

NAKHOTA, LLC

*Legal and
Strategic
Solutions*

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VIA EMAIL

FILED ELECTRONICALLY VIA IBFS

28 September 2011

Ms Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554.

Re: Tricom U.S.A., Inc. Application to Relinquish Submarine Cable Landing Licenses Related to Submarine Cable License Transfer of Control: SCL-LIC-19980101-00036; SCL-LIC-19970421-00002; SCL-LIC-19990325-00006

Dear Ms Dortch:

Authorized carrier Tricom U.S.A., Inc. and its shareholders and members (collectively "Applicant" or "Tricom U.S.A."), hereby requests approval to relinquish its Cable Landing Licenses as identified below.

Pursuant to Section 1.767(h) and (k) of the Commission's rules, as updated by IB Docket No. 00-106, Tricom U.S.A. hereby applies to relinquish Submarine Cable Landing Licenses SCL-LIC-19990325-00006; SCL-LIC-19980101-00036 and SCL-LIC-19970421-00002 relating respectively to the Maya I, Americas II and Pan American Cable systems.

Tricom U.S.A. owns significantly less than five (5%) ownership in each submarine cable system for which it seeks to relinquish its license, whereas, AT&T and other U.S. cable owners own significantly larger shares and maintain cable landing licenses for the cable as issued to them by the Commission.¹ Specifically,

¹ In 1998 and 1999 the Commission authorized Tricom USA's predecessor-in-interest, along with several other companies, to construct and operate the Americas II Cable System (File Nos. SCL-98-003, SCL-08-003A); the Maya-I Cable System (File No. SCL-LIC-19990325-00006) and the Pan American Cable System (File No. SCL-97-001). See *AT&T Corp et al, Joint Applications for a License to*

Tricom U.S.A. owns 0.10% of Maya 1; 0.17% of Pan American 1 and 1.43% West, 0.28% North and 0.01% South of Americas II. Thus, Tricom U.S.A.'s relinquishment of its cable landing licenses will not have any competitive effect on any of the cables or their routes. Tricom U.S.A. does not own a cable landing station in the United States.

Simultaneously with the filing of this Application, notice of its application to relinquish its cable landing licenses by Tricom U.S.A. has been sent to each consortium member of each cable system, including each member holding a Cable Landing License issued by the Commission, informing each that Tricom U.S.A. hereby seeks to relinquish its cable landing licenses.

Tricom U.S.A. ceased providing its last prepaid card service, regulated under the Telecommunications Communications Act of 1934, as amended by the Telecommunications Act of 1996 in 2003 and ceased entirely to provide any service of any type, regulated or not, as of December 2010 as part of and as a result of the restructuring and reorganization of its parent, Tricom S.A.. Tricom U.S.A. has no subscribers and does not sell service to anyone, thus, there are no subscribers receiving service from Tricom U.S.A. on any of the cable systems or anywhere else and no subscribers will thereby be affected.

Tricom U.S.A. is not a foreign carrier. It is the wholly-owned subsidiary of Tricom S.A.. Tricom S.A. is a carrier registered and providing service in the Dominican Republic. Tricom S.A. is the only carrier with which Tricom U.S.A. is affiliated in accordance with Section 63.18 of the Commission's Rules, as shown in Attachment II hereto. The Dominican Republic is a WTO country and Tricom S.A. is non-dominant and does not have market power in the Dominican Republic in accordance with Section 63.12 of the Commission's Rules. As the result of a restructuring which began in approximately 2003 and ended on the Effective Date of the Reorganization Order of the U.S. Bankruptcy Court in April 2010, Tricom S.A., and thus Tricom U.S.A., is ultimately owned by the U.S. company that was Tricom S.A.'s largest creditor on the Effective Date, named Amzak Capital Management LLC ("Amzak"). The ownership structure is set forth in Attachment II. .

Tricom U.S.A. respectfully seeks streamlined treatment of its application so that it may complete its corporate dissolution and permit the Commission to close related matters open at the Commission and allow Tricom U.S.A. to exit the U.S. market in an orderly and expeditious fashion.² It further seeks streamlined treatment as it believes it qualifies for same under the Commission's Rules stated herein as well as under the International Bureau's IB Docket No. 00-106. Such treatment will fulfill the mission of that Docket of granting expeditiously, and by extrapolation, permitting relinquishment expeditiously of cable landing licenses.

The grant of the relinquishment application will serve the public interest as it will relinquish licenses issued by the Commission that are not being used and which have not been used for some time, and will allow for the conclusion of the orderly dissolution process of Tricom U.S.A.. Similarly, the grant of this

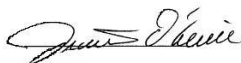
Land and Operate a Digital Submarine Cable System Among Florida, Puerto Rico, the U.S. Virgin Islands, Martinique, Curacao, Trinidad, Venezuela, French Guyana and Brazil, the Americas II Cable System, Cable Landing License, 13 FCC Rcd 22540 (1998); AT&T Corp. et al. Joint Applications for a License to Land and Operate a Digital Submarine Cable System Between the United States, the Cayman Islands, Columbia, Costa Rica, Honduras, Mexico and Panama, the Maya-1 Cable Network, Cable Landing License, 14 FCC Rcd 19456 (1999); Americatel Corp et al., Joint Application for a License to Land and Operate a Digital Submarine Cable System Between the U.S. Virgin Islands, Chile, Peru, Ecuador, Panama, Colombia, Venezuela and Aruba, the Pan American Cable System, Cable Landing License, 13 FCC Rcd 850 (1998). At the time the Commission granted the license for the Pan American Cable System, Tricom USA was known as Domtel Communications, Inc..

² Please see, SCL T/C 20100719-00014.

relinquishment application will not prejudice any action the Commission may take with respect to Tricom U.S.A. nor preclude any enforcement action.

Please contact the undersigned if you have any questions or require any additional information.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Judith D. O'Neill".

Judith D. O'Neill
Counsel to Tricom U.S.A.

CC: David Krech, International Bureau, FCC
Cc: U.S. Coordinator, EB/CIP, U.S. Dept. of State
Office of the Chief Counsel, NTIA
DISA, Code RGC

