

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

In the Matter of

BCE Nexxia Corporation

and

Marine Cable Corporation

Application for Pro Forma Assignment of the  
AmeriCan-1 Submarine Cable Landing  
License

RECEIVED  
JAN 31 2007

File No. SCL-\_\_\_\_\_

**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY TO  
USE SUBMARINE CABLE LANDING LICENSE**

BCE Nexxia Corporation (“BCE Nexxia”) and Marine Cable Corporation (“Marine Cable,” and, together with BCE Nexxia, the “Applicants”) hereby request special temporary authority pursuant to section 63.25 of the Commission’s rules for Marine Cable to utilize, for a temporary period, the interest in the America-Canada-1 (“AmeriCan-1”) submarine cable landing license held by Marine Cable’s affiliate, BCE Nexxia.<sup>1</sup> The Applicants request this authority until such time as their application for *pro forma* assignment of this interest from BCE Nexxia to Marine Cable, filed concurrently herewith, is approved by the Commission.

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<sup>1</sup> See FONOROLA Fiber Development Inc. and Leducor Industries Inc., *Cable Landing License*, 13 FCC Rcd 15,663, DA 98-1668, File No. SCL-LIC-19980123-00002 (Int’l Bur., Telecom. Div., rel. Aug. 21, 1998) (AmeriCan-1 License); *see also* 14 FCC Rcd 1961, DA 98-2569, File No. SCL-AMD-19980831-00015 (Int’l Bur., Telecom. Div., rel. Dec. 21, 1998) (authorizing, *inter alia*, a minor change in ownership among the two owners); 14 FCC Rcd 4507, DA 99-601, File No. SCL-AMD-19981112-00026 (Int’l Bur., Telecom. Div., rel. Mar. 31, 1999) (adding Fiberco Telecommunications Corporation as a third licensee); 15 FCC Rcd 3057, DA 00-315, File No. SCL-MOD-19990901-00016 (Int’l Bur., Telecom. Div., rel. Feb. 18, 2000) (adding MetroNet Fiber US, Inc., as a fourth licensee).

On December 31, 2006, BCE Holding Corporation (“BCE Holding”), the immediate corporate parent of BCE Nexxia and Marine Cable, effectuated an internal corporate restructuring whereupon the interest in the AmeriCan-1 license held by BCE Nexxia was assigned to Marine Cable. The assignment was presumptively *pro forma* because the assignor, BCE Nexxia, and the assignee, Marine Cable, share the same ultimate corporate parent, BCE Inc. Cf. 47 C.F.R. § 63.24(a)(5), Note 2 (describing as presumptively *pro forma* in the context of Section 214 license assignments situations in which “there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests”); see also *id.* at § 1.767(g)(7) (adopting the definition of *pro forma* set forth in section 63.24 of the Commission’s rules for cable landing license assignments and transfers).

The Applicants planned to notify the Commission of the *pro forma* assignment in accordance with section 1.767(g)(7) of the Commission’s rules. However, the Applicants recently determined that the notification procedure set forth in section 1.767(g)(7) does not apply to *pro forma* assignments of this type because the affected cable landing license was issued originally on August 21, 1998, and the Commission’s notification procedure is applicable only to cable systems first licensed before December 14, 2001, unless the licensee previously sought and secured Commission consent to utilize the notification procedure prospectively, which did not occur here. See *In the Matter of Review of Commission Consideration of Applications under the Cable Landing License Act*, 16 FCC Rcd 22167, 22199-22201 (¶¶ 61-65), FCC 01-332, rel. December 14, 2001. BCE Nexxia’s predecessor company, FiberCo Inc., was not an original licensee of the AmeriCan-1 cable, but became a licensee through a Commission order released March 31, 1999. *Supra*, note 1.

In light of this development, the Applicants today filed an application for Commission approval of the *pro forma* assignment from BCE Nexxia to Marine Cable.<sup>2</sup> Nevertheless, to enable Marine Cable to operate in the interim under the affected cable landing license, the Applicants respectfully request that the Commission grant this request for special temporary authority.

Favorable action by the Commission in response to this request is in the public interest. No entity would be adversely affected by a grant, as the assignment is *pro forma* in nature and thus imperceptible and, practically speaking, irrelevant to the customers of the Applicants and the public. The Applicants have filed the appropriate application for *pro forma* assignment and are willing to provide the Commission with any additional information it may need to process that application. The Applicants understand that grant of this request for special temporary authority is without prejudice to Commission action in the underlying application and that the special temporary authority requested here may be revoked by the Commission without a hearing.

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<sup>2</sup> The Applicants also notified the Commission on January 30, 2007, of the related *pro forma* assignment from BCE Nexxia to BCE Nexxia Voice Services Corporation of a Section 214 license, as required by section 63.24(f) of the Commission's rules, 47 C.F.R. § 63.24(f).


**Conclusion**

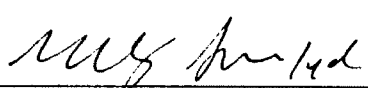
For the reasons discussed herein, the Applicants respectfully request that the Commission grant this request for special temporary authority expeditiously and using procedures appropriate in light of the non-substantial nature of the *pro forma* assignment that occurred.

Respectfully submitted,

BCE Nexxia Corporation

Marine Cable Corporation

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Dated: January 31, 2007

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

Approved by OMB  
3060-0589  
Page 1 of 1

(1) LOCK BOX # <b>358115</b>		SPECIAL USE ONLY	
		FCC USE ONLY	
<b>SECTION A - PAYER INFORMATION</b>			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) <b>Hogan &amp; Hartson L.L.P.</b>		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$965.00</b>	
(4) STREET ADDRESS LINE NO. 1 <b>555 Thirteenth Street, NW</b>			
(5) STREET ADDRESS LINE NO. 2			
(6) CITY <b>Washington</b>		(7) STATE <b>DC</b>	(8) ZIP CODE <b>20004-1109</b>
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>202-637-5458</b>		(10) COUNTRY CODE (if not in U.S.A.)	
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>			
(11) PAYER (FRN) <b>0003-7278-72</b>		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME <b>Marine Cable Corporation</b>			
(14) STREET ADDRESS LINE NO. 1 <b>1821 Walden Office Square</b>			
(15) STREET ADDRESS LINE NO. 2 <b>Suite 400</b>			
(16) CITY <b>Schaumburg</b>		(17) STATE <b>IL</b>	(18) ZIP CODE <b>60173</b>
(19) DAYTIME TELEPHONE NUMBER (include area code) <b>847-303-7200</b>		(20) COUNTRY CODE (if not in U.S.A.)	
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>			
(21) APPLICANT (FRN) <b>0016-0470-03</b>		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE <b>CUT</b>	(25A) QUANTITY <b>1</b>	
(26A) FEE DUE FOR (PTC) <b>\$965.00</b>	(27A) TOTAL FEE <b>\$965.00</b>	FCC USE ONLY	
(28A) FCC CODE 1		(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
<b>SECTION D - CERTIFICATION</b>			
CERTIFICATION STATEMENT I, _____ the best of my knowledge and belief, certify that the information furnished on this form is true and correct, and that I am an authorized representative of the entity named above.			