

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

<b>In the Matter of</b>	)	
	)	
<b>CARIBBEAN CROSSINGS LTD.</b>	)	<b>File No. SCL-T/C-20090506</b>
	)	
<b>Application for Authority pursuant to Cable Landing License Act for transfer of control</b>	)	

**Reply to Comments**

Caribbean Crossings Ltd. ("CCL"), by its attorneys and pursuant to Section 1.45 of the Commission's rules, 47 C.F.R. § 1.45, hereby submits its response to the "Comments regarding Transfer of Control Application" ("Comments") filed by the Television Association of Programmers Latin America ("TAP"). For the reasons set forth herein CCL respectfully submits that the issue raised in the TAP Comments is irrelevant to the Commission's consideration of the transfer of control proposed by CCL, and should be rejected.

By its own admission, "TAP does not raise any issue regarding the specific facts of the transfer of control proposals contained in Caribbean Crossing's [sic] application. The corporate structure and various equity arrangements of the entities responsible for this license are not of our concern. We are not asking that the Commission revoke the current license." Comments, pp. 2-3. Rather, TAP requests that the Commission consult with its interagency colleagues "regarding the legal deficiencies in Bahamian law that adversely affect the rights and interests of U.S. companies in the premium pay television sector to protect their copyrighted products and signals in that market." *Id.* at p. 3. TAP also requests that the Commission review CCL's transfer of control application under its normal procedures, and not through the streamlined process CCL has requested, "so that the Commission [can] consult with its interagency

colleagues regarding the current legal situation in The Bahamas that harms the ability of U.S. companies to distribute legitimate program-encrypted programming in that market and to review the role that investors involved in the pending application play in this situation."

CCL respectfully submits that the proper forum for the issues which TAP has raised is the United States Trade Representative ("USTR"), and not the Commission; that the issues TAP has raised, are, by its own admission irrelevant to the transfer of control approval which CCL seeks, and that TAP's efforts to delay the grant of CCL's filing pending clarification of "the current legal situation in The Bahamas" should be rejected.

In its Comments, TAP correctly notes that the issues it has raised are under review by the USTR. What TAP neglects to mention, however, is that in April of this year, in its 2009 Special 301 Report, the USTR rejected TAP's February 2009 request to place The Bahamas on its Special 301 Priority Watch List.<sup>1</sup> Instead, the USTR announced that it would review the IPR practices of beneficiaries "including the Bahamas" as part of its bi-annual review of the operation of the Caribbean Basin Economic Recovery Act. TAP also neglects to mention that the USTR's decision not to place The Bahamas on its Special 301 Priority Watch List reflected an improvement in the USTR's treatment of The Bahamas, which had been placed on the Watch List from 2000 through 2006. While CCL agrees that compliance with copyright law requirements throughout the world is a legitimate concern of the USTR, the facts in this case adequately reflect that the USTR has considered and rejected the relief TAP has requested, and has in fact downgraded any concern the agency previously had with respect to The Bahamas.

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<sup>1</sup> Compare February 17, 2009 letter from TAP to Stanford McCoy, Assistant U.S. Trade Representative (attached hereto) with April 30, 2009 Special 301 Report, p. 3. <http://www.ustr.gov/sites/default/files/Full%20Version%20of%20the%202009%20SPECIAL%20301%20REPORT.pdf>

Again, CCL respectfully submits that the proper forum for the issues TAP has presented is the USTR and not the Commission, and CCL notes that, consistent with the Commission's rules it has served a copy of its application on the U.S. Commerce Department, along with other Executive Branch Agencies, and anticipates that any concerns which the USTR may have concerning its application will be communicated to it through that process. Thus far, CCL has received no such communication.

In light of these considerations, CCL respectfully submits that TAP's Comments are irrelevant to the Commission's consideration of CCL's proposed transfer of control, and that the issues which TAP has raised are, in any event, beyond the control of CCL and its parent company.

WHEREFORE, Caribbean Crossings Ltd. respectfully requests the Commission to reject TAP's Comments.

Respectfully submitted,



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July 6, 2009

## CERTIFICATE OF SERVICE

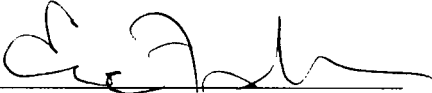
I, Eric Fishman, hereby certify that I have served copies of the foregoing Reply, by hand-  
or overnight delivery on this 6<sup>th</sup> of July 2009, to the following:

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