



# PUBLIC NOTICE

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DA No. 04-1279  
May 6, 2004

## ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

### Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

#### By the Chief, Policy Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 *reprinted as amended in* 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following application IS GRANTED. This grant of authority is taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon release of this public notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

The Commission most recently amended its rules applicable to submarine cable landing licenses in *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-332 (rel. Dec. 14, 2001), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-02-598A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.pdf) for a March 13, 2002 Public Notice; [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-01-332A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf) for the December 14, 2001 Report and Order.

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SCL-T/C-20040309-00008

**Guam Cable Group, Inc. (Licensee)**  
**Startec Global Communications Corporation, Debtor in Possession (Transferor)**  
**Allied Capital Corporation (Transferee)**

## TRANSFER OF CONTROL

Action Taken: Grant of authority to transfer control of minority interests in cable landing licenses held by Guam Cable Group, Inc. for the TPC-5 Cable (SCL-92-005 and SCL-92-005(M)-2), China-U.S. Cable (SCL-LIC-19980309-00005, previous File No. SCL-98-002), and Guam-Philippines Cable (SCL-89-004) networks, from Startec Global Communications Corporation (Debtor in Possession), transferor, to Allied Capital Corporation, transferee.

Conditions and Requirements: See *AT&T et al.*, TPC-5 Cable Landing License, File No. SCL-92-005, 7 FCC Rcd 7674 (CCB 1992) (initial license) and SCL-92-005(M)-2, 11 FCC Rcd 12148 (IB/TD 1996) (adding Guam Cable Group Inc.'s predecessor-in-interest, PCI Communications, Inc. to the license); *AT&T Corp. et al.*, China-U.S. Cable Landing License, File No. SCL-LIC-19980309-00005, 13 FCC Rcd 16232 (IB 1998) and File No. SCL-LPN-19981009-00021; *AT&T Corp. et al.*, Guam-Philippines Cable Landing License, File No. SCL-98-004, 14 FCC Rcd 1923 (IB 1998). Guam Cable Group, Inc. shall comply with the requirements of Section 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier), 47 C.F.R. § 1.768.

Licensee Information: Guam Cable Group, Inc. ("Guam Cable") is a Delaware corporation headquartered in Agana, Guam. Guam Cable operates as a joint venture between Startec Global Operating Company (Debtor-in-Possession) ("Startec Operating"), and EC Communications, LLC ("ECC"). Startec Operating and its parent, Startec Global Communications Corporation (Debtor in Possession) ("Startec Parent"), are both Delaware corporations headquartered in Potomac, Maryland. Startec Operating and ECC each own 50% of the outstanding common stock of, and share board and executive officer control of, Guam Cable.

This application was filed in conjunction with a modified plan of reorganization for Startec Parent and its subsidiaries, approved by the U.S. Bankruptcy Court for the District of Maryland, pursuant to which Startec Parent proposed to cancel all its existing shares of authorized stock and to issue new shares of common stock, 68.5% of which will be held by Allied Capital Corporation ("Allied"), a publicly-traded Maryland corporation that is headquartered in Washington, D.C. Allied will also select 5 of the 7 members of Startec Parent's board of directors. The plan of reorganization also provides for the issuance of common stock options to "eligible employees," that, if exercised, will dilute Allied's share of common stock to 58.22%. Applicants state that, upon consummation of the proposed transaction, Startec Operating will continue to be a wholly-owned subsidiary of Startec Parent and there will be no change in the relationship between Startec Operating, Guam Cable, and ECC.

Interlocking Directorates: Allied certifies that it has no interlocking directorates with a foreign carrier.

Regulatory Status of Cable: The TPC-5 Cable network operates on a common-carrier basis. See 7 FCC Rcd 7674. The China-U.S. Cable and Guam-Philippines Cable networks operate on a non-common carrier basis. See 13 FCC Rcd 16232 (China-U.S.) and 14 FCC Rcd 1923 (Guam-Philippines).

Cable Design and Capacity: See 7 FCC Rcd 7674; 13 FCC Rcd 16232 and SCL-LPN-19981009-00021; 14 FCC Rcd 1923.