

Streamlined

SCL-STA-20190826-00029

IB2019003093

Telxius Cable USA, Inc.

**Granted**

date: September 5, 2019

authorized by Chief, Telecommunications and Analysis Division, International Bureau

signature Renee Coca

Expires: March 3, 2020

Re: SCL-MOD-20190826-00028

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

*In the Matter of*

TELXIUS CABLE USA, INC.,  
TELXIUS CABLE PUERTO RICO, INC., AND  
TELXIUS CABLE AMÉRICA, S.A.

Request for Special Temporary Authority to  
Operate Segments Connecting Ecuador and Peru  
of the

THE SOUTH AMERICA-1 ("SAM-1") SYSTEM

File No. SCL-STA-2019-\_\_\_\_\_

SEP 05 2019

International Bureau

### REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Telxius Cable USA, Inc. ("Telxius USA," FRN 0006650618), Telxius Cable Puerto Rico, Inc. ("Telxius Puerto Rico," FRN 0022340921), and Telxius Cable América, S.A. ("Telxius América," FRN 0022340871) (together with Telxius USA and Telxius Puerto Rico, "Applicants") hereby request special temporary authority ("STA") to authorize segments of the South America-1 ("SAM-1") submarine cable system connecting Punta Carnero, Ecuador, and Mancora, Peru pending grant of an application to modify the cable landing license for the SAM-1 system, which they have concurrently filed with the Commission. The Applicants attach a copy of that license modification application as Exhibit 1 to this request and incorporate it by reference.

SAM-1 is a non-common carrier system connecting Florida; Puerto Rico, Argentina, Brazil, Chile, Colombia, Ecuador; Guatemala, and Peru. The Commission granted a cable

landing license for SAm-1 on August 10, 2000,<sup>1</sup> and SAm-1 entered commercial service on March 26, 2001. The Commission subsequently modified that cable landing license to authorize the extension of SAm-1 to Colombia,<sup>2</sup> and the Colombia spur entered commercial service in 2008. The Applicants have also applied to modify the SAm-1 Cable Landing License to add a landing in the Dominican Republic.<sup>3</sup>

Upon further review of the licensing history for the SAm-1 system, the Applicants and their current counsel discovered that no request had ever been filed with the FCC seeking to modify the SAm-1 Cable Landing License to add the segments connecting Punta Carnero, Ecuador, and Mancora, Peru, although those facilities have been referenced in other filings made with the Commission.<sup>4</sup> This omission was inadvertent, and the Applicants seek to remedy it in filing a license modification request in addition to this STA request.

In Exhibit 1, the Applicants provide complete details of: the Applicants; their ownership and affiliations; the facilities connecting the SAm-1 system to Punta Carnero, Ecuador, and Mancora, Peru (which were constructed in 2006 and 2007 and entered into commercial service on October 31, 2007); the ownership of those facilities; the Punta Carnero, Ecuador, and Mancora, Peru, landing points; regulatory status; and associated certifications and streamlining showings. The facilities in question consist of three segments. Segment M1 connects Branching Unit 3 on the original SAm-1 system to Branching Unit 3A, off the coast of Ecuador. Segment

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<sup>1</sup> *Telefónica SAM USA, Inc. and Telefónica SAM de Puerto Rico, Inc.*, Cable Landing License, 15 FCC Rcd. 14,915 (Int'l Bur. 2000) ("*SAm-1 Cable Landing License*").

<sup>2</sup> *Actions Taken Under Cable Landing License Act*, Public Notice, 22 FCC Rcd. 6630 (Int'l Bur. 2007).

<sup>3</sup> Application to Modify the SAm-1 Cable Landing License, FCC File No. SCL-MOD-20180905-00032 (filed Sept. 5, 2019) ("*SAm-1 DR Mod App*").

<sup>4</sup> *See, e.g., id.* at 2 and Appendix A.

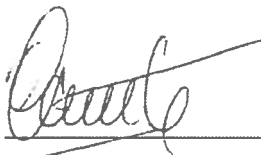
M2 connects Branching Unit 3A to a new landing at Punta Carnero, Ecuador (with the cable landing station located inland at Salinas). Segment M3 connects Branching Unit 3A to a new landing at Mancora, Peru.

The Applicants acknowledge that grant of this STA request will not prejudice action by the Commission on the underlying license modification application and that such STA is subject to cancellation or modification upon notice. Furthermore, the Applicants acknowledge that such STA can be revoked by the Commission on its own motion without a hearing.

## CONCLUSION

For the foregoing reasons, the Commission should expeditiously grant this STA request and the associated license modification application.

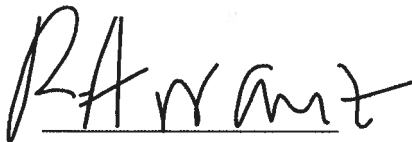
Respectfully submitted,



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1919 M Street, N.W., Suite 800  
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August 26, 2019

Attachment

**EXHIBIT 1:**

**APPLICATION TO MODIFY THE SAM-1 CABLE LANDING LICENSE**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

*In the Matter of*

TELXIUS CABLE USA, INC.,  
TELXIUS CABLE PUERTO RICO, INC., AND  
TELXIUS CABLE AMÉRICA, S.A.

Application for Authority to Operate Segments  
Connecting Ecuador and Peru, and Modify the  
Cable Landing License, for

THE SOUTH AMERICA-1 ("SAM-1") SYSTEM

File No. SCL-MOD-2019-\_\_\_\_\_

**APPLICATION TO MODIFY CABLE LANDING LICENSE—  
STREAMLINED PROCESSING REQUESTED**

Telxius Cable USA, Inc. ("Telxius USA," FRN 0006650618), Telxius Cable Puerto Rico, Inc. ("Telxius Puerto Rico," FRN 0022340921), and Telxius Cable América, S.A. ("Telxius América," FRN 0022340871) (together with Telxius USA and Telxius Puerto Rico, "Applicants") hereby apply to modify the cable landing license for the South America-1 ("SAM-1") submarine cable system to authorize segments connecting Punta Carnero, Ecuador, and Mancora, Peru. The Applicants request streamlined processing for this application pursuant to 47 C.F.R. § 1.767(k)(2), as none of the Applicants are affiliated with any foreign carrier with market power in Ecuador or Peru.

SAM-1 is a non-common carrier system connecting Florida; Puerto Rico; Argentina; Brazil; Chile; Colombia; Ecuador; Guatemala; and Peru. The Commission granted a cable

landing license for SAm-1 on August 10, 2000,<sup>1</sup> and SAm-1 entered commercial service on March 26, 2001. The Commission subsequently modified that cable landing license to authorize the extension of SAm-1 to Colombia,<sup>2</sup> and the Colombia spur entered commercial service in 2008. The Applicants have also applied to modify the SAm-1 Cable Landing License to add a landing in the Dominican Republic.<sup>3</sup>

Upon further review of the licensing history for the SAm-1 system, the Applicants and their current counsel discovered that no request had ever been filed with the FCC seeking modification of the SAm-1 Cable Landing License to add the segments connecting Punta Carnero, Ecuador, and Mancora, Peru, to the scope of the license, although those facilities have been referenced in other filings made with the Commission.<sup>4</sup> This omission was inadvertent, and the Applicants seek to remedy it in filing this license modification request and associated request for special temporary authority.

In part I of this application, the Applicants provide the information required by 47 C.F.R. § 1.767. In part II, the Applicants request streamlined processing for this application.

#### **I. COMPLIANCE WITH 47 C.F.R. § 1.767**

In accordance with 47 C.F.R. § 1.767 and Executive Order No. 10,530, the Applicants submit the following information:

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<sup>1</sup> *Telefónica SAM USA, Inc. and Telefónica SAM de Puerto Rico, Inc.*, Cable Landing License, 15 FCC Rcd. 14,915 (Int'l Bur. 2000) (“*SAm-1 Cable Landing License*”).

<sup>2</sup> *Actions Taken Under Cable Landing License Act*, Public Notice, 22 FCC Rcd. 6630 (Int'l Bur. 2007).

<sup>3</sup> Application to Modify the SAm-1 Cable Landing License, FCC File No. SCL-MOD-20180905-00032 (filed Sept. 5, 2019) (“*SAm-1 DR Mod App*”).

<sup>4</sup> *See, e.g., id.* at 2 and Appendix A.

(1) **Applicants' Names, Addresses and Telephone Numbers**<sup>5</sup>

The names, addresses, and telephone numbers of the Applicants are:

Telxius Cable USA, Inc.  
1111 Brickell Avenue, Suite 1800  
Miami, Florida 33131-3122  
+1 305 925 5256

Telxius Cable Puerto Rico, Inc.  
1111 Brickell Avenue, Suite 1800  
Miami, Florida 33131-3122  
+1 305 925 5256

Telxius Cable América, S.A.  
Avenida Luis Alberto de Herrera 1248, piso 4  
11300 Montevideo  
Uruguay  
+598 2 628 00 20

Telxius América is not currently a licensee for the SAM-1 Cable Landing License, as the Commission's then-extant rules did not require Telxius América to be a joint licensee.

Consistent with 47 C.F.R. § 1.767(h)(2) and their pending request to modify the SAM-1 Cable Landing License to authorize a landing in the Dominican Republic,<sup>6</sup> the Applicants request that the Commission add Telxius América as a joint licensee, as it owns a 5-percent-or-greater interest in the system (as described in part I(7) below) and uses the U.S. end points of SAM-1.

(2) **Applicants' Places of Incorporation**<sup>7</sup>

Telxius USA is a Florida corporation. Telxius Puerto Rico is a Puerto Rico corporation. Telxius América is a Uruguayan corporation.

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<sup>5</sup> See 47 C.F.R. § 1.767(a)(1).

<sup>6</sup> SAM-1 DR Mod App at 3; Letter from Kent D. Bressie, Harris, Wiltshire & Grannis LLP, as Counsel for the Applicants, to FCC Secretary Marlene H. Dortch, FCC File No. SCL-MOD-20180905-00032 (filed Nov. 16, 2018) (including certifications with respect to the existing components of the SAM-1 system pre-dating the proposed Dominican Republic spur).

<sup>7</sup> See 47 C.F.R. § 1.767(a)(2).



(3) **Contact Information for All Applicants**<sup>8</sup>

The Commission should address correspondence regarding this application to:

Miguel Garrido de las Heras  
General Counsel  
Telxius Telecom S.A.U.  
Ronda de la Comunicación s/n, Edificio Norte 2 -- Plata 1  
28050 Madrid, Spain  
+34 91 483 17 35  
miguel.garrido@telxius.com

*with copies to:*

Andrés J. Fígoli Pacheco  
Secretaría General  
Telxius Cable América, S.A.  
Telxius Telecom S.A.U.  
Ronda de la Comunicación s/n, Edificio Norte 2 -- Plata 1  
28050 Madrid, Spain  
+34 91 483 1732  
andres.figoli@telxius.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 the Applicants*

(4) **System Description**<sup>9</sup>

The facilities connecting the SAM-1 system to Punta Carnero, Ecuador, and Mancora, Peru, were constructed in 2006 and 2007 and entered into commercial service on October 31, 2007. They consist of three segments. Segment M1 connects Branching Unit 3 on the original

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<sup>8</sup> See *id.* § 1.767(a)(3).

<sup>9</sup> See *id.* § 1.767(a)(4).

SAM-1 system to Branching Unit 3A, off the coast of Ecuador. It has a length of 680 kilometers and has two fiber pairs. Segment M2 connects Branching Unit 3A to a new landing at Punta Carnero, Ecuador (with the cable landing station located inland at Salinas). It has a length of 112 kilometers and has two fiber pairs. Segment M3 connects Branching Unit 3A to a new landing at Mancora, Peru. It has a length of 226 kilometers and has two fiber pairs. The current design capacity of all fiber pairs of Segments M1, M2, and M3 is 4.8 Tbps. The other segments of SAM-1 remain unchanged. In Appendix A, the Applicants provide a route map of the existing SAM-1 system. In Appendix B, they provide a route map for Segments M1, M2, and M3.

(5) **Landing Points**<sup>10</sup>

In Appendix C, the Applicants provide specific location information for the beach manhole at Punta Carnero Ecuador, and the cable landing station at Salinas, Ecuador. In Appendix D, the Applicants provide specific landing point information for the beach manhole and cable landing station at Mancora, Peru.

(6) **Regulatory Status**<sup>11</sup>

With the addition of Segments M1, M2, and M3, SAM-1 has continued to operate on a non-common-carrier basis. The underlying facts supporting SAM-1's non-common-carrier status have not changed since the Commission first licensed SAM-1 in 2000.<sup>12</sup>

(7) **Cable Ownership Information**<sup>13</sup>

Telxius América owns Segment M1 and those portions of Segments M2 and M3 beyond the territorial seas of Ecuador and Peru. Telxius Cable Ecuador, S.A. ("Telxius Ecuador") owns

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<sup>10</sup> See *id.* § 1.767(a)(5).

<sup>11</sup> See *id.* § 1.767(a)(6).

<sup>12</sup> *SAM-1 Cable Landing License*, 15 FCC Rcd. at 14,919-14,924 ¶¶ 9-19.

<sup>13</sup> See 47 C.F.R. § 1.767(a)(7).

that portion of Segment M2 in the Ecuadorian territorial sea extending seaward from Punta Carnero, as well as the cable landing station at Salinas, Ecuador, which was constructed in 2007. Telxius Cable Perú, S.A.C. (“Telxius Perú”) owns that portion of Segment M3 in the Peruvian territorial sea extending from Mancora, Peru. Telefónica del Perú, S.A.C. (“Telefónica Perú”), owns and operates the cable landing station at Mancora, Peru. Ownership of SAM-1’s other segments remains unchanged.

(8) **Corporate Control and Affiliate Information**<sup>14</sup>

The Applicants submit the following information specified in 47 C.F.R. § 63.18(h) through (k) and 63.18(o):

(i) **Certification Regarding Ownership, Citizenship, Principal Businesses, and Interlocking Directorates**<sup>15</sup>

Each of the Applicants is a direct or indirect subsidiary of Telefónica S.A. (“Telefónica Parent”). Telxius USA and Telxius Puerto Rico certify that they have the following 10-percent-or-greater direct or indirect interest holders:

**Telxius Cable América, S.A. (“Telxius América”)**

*Address:* Avenida Luis Alberto de Herrera 1248, piso 4, 11300 Montevideo, Uruguay

*Place of Organization:* Uruguay

*Principal Business:* telecommunications

*Relationship:* Telxius América holds a 100-percent voting-and-equity interest in each of Telxius USA and Telxius Puerto Rico.

**Telxius Telecom, S.A.U. (“Telxius Parent”)**

*Address:* Distrito C, Calle Ronda de la Comunicación s/n, Edificio Central, 28050 Madrid, Spain

*Place of Organization:* Spain

*Principal Business:* telecommunications

*Relationship:* Telxius Parent holds a 100-percent voting-and-equity interest in Telxius América.

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<sup>14</sup> See *id.* § 1.767(a)(8).

<sup>15</sup> See *id.* § 63.18(h).

**Pontel Participaciones, S.L. (“Pontel”)**

*Address:* Distrito C, Calle Ronda de la Comunicación s/n, Edificio Central, 28050 Madrid, Spain

*Place of Organization:* Spain

*Principal Business:* holding company

*Relationship:* Pontel holds a 60-percent voting-and-equity interest in Telxius Parent.

**Telefónica S.A. (“Telefónica Parent”)**

*Address:* Distrito C, Calle Ronda de la Comunicación s/n, Edificio Central, 28050 Madrid, Spain

*Place of Organization:* Spain

*Principal Business:* telecommunications

*Relationship:* Telefónica Parent holds a 83.5percent voting-and-equity interest in Pontel.

**Taurus Bidco S.à r.l. (“KKR Bidco”)**

*Address:* 61, rue de Rollingergrund, L-2440 Luxembourg

*Place of Organization:* Luxembourg

*Principal Business:* investments

*Relationship:* KKR Bidco holds a 40.0-percent voting-and-equity interest in Telxius Parent and certain negative control rights summarized in the Commission’s public notice granting consent for the KKR Bidco investment in Telxius Parent.<sup>16</sup>

**Taurus Midco S.à r.l. (“KKR Midco”)**

*Address:* 61, rue de Rollingergrund, L-2440 Luxembourg

*Place of Organization:* Luxembourg

*Principal Business:* investments

*Relationship:* KKR Midco holds a 100-percent voting-and-equity interest in KKR Bidco.

**Taurus Topco S.à r.l. (“KKR Topco”)**

*Address:* 61, rue de Rollingergrund, L-2440 Luxembourg

*Place of Organization:* Luxembourg

*Principal Business:* investments

*Relationship:* KKR Topco holds a 100-percent voting-and-equity interest in KKR Midco.

**KKR Taurus Aggregator L.P.**

*Address:* 1155 Boulevard René-Lévesque Oeust, Montréal, Québec H3B3V2, Canada

*Place of Organization:* Quebec, Canada

*Principal Business:* investments

*Relationship:* KKR Taurus Aggregator L.P. holds a 100-percent voting-and-equity interest in KKR Topco.

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<sup>16</sup> See *Actions Taken Under Cable Landing License Act*, Public Notice, 32 FCC Rcd. 7514 (Int’l Bur. 2017).

The principal direct and indirect voting interests in KKR Taurus Aggregator L.P. are held by or through the following entities:

**KKR Taurus Aggregator GP Limited**

*Address:* c/o Maples Corporate Services Limited, PO Box 309, Ugland House, Grand Cayman, KY1-1104, Cayman Islands

*Place of Organization:* Cayman Islands

*Principal Business:* investments

*Relationship:* KKR Taurus Aggregator GP Limited is the general partner of KKR Taurus Aggregator L.P. and holds a 100-percent voting and a less-than-1-percent economic interest in KKR Taurus Aggregator L.P.

**KKR Global Infrastructure Investors II L.P.**

*Address:* c/o Kohlberg Kravis Roberts & Co. L.P., 9 West 57th Street, New York, New York 10019

*Place of Organization:* Cayman Islands

*Principal Business:* investments

*Relationship:* KKR Global Infrastructure Investors II L.P. is the sole shareholder of KKR Taurus Aggregator GP Limited and holds a 100-percent voting-and-economic interest in KKR Taurus Aggregator GP Limited. KKR Global Infrastructure Investors II L.P. is also a limited partner of KKR Taurus Aggregator L.P., with no direct voting interest and a 26.41-percent economic interest in KKR Taurus Aggregator L.P.

**KKR Taurus Co-Invest L.P.**

*Address:* c/o Kohlberg Kravis Roberts & Co. L.P., 9 West 57th Street, New York, New York 10019

*Place of Organization:* Quebec, Canada

*Principal Business:* investments

*Relationship:* KKR Taurus Co-Invest L.P. is a limited partner of KKR Taurus Aggregator L.P., with no voting interest and a 44.97-percent economic interest in KKR Taurus Aggregator L.P.

**KKR Associates Infrastructure II L.P.**

*Address:* c/o Kohlberg Kravis Roberts & Co. L.P., 9 West 57th Street, New York, New York 10019

*Place of Organization:* Cayman Islands

*Principal Business:* investments

*Relationship:* KKR Associates Infrastructure II L.P. is the general partner of KKR Global Infrastructure Investors II L.P. and holds a 100-percent voting and a 5-percent economic interest in KKR Global Infrastructure Investors II L.P.

**KKR Infrastructure II Limited**

*Address:* c/o Kohlberg Kravis Roberts & Co. L.P., 9 West 57th Street, New York, New York 10019

*Place of Organization:* Cayman Islands

*Principal Business:* investments

*Relationship:* KKR Infrastructure II Limited is the general partner of KKR Associates Infrastructure II L.P. and holds a 100-percent voting and a 99-percent economic interest in KKR Associates Infrastructure II L.P.

**KKR Financial Holdings LLC**

*Address:* 9 West 57th Street, New York, New York 10019

*Place of Organization:* Delaware

*Principal Business:* holding company

*Relationship:* KKR Financial Holdings LLC holds a 50-percent voting interest in KKR Infrastructure II Limited. KKR Financial Holdings LLC's economic interest in KKR Infrastructure II Limited is not a fixed percentage but is based on the investment returns allocable to KKR Associates Infrastructure II L.P. as the general partner of KKR Global Infrastructure Investors II L.P.

**KKR Fund Holdings L.P.**

*Address:* 9 West 57th Street, New York, New York 10019

*Place of Organization:* Cayman Islands

*Principal Business:* holding company

*Relationship:* KKR Fund Holdings L.P. holds a 50-percent voting interest in KKR Infrastructure II Limited. KKR Fund Holdings L.P.'s economic interest in KKR Infrastructure II Limited is not a fixed percentage but is based on the investment returns allocable to KKR Associates Infrastructure II L.P. as the general partner of KKR Global Infrastructure Investors II L.P. KKR Fund Holdings L.P. also holds a 100-percent voting-and-economic interest in KKR Financial Holdings LLC.

**KKR Fund Holdings GP Limited**

*Address:* 9 West 57th Street, New York, New York 10019

*Place of Organization:* Cayman Islands

*Principal Business:* general partner

*Relationship:* KKR Fund Holdings GP Limited is a general partner of KKR Fund Holdings L.P. and holds a 100-percent voting interest and no economic interest in KKR Fund Holdings L.P.

**KKR Group Holdings Corp.**

*Address:* 9 West 57th Street, New York, New York 10019

*Place of Organization:* Cayman Islands

*Principal Business:* holding company

*Relationship:* KKR Group Holdings Corp. is the sole shareholder of KKR Fund Holdings GP Limited and therefore holds a 100-percent voting-and-economic interest in KKR Fund Holdings GP Limited. KKR Group Holdings Corp. is also a general partner and a limited partner of KKR Fund Holdings L.P., in which it holds an approximate 63.3-percent economic interest as of July 31, 2019.

**KKR & Co. Inc.**

*Address:* 9 West 57th Street, New York, New York 10019

*Place of Organization:* Delaware

*Principal Business:* holding company

*Relationship:* KKR & Co. Inc. holds a 100-percent voting-and-economic interest in KKR Group Holdings Corp.

**KKR Management LLC (“KKR Management”)**

*Address:* 9 West 57th Street, New York, New York 10019

*Place of Organization:* Delaware

*Principal Business:* holding company

*Relationship:* KKR Management holds a 100-percent voting interest and no economic interest in KKR & Co. Inc.

No entity holds a 10-percent-or-greater direct or indirect economic interest in the Applicants through either KKR Global Infrastructure Investors II L.P. or KKR Taurus Co-Invest L.P. The economic interests in the Applicants that are held through KKR Bidco are held predominantly by investment funds, all of which are limited partnerships organized under the laws of Canada, the Cayman Islands, and England and Wales, all of which are member countries of the World Trade Organization (“WTO”).<sup>17</sup>

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<sup>17</sup> See *Members and Observers*, World Trade Organization (July 29, 2016), [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm). England and Wales are constituent countries of the United Kingdom, which is a WTO member country. The U.S. Government treats all British overseas territories, including the Cayman Islands, as subject to U.K. WTO commitments. See *Cable & Wireless USA, Inc.*, Order, Authorization & Certificate, 15 FCC Rcd. 3050, 3052 n.14 (Int’l Bur. 2000) (finding that Bermuda is subject to U.K. WTO commitments) (*citing* Letter from Robert E. Dalton, Assistant Legal Adviser for Treaty Affairs, U.S. Department of State, to Rebecca Arbogast, Chief, Telecommunications Division, FCC International Bureau, File No. ITC-214-19990709-

Telefónica Parent’s shares trade publicly on the Spanish electronic trading system (“Continuous Market”), where they form part of the “Ibex 35” Index, on the four Spanish Stock Exchanges (Madrid, Barcelona, Valencia and Bilbao) and on the London and Buenos Aires Stock Exchanges, and on the New York and Lima Stock Exchanges, through American Depositary Shares. As there is an active market in Telefónica Parent’s shares, Telefónica Parent’s share ownership is always fluid. Moreover, Telefónica 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, July 31, 2019, no Telefónica Parent shareholder holds an interest sufficient to give it a 10-percent-or-greater direct or indirect interest in any of the Applicants. In Appendices C and D, the Applicants provide diagrams illustrating these ownership interests.

Telxius USA, Telxius Puerto Rico, and Telxius América each certify that they have no interlocking directorates with foreign carriers.

(ii) **Certification Regarding Foreign Carrier Status and Foreign Affiliation**<sup>18</sup>

Each Applicant certifies that it:

(A) is not a foreign carrier in any foreign country;

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

(C) is affiliated with foreign carriers, including foreign carriers that control cable landing stations in foreign countries, as summarized in Table 1 below.

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00412, at 1 (Feb. 16, 2000) (stating that “it remains the Department’s position that, consistent with the Vienna Convention on the Law of Treaties and actions taken by the United Kingdom in accepting the WTO Agreement, the WTO Agreement applies to all British territories, including Bermuda and Gibraltar. The Office of the U.S. Trade Representative concurs in this view.”)).

<sup>18</sup> See 47 C.F.R. §§ 1.767(a)(8), 63.18(i).



**TABLE 1: FOREIGN AFFILIATIONS OF THE APPLICANTS**

Country	Entity	Owns/Controls Cable Landing Station? Y/N
Argentina	TIWS Argentina II S.A.	N
	Telxius Cable Argentina S.A.	Y
	Telefónica Móviles Argentina, S.A.	N
	Telefónica de Argentina, S.A.	Y
Austria	Telefónica International Wholesale Services II, S.L.U. (Austria branch)	N
Belgium	Telefónica International Wholesale Services II, S.L.U. (Belgium branch)	N
Bosnia and Herzegovina	Telemach d.o.o.	N
Brazil	Media Networks Soluções Digitais Ltda.	N
	Telefónica Brasil, S.A.	N
	Telxius Cable Brasil Limitada	Y
Bulgaria	Telefónica International Wholesale Services II, S.L. (Bulgaria branch)	N
Chile	Telefónica Chile, S.A.	Y
	Telxius Cable Chile S.A.	Y
	Telefónica Móviles Chile, S.A.	N
	TIWS Chile II, S.p.A.	N
Colombia	Colombia Telecomunicaciones, S.A. ESP	Y
	TIWS Colombia II S.A.S.	N
	Telxius Cable Colombia S.A.	N
Costa Rica	Telefónica de Costa Rica TC, S.A.	N
Cyprus	Telefónica International Wholesale Services II, S.L.U. (Cyprus branch)	N
Denmark	Telefónica International Wholesale Services II, S.L.U. (Denmark branch)	N
Dominican Republic	Telxius Cable Republica Dominicana, S.A.S.	Y
Ecuador	Otecel, S.A.	N
	Telxius Cable Ecuador S.A.	Y
	TIWS Ecuador II, S.A.	N
El Salvador	Telefónica Móviles El Salvador, S.A. de C.V.	N
Estonia	Telefónica International Wholesale Services II, S.L. Unipersonal Eesti filial	N
Finland	Telefónica International Wholesale Services II, S.L. Unipersonal Suomen sivuliike	N
France	Telefonica Global Solutions France	N
	Telefónica International Wholesale Services France SAS	N
Germany	E-Plus Mobilfunk GmbH	N

Country	Entity	Owns/Controls Cable Landing Station? Y/N
	Telefónica Germany GmbH & Co. OHG	N
Greece	TIWS Greece Telecommunications Services Company Limited Liability	N
Guatemala	Telxius Cable Guatemala, S.A.	Y
	Telefónica Móviles Guatemala, S.A.	N
Hong Kong	Telefónica International Wholesale Services , S.L.	N
Hungary	Telefónica International Wholesale Services Hungary Korlátolt Felelősségű Társaság	N
Italy	Telefónica International Wholesale Services II, S.L.U. (Italy branch)	N
Latvia	Telefónica International Wholesale Services, Latvia Sabiedriba ar ierobežotu atbildību	N
Luxembourg	TIWS Luxembourg Branch, Succursale de la société mère Telefónica International Wholesale Services II, S.L. Unipersonal	N
Malta	TIWS México, S.A. de C.V.	N
	Telefónica International Wholesale Services II, S.L.U (Malta branch)	N
Mexico	Pegaso PCS, S.A. de C.V.	N
Montenegro	Telemach A.D. Podgorica	N
Netherlands	Telefónica International Wholesale Services II, S.L., TIWS Netherlands	N
Nicaragua	Telefónica Celular de Nicaragua, S.A.	N
Norway	Telefónica International Wholesale Services II, S.L.U. (Norway branch)	N
Panama	Telxius Cable Panamá S.A.	Y
	Telefónica Móviles Panamá, S.A	N
Peru	Telefónica del Perú, S.A.C.	Y
	Telxius Cable Perú, S.A.C.	Y
	Telefónica Servicios TIWS SAC	N
Poland	Telefónica International Wholesale Services II, S.L. Unipersonal, (Spółka z ograniczoną odpowiedzialnością) Oddział w Polsce	N
Portugal	Telefónica International Wholesale Services II, S.L.U. (Portugal branch)	N
Romania	Telefónica International Wholesale Services II, Sociedad Limitada Unipersonal, Madrid – Sucursala Bucuresti	N
Serbia	Serbia Broadband – Srpske kablovske mreže d.o.o.	N
Slovakia	Telefónica International Wholesale Services II, S.L. Unipersonal organizačná zložka	N
Slovenia	Telefónica International Wholesale Services II, S.L. Unipersonal, telekomunikacije, podružnica v Sloveniji	N

Country	Entity	Owns/Controls Cable Landing Station? Y/N
	Telemach d.o.o.	N
	Tušmobil d.o.o.	N
Singapore	Telefónica Global Solutions, Singapore Pte. Ltd	N
Spain	Telefónica de España S.A.U.	Y
	Telefónica International Wholesale Services II, S.L.U.	N
	Telefónica Móviles España S.A.U.	N
	Telxius Cable España S.L.U.	N
Sweden	Telefónica International Wholesale Services Sweden AB	N
Switzerland	Telefónica International Wholesale Services II, S.L.U., (Switzerland branch)	N
United Kingdom	Telefónica UK, Ltd.	N
Uruguay	Telefónica Móviles del Uruguay, S.A.	N
Venezuela	Telefónica Venezolana, C.A.	N

(iii) **Certifications Regarding Destination Markets**<sup>19</sup>

Each of Telxius USA and Telxius Puerto Rico certifies to the following:

(A) it is not a foreign carrier in Ecuador or Peru, the two foreign destination markets in which the Segments M2 and M3 land;

(B) it does not control a foreign carrier in Ecuador or Peru;

(C) an entity owning and controlling it (Telefónica Parent) controls foreign carriers in Ecuador and Peru (Otecel, S.A., Telxius Ecuador, TIWS Ecuador II, S.A. Telefónica Perú, Telxius Perú, and Telefónica Servicios TIWS SAC); and

(D) no grouping of two or more foreign carriers in Ecuador or Peru (or parties that control foreign carriers in Ecuador or Peru) 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

<sup>19</sup> See *id.* §§ 1.767(a)(8), 63.18(j).

arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the SAM-1 cable system in the United States.

Telxius América certifies to the following:

(A) it is not a foreign carrier in Ecuador or Peru, the two foreign destination markets in which Segments M2 and M3 land;

(B) it controls foreign carriers in Ecuador and Peru (Telxius Ecuador and Telxius Peru);

(C) an entity owning and controlling it (Telefónica Parent) controls foreign carriers in Ecuador and Peru (Otecel, S.A., Telxius Ecuador, TIWS Ecuador II, S.A. Telefónica del Perú, S.A.C., Telxius Peru, and Telefónica Servicios TIWS SAC); and

(D) no grouping of two or more foreign carriers in Ecuador or Peru (or parties that control foreign carriers in Ecuador or Peru) 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 SAM-1 cable system in the United States.

(iv) **Certification Regarding WTO Status, Market Power, and the Effective Competitive Opportunities Test<sup>20</sup>**

No response is required, as the Applicants did not identify any non-WTO markets in response to 47 C.F.R. § 1.767(a)(8)(iii).

(v) **Certifications Regarding the Anti-Drug Abuse Act of 1988<sup>21</sup>**

Each Applicant certifies that no party to this application is subject to a denial of federal benefits that includes Commission benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

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<sup>20</sup> See *id.* §§ 1.767(a)(8), 63.18(k).

<sup>21</sup> See *id.* §§ 1.767(a)(8), 63.18(o).

(9) **Certifications Regarding Routine Conditions**<sup>22</sup>

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

(10) **Certification Regarding Service to Executive Branch Agencies**<sup>23</sup>

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

**II. REQUEST FOR STREAMLINED PROCESSING**

The Applicants request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2) and (k)(3). As identified in Table 1 above, the Applicants have certified that they are affiliated with foreign carriers in Ecuador (Otecel, S.A., Telxius Ecuador, and TIWS Ecuador II, S.A.) and Peru (Telefónica Perú, Telxius Perú, and Telefónica Servicios TIWS SAC). Other than Telefónica Perú, each of these affiliated foreign carriers lacks market power in its respective geographic market. Each has less than 50-percent market share in either the international transport market or local access market of its respective geographic market. None (other than Telefónica Perú) appears on the Commission's list of foreign telecommunications carriers presumed to possess market power in foreign telecommunications markets.<sup>24</sup> These foreign carriers therefore qualify for presumptions of non-dominance pursuant to 47 C.F.R. § 63.10(a)(3) and exemptions from the dominant carrier safeguards in 47 C.F.R. §§ 63.10(c) through (e).

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<sup>22</sup> See *id.* § 1.767(a)(9), (g).

<sup>23</sup> See *id.* § 1.767(j).

<sup>24</sup> See *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*, Public Notice, 22 FCC Rcd. 945 (Int'l Bur. 2007).

Telefónica Perú is presumed to have market power in Peru.<sup>25</sup> The Applicants therefore agree to accept and abide by the reporting requirements in 47 C.F.R. § 1.767(D).

Each of the Applicants certifies that it is not required to submit a consistency certification to any state or territory pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, 16 U.S.C. § 1456. Neither Florida nor Puerto Rico, the sole U.S. jurisdictions in which SAM-1 lands, lists or has ever proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>26</sup> Moreover, the extension of SAM-1 to Punta Carnero, Ecuador, and Mancora, Peru, will not involve any new construction within or affecting the U.S., Florida, or Puerto Rico territorial seas.

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<sup>25</sup> *Id.*

<sup>26</sup> *See Florida's Listed Federal Actions*, National Oceanic and Atmospheric Administration, The National Coastal Zone Management Program, <https://coast.noaa.gov/czm/consistency/media/fl.pdf>; *Puerto Rico's Listed Federal Actions*, National Oceanic and Atmospheric Administration, The National Coastal Zone Management Program, <https://coast.noaa.gov/czm/consistency/media/pr.pdf>.

**CONCLUSION**

For the foregoing reasons, the Commission should expeditiously grant this application pursuant to streamlined processing.

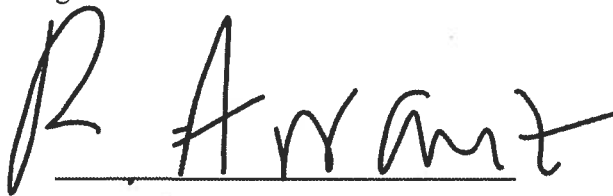
Respectfully submitted,



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August 26, 2019

Attachments

## **LIST OF APPENDICES**

Appendix A: SAm-1 Route Map

Appendix B: Map of Segments M1, M2, and M3

Appendix C: Punta Carnero and Salinas, Ecuador, Landing Point Information

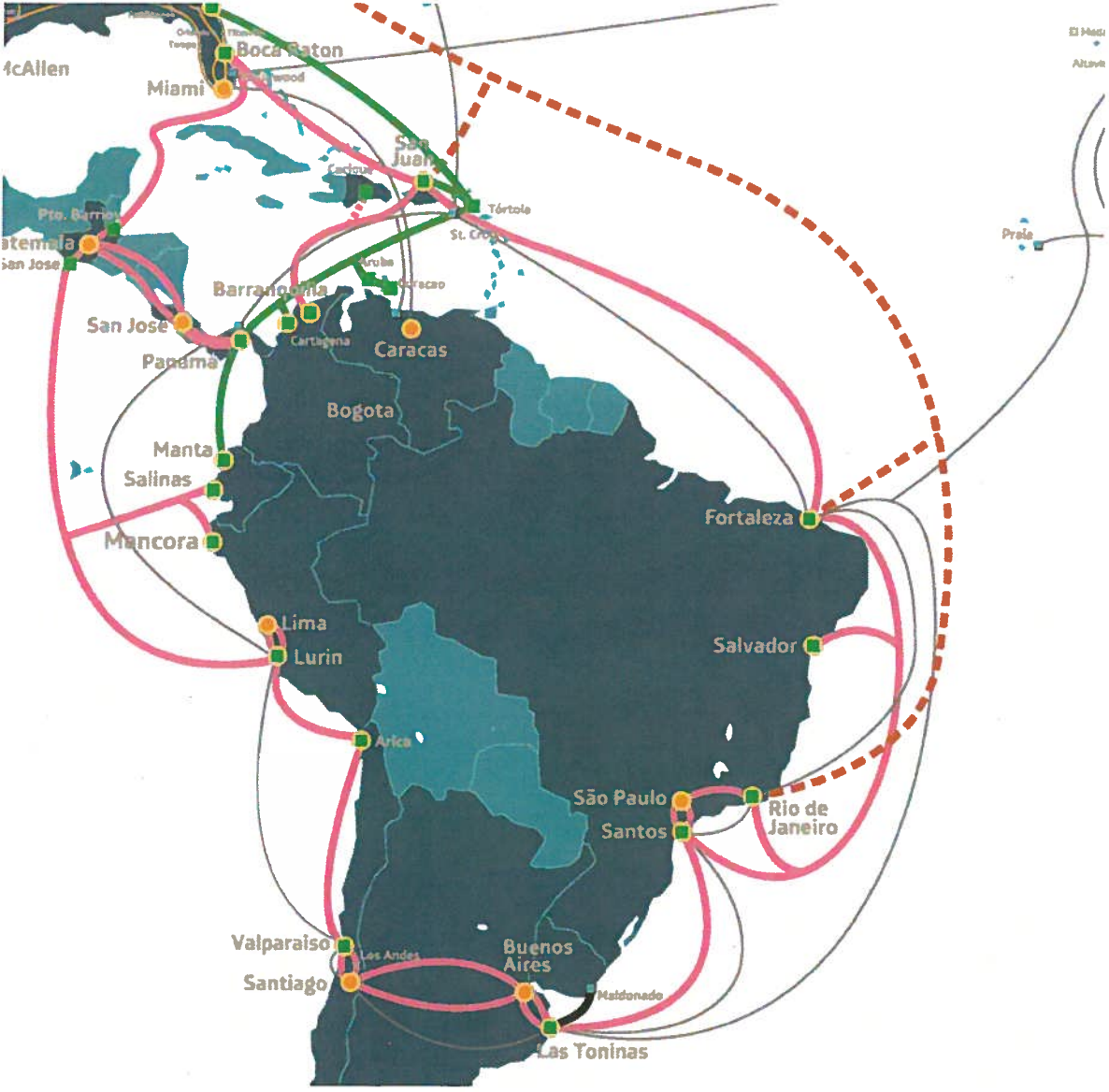
Appendix D: Mancora, Peru, Landing Point Information

Appendix E: Ownership of the Applicants

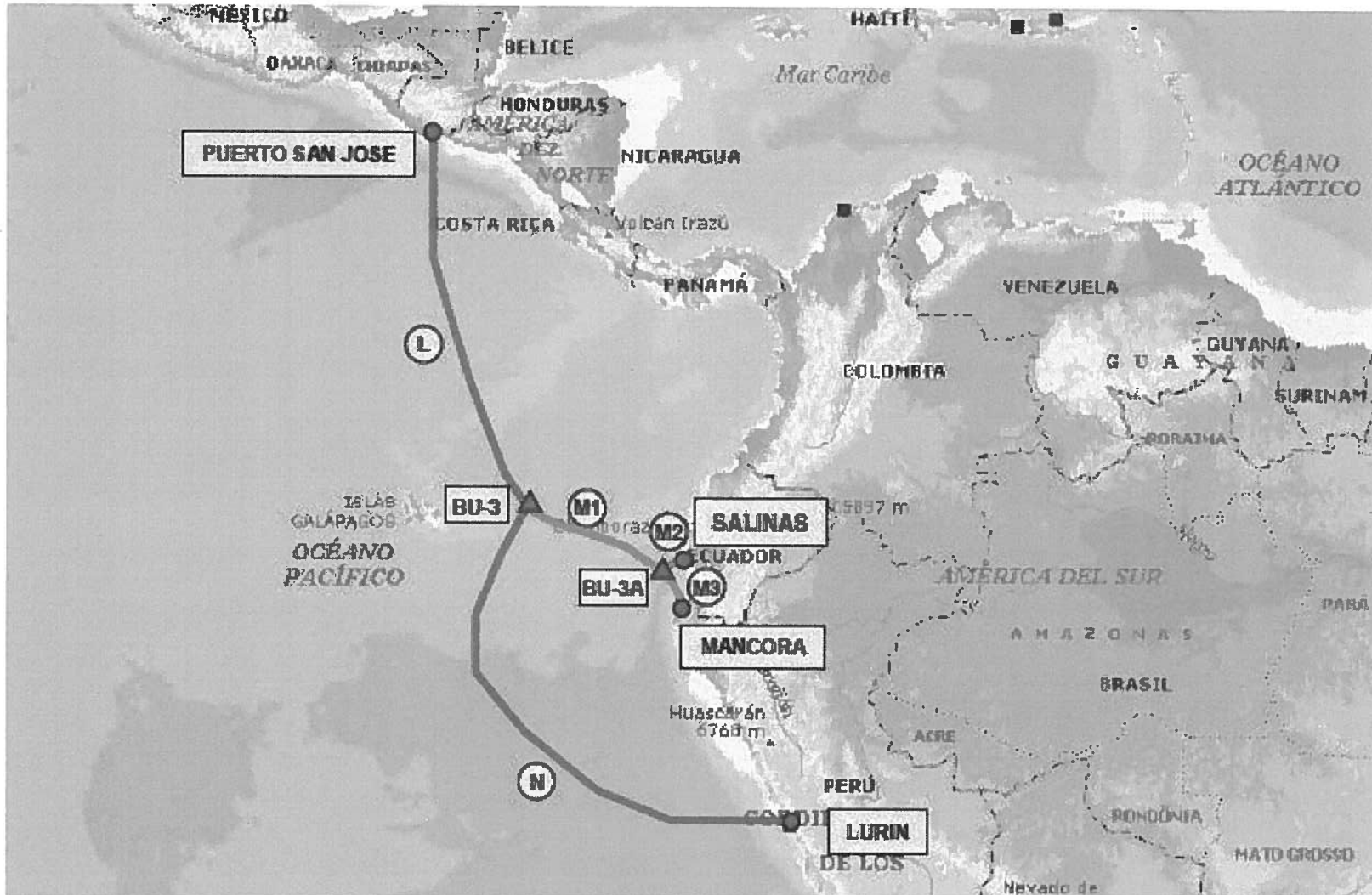
Appendix F: KKR Interests in Telxius Telecom S.A.U.



**APPENDIX A: ROUTE MAP FOR SAM-1 SYSTEM  
(shown in pink)**



APPENDIX B: ROUTE MAP FOR ECUADOR AND MANCORA SPURS



**APPENDIX C: PUNTA, CARNERO AND SALINAS, ECUADOR, LANDING POINT INFORMATION**



Beach manhole geographic coordinates:	2° 16.2912' S, 80° 55.4591' W
Cable station geographic coordinates:	2° 14.92480' S, 80° 55.21979' W
Cable landing station street address:	none

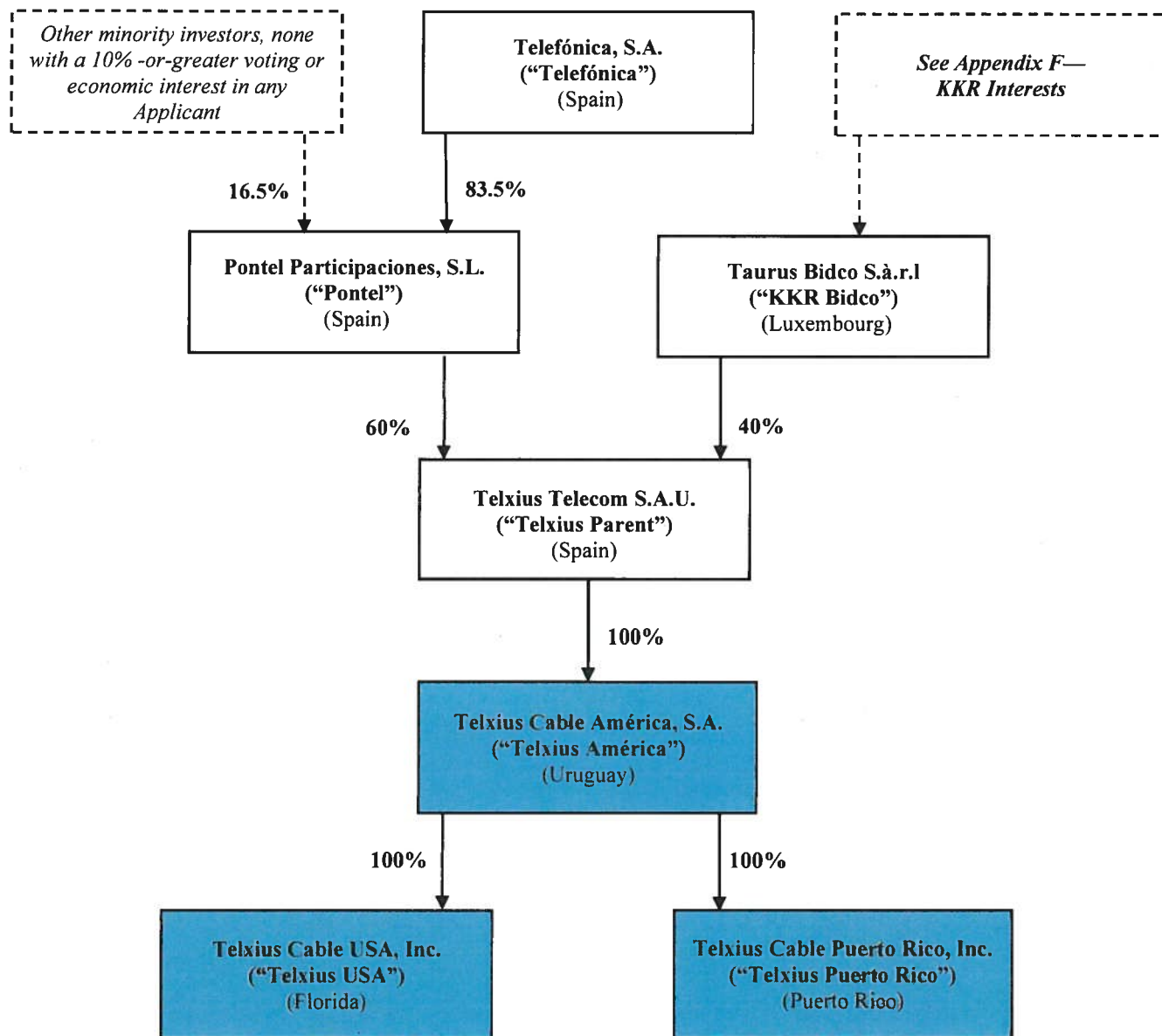


## APPENDIX D: MANCORA, PERU, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	4° 6.232' S, 81° 3.290' W
Cable station geographic coordinates:	4° 6.423' S, 81° 3.088' W
Cable landing station street address:	none

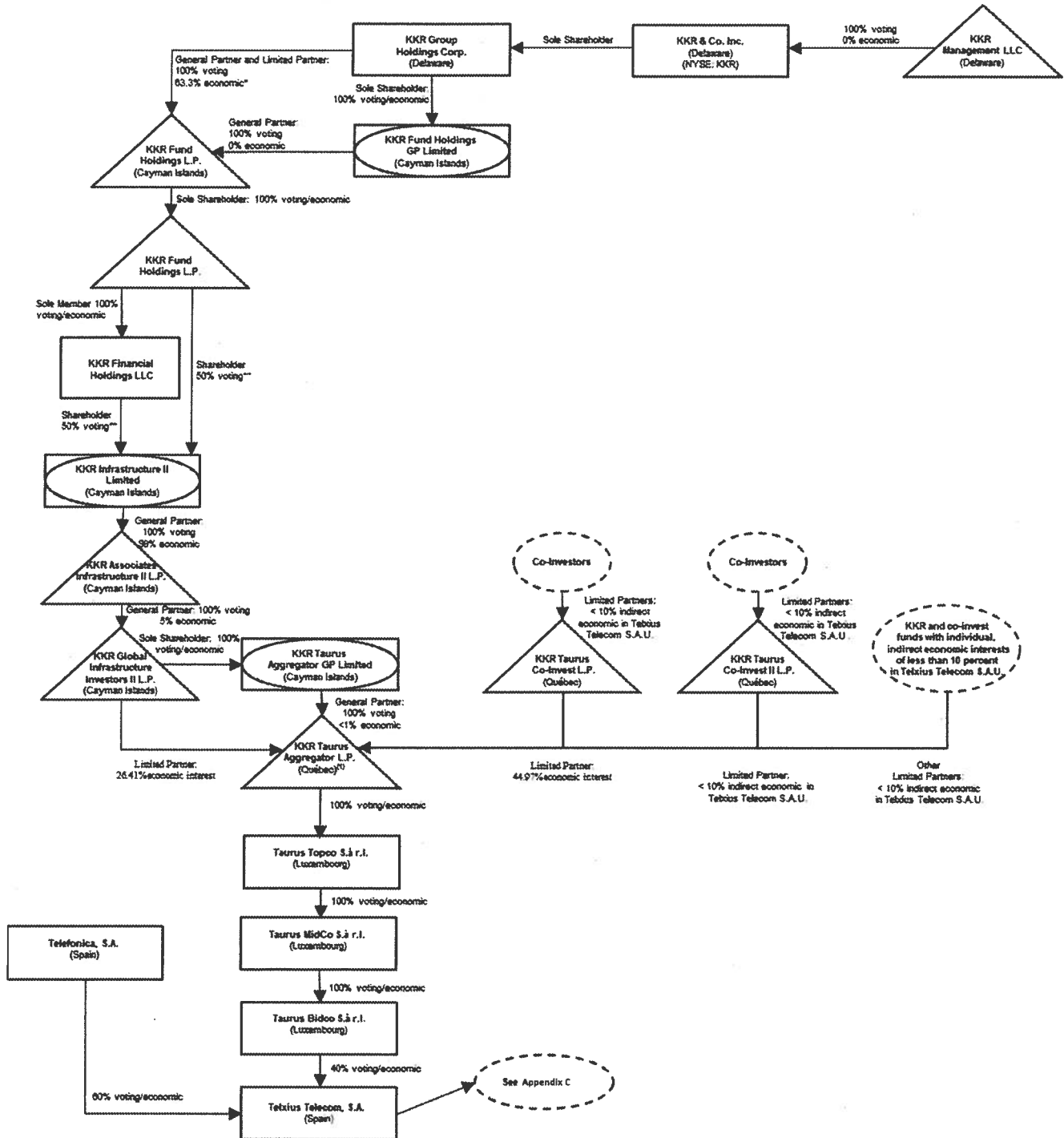
## APPENDIX E: OWNERSHIP STRUCTURE OF APPLICANTS



Denotes Applicant

*Note: percentages represent both voting and economic interests*

## APPENDIX F: KKR INTERESTS IN TELXIUS TELECOM S.A.U.



\* Includes both direct and indirect ownership interests.

\*\* The economic interests of KKR Fund Holdings L.P. and KKR Financial Holdings LLC in KKR Infrastructure II Limited may vary based on the investment returns allocable to KKR Associates Infrastructure II L.P., as the general partner of KKR Global Infrastructure Investors II L.P.

## CERTIFICATE OF SERVICE

I, Kent D. Bressie, hereby certify that consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing request for special temporary authority by hand delivery or electronic mail on this 26th day of August 2019, to the following:

Robert L. Strayer  
Deputy Assistant Secretary of State for Cyber and  
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 black ink, appearing to read 'Kent D. Bressie', is written over a horizontal line.

Kent D. Bressie