>15</sup> PAC License Order ¶ 11.

<sup>16</sup> See 47 C.F.R. § 1.767(a)(8); see also *id.* §§ 63.18(h)-(k), (o).

<sup>17</sup> See *id.* § 63.18(h).

**Global Crossing North America, Inc. (“GCNA”)**

*Address:* 225 Kenneth Drive, Rochester, New York 14623-4277

*Citizenship:* New York, USA

*Principal Business:* telecommunications

*Relationship:* 100 percent owner of GT Landing II

**Global Crossing North American Holdings, Inc. (“GCNAH”)**

*Address:* 225 Kenneth Drive, Rochester, New York 14623-4277

*Citizenship:* Delaware, USA

*Principal Business:* holding company

*Relationship:* 100 percent owner of GCNA

**Global Crossing Holdings Limited (“GCHL”)**

*Address:* Wessex House, 45 Reid Street, Hamilton HM12, Bermuda

*Citizenship:* Bermuda

*Principal Business:* holding company

*Relationship:* owns 100 percent of GCNAH

**Global Crossing Limited (“GCL”)**

*Address:* Wessex House, 45 Reid Street, Hamilton HM12, Bermuda

*Citizenship:* Bermuda

*Principal Business:* Telecommunications

*Relationship:* 100 percent owner of GCHL

**STT Crossing Ltd (“STT Crossing”)**

*Address:* 10 Frere Felix de Valois Street, Port Louis, Mauritius

*Citizenship:* Mauritius

*Principal Business:* holding company

*Relationship:* owns approximately 59.9 percent of GCL

**STT Communications Ltd (“STT Communications”)**

*Address:* 51 Cuppage Road #09-01, StarHub Centre, Singapore 229469

*Citizenship:* Singapore

*Principal Business:* information communications

*Relationship:* owns 100 percent of STT Crossing

**Singapore Technologies Telemedia Pte Ltd (“ST Telemedia”)**

*Address:* 51 Cuppage Road #09-01, StarHub Centre, Singapore 229469

*Citizenship:* Singapore

*Principal Business:* investment holding company

*Relationship:* owns 100 percent of STT Communications

**Temasek Holdings (Private) Limited (“Temasek”)**

*Address:* 60B Orchard Road #06-18, The Atrium@Orchard, Singapore 238891

*Citizenship:* Singapore

*Principal Business:* investment holding company

*Relationship:* owns 100 percent of ST Telemedia

Temasek is wholly owned by the Government of Singapore through the Minister for Finance.

As noted above, pursuant to a proposed transaction now pending before the Commission, control of GT Landing II and the PAC license will be transferred to Level 3 Communications, Inc. The ownership of GT Landing II following consummation of that transaction has been set forth in the application seeking Commission consent to the transfer of control of the PAC license (and other submarine cable landing licenses) filed in IB Docket No. 11-78 on May 12, 2011. GT Landing II hereby incorporates that discussion by reference to the extent necessary for the Commission’s consideration of the instant modification application.

There are no interlocking directorates between GT Landing II and any foreign carrier.

**(ii) Certification Regarding Foreign Carrier Status, Foreign Affiliations, and World Trade Organization Status<sup>18</sup>**

By the signature below, GT Landing II certifies that it is not a foreign carrier. GT Landing II further certifies that it is presently affiliated with foreign carriers in Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Cambodia, Canada, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Ecuador, France, Germany, Hong Kong, India, Ireland, Italy, Japan, Korea, Laos, Malaysia, Mexico, the Netherlands, Norway, Pakistan, Panama, Peru, the Philippines, Singapore, Spain, Sri Lanka, Sweden, Switzerland, Taiwan, Thailand, Turkey, Ukraine, the United Kingdom, Uruguay, and Venezuela.

Following the proposed transaction involving Level 3 Communications, Inc., GT Landing II will cease to be affiliated with foreign carriers in Bangladesh, Cambodia, India,

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<sup>18</sup> See *id.* §§ 63.18(i), (j), (k).



Korea, Laos, Malaysia, Pakistan, the Philippines, Sri Lanka, Taiwan, and Thailand, where ST Telemedia or, to ST Telemedia's knowledge, one of its affiliates owns (directly or indirectly) more than 25 percent of a foreign carrier. As explained in the applications filed in IB Docket No. 11-78, through its acquisition by Level 3 Communications, Inc., GT Landing II will become affiliated with foreign carriers in Bulgaria, Finland, Hungary, Luxembourg, Poland, Romania, and Slovakia. The specific foreign carriers with which GT Landing II will be affiliated following that transaction are listed in those applications as well.

GT Landing II certifies that it seeks a limited modification of the PAC license to extend the PAC system to Costa Rica, where it is affiliated with a foreign carrier, Global Crossing Costa Rica S.R.L., a competitive provider of telecommunications in Costa Rica. GT Landing II and Global Crossing Costa Rica S.R.L. are both wholly owned, indirect subsidiaries of GCL and are under common control by GCL. Costa Rica is a World Trade Organization Member country.

**(iii) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>19</sup>**

By its signature below, GT Landing II certifies that it is not subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>20</sup>

**(9) Certification Regarding Compliance with Routine Conditions<sup>21</sup>**

By its signature below, GT Landing II certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

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<sup>19</sup> See *id.* § 63.18(o).

<sup>20</sup> 21 U.S.C. § 862(a). Public Law 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.

<sup>21</sup> See *id.* §§ 1.767(a)(9), (g).

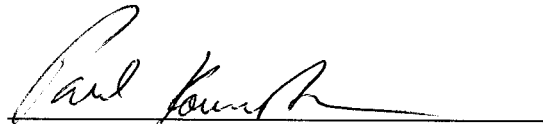
### III. REQUEST FOR STREAMLINED TREATMENT

GT Landing II requests streamlined processing of this application pursuant to sections 1.767(j) and (k) of the Commission's rules.<sup>22</sup> As noted above, Costa Rica, the market for the new landing point in the PAC system, is a member of the World Trade Organization. GT Landing II agrees to accept and abide by the reporting requirements set forth in section 1.767(l) of the Commission's rules.

### CONCLUSION

GT Landing II respectfully requests that the Commission consent to the requested modification of the PAC license.

Respectfully submitted,



Paul Kouroupas  
Security Officer & Vice President,  
Regulatory Affairs  
GT LANDING II CORP.  
200 Park Avenue, Suite 300  
Florham Park, New Jersey 07932  
(973) 937-0100

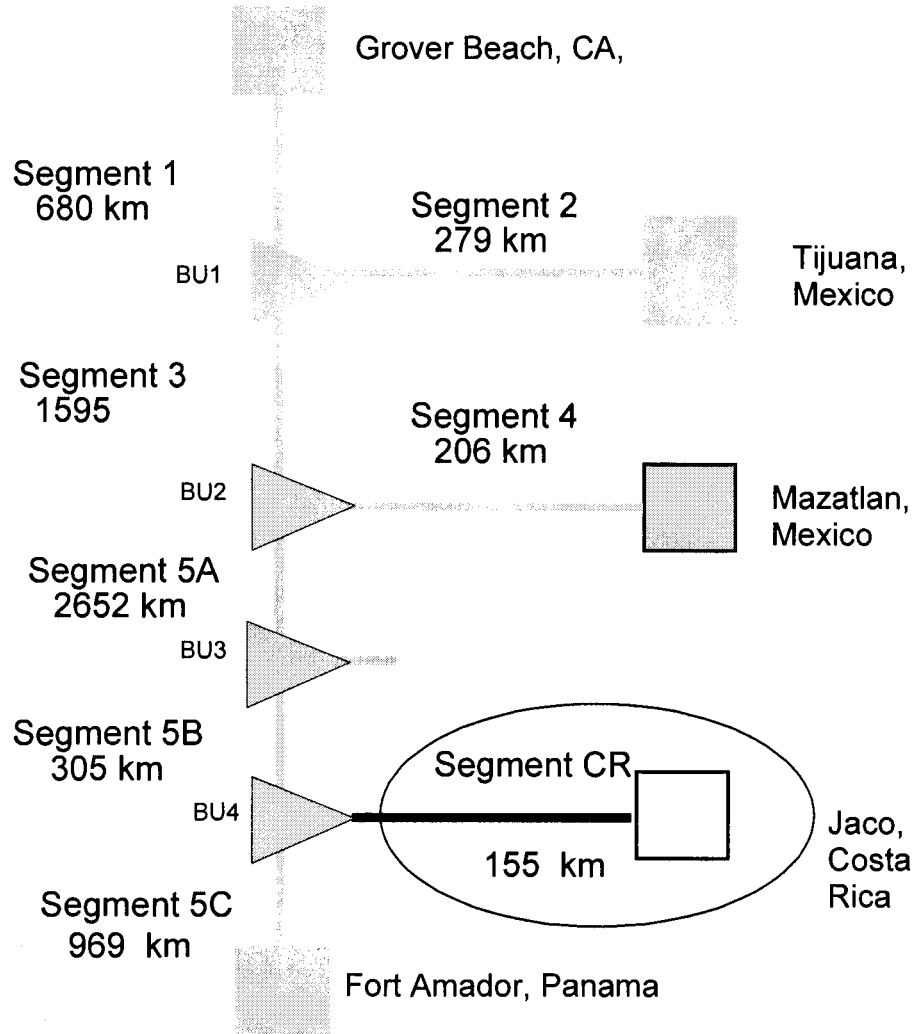
May 24, 2011

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<sup>22</sup> See *id.* §§ 1.767(j), (k)

### EXHIBIT 1

The Costa Rica station will connect into the existing PAC system via a branching unit as shown in figure 1 below.



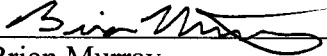
**CERTIFICATE OF SERVICE**

I hereby certify that consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing modification application by overnight delivery on this 29<sup>th</sup> day of May 2011, to the following:

Ambassador Philip Verveer  
U.S. Coordinator  
Int'l Communications & Information Policy  
Bureau of Economic and Business Affairs  
U.S. DEPARTMENT OF STATE  
EEB/CIP: Room 4826  
2201 C Street, N.W.  
Washington, D.C. 20520-5818

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

Hillary J. Morgan  
Deputy General Counsel, Regulatory &  
International Law  
DEFENSE INFORMATION SYSTEMS AGENCY  
6910 Cooper Avenue  
Fort Meade, Maryland 20755

  
\_\_\_\_\_  
Brian Murray