

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

GLOBAL CROSSING TELECOMMUNICATIONS, INC.,

Application for Authority to Add a New
Buenaventura, Colombia, Landing and Modify
the Cable Landing License for

SOUTH AMERICAN CROSSING

File No. SCL-MOD-20150129-00002

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to 47 U.S.C. §§ 34-39, 47 C.F.R. § 1.767, and Executive Order 10,520, Global Crossing Telecommunications, Inc. (“GCTI”), requests special temporary authority (“STA”) from the Commission to authorize connection, testing, and commencement of commercial operation of a segment of the South American Crossing submarine cable system (“SAC”) landing in Buenaventura, Colombia (the “SAC Colombia Spur”) at GCTI’s own risk, prior to the Commission’s grant of GCTI’s pending cable landing license application.¹ Without such authority, GCTI’s commercial launch of the SAC Colombia Spur will be delayed at significant cost to GCTI and impair Internet backbone and other connectivity services on the U.S.-Colombia and U.S.-Ecuador routes. GCTI therefore seeks special temporary authority beginning no later

¹ FCC File No. SCL-MOD-2015-0129-00002.

than June 12, 2015, and ending 180 days from grant. GCTI has notified the Team Telecom agencies of this request.

GCTI acknowledges that grant of such STA will not prejudice action by the Commission on the underlying application and that such STA is subject to cancellation or modification upon notice. Further, GCTI acknowledges that such STA can be revoked by the Commission on its own motion without a hearing.

I. THE GRANT OF AN STA WILL SERVE THE PUBLIC INTEREST

GCTI respectfully submits that grant of this STA request will serve the public interest, convenience, and necessity and otherwise comply with U.S. law and Commission regulations. On January 29, 2015, GCTI applied for authority to modify the SAC cable landing license to include a new spur landing at Buenaventura, Colombia, and provide much-needed capacity and geographically-diverse facilities on the U.S.-Colombia route. The Commission placed the application on streamlined public notice on February 20 2015.² The Team Telecom agencies later requested that the application be processed on a non-streamlined basis pending completion of a national-security review. No party has opposed the grant of the applications.

GCTI believes that it nearing completion of the national security review conducted by the Team Telecom agencies. Nevertheless, it does not believe that resolution of that process will occur before June 12, 2015 and has therefore filed this STA request.

Grant of GTCI's STA request will serve the public interest in three particular ways. *First*, it will ensure that GCTI is able to provide Internet backbone and other connectivity services on the U.S.-Colombia and U.S.-Ecuador routes without interruption. GCTI faces

² *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. TEL-00160S (rel. Feb. 20, 2015).

serious service performance issues in Colombia and Ecuador because it has exhausted capacity in Colombia's international trunks a few months ago. GCTI had previously decided not to augment those facilities with third-party facilities as it believed that the grant of a modified cable landing license would be forthcoming. *Second*, GCTI has several customers who have been awaiting new connectivity on the SAC Colombia Spur since mid-May 2015 and to whom GCTI cannot provide service until capacity can be made available on this system. *Third*, GCTI is spending more than \$180,000 per month on third-party capacity that could be migrated to the SAC Colombia Spur.

II. THE FCC HAS AUTHORITY TO GRANT THE STA

The Commission has ample authority to issue an STA for construction, testing, and operational authority prior to the grant of a cable landing license. Neither the Cable Landing License Act nor Executive Order 10,520 (delegating submarine cable licensing authority from the President to the Commission, subject to Executive Branch review) limits the Commission's ability to issue an STA for construction, testing, and/or operational authority prior to grant of a cable landing license.³

To the contrary, the Commission has exercised such authority on numerous occasions and should also do so in this case. For example, the Commission has granted upon a showing of good cause STAs for purposes of construction in U.S. territory, connection of a system's end points, and testing in U.S. territory prior to the issuance of a cable landing license.⁴ The

³ See 47 U.S.C. §§ 34-39; Executive Order 10,520.

⁴ See, e.g., *Bharti Airtel Limited et al.*, Application for Special Temporary Authority, FCC File No. SCL-STA-20090401-00007 (granted Apr. 16, 2009) (granting STA to construct U.S. territory facilities for the Unity submarine cable system prior to the grant of a cable landing license); *Office des postes et télécommunications de Polynésie française*, Request for Special

Commission has also granted upon a showing of good cause STAs for authority to commence commercial operations prior to the grant of a cable landing license, particularly in the cases of the Honotua and CB-1 submarine cable systems.⁵

GCTI seeks the same authority here to connect and test the SAC Colombia Spur and to commence commercial operations on the SAC Colombia Spur.⁶ GCTI acknowledges that grant of this request will not prejudice action by the Commission on GCTI's underlying application, that any authority granted pursuant to this request is subject to cancellation or modification upon notice, and that the Commission may revoke any authority without a hearing.

Temporary Authority, File No. SCL-STA-20091201-00035 (granted Dec. 14, 2009) (granting special temporary authority to begin construction, connection of end points, and testing of the Honotua system prior to the grant of a cable landing license).

⁵ See, e.g., *Office des postes et télécommunications de Polynésie française*, Request for Special Temporary Authority, File No. SCL-STA-20100607-00013 (granted June 9, 2010) (granting STA to commence commercial operations of the Honotua system given the financial and other public-interest imperatives of that system); *Cedar Cable Ltd.*, Request for Special Temporary Authority, File No. SCL-STA-20081209-00020 (granted December 18, 2008) (granting STA to test and operate the CB-1 Cable System given the financial imperatives of that system).

⁶ All construction takes place outside U.S. territory.

CONCLUSION

As demonstrated above, Commission grant of an STA is consistent with the Cable Landing License Act, 47 C.F.R. § 1.767, and Executive Order 10,520, and will serve the public interest, convenience, and necessity. GCTI respectfully requests that the Commission grant this request as soon as possible and no later than June 12, 2015.

Respectfully submitted,

GLOBAL CROSSING TELECOMMUNICATIONS, INC.



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9 June 2015

Attachment

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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- or overnight delivery on this 9th day of June 2015, to the following:

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A handwritten signature in black ink, appearing to read "Kent D. Bressie", is written over a horizontal line. The signature is fluid and cursive.

Kent D. Bressie