

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

AQUA VENTURES LIMITED,
Transferor,

DIGITAL 9 INFRASTRUCTURE PLC,
Transferee,

AND

AQUA COMMS (AMERICAS) INC. AND
AMERICA EUROPE CONNECT 2 USA INC.
Licensees,

Application for Consent to Transfer Control of
Interests in the Cable Landing Licenses for the
AEConnect-1, Havfrue, and Amitié Submarine
Cable Systems

File No. SCL-T/C-2021-_____

**CONSOLIDATED APPLICATION FOR CONSENT TO TRANSFER CONTROL OF
CABLE LANDING LICENSE INTERESTS—STREAMLINED PROCESSING
REQUESTED**

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767(a)(11) and (g)(6), Aqua Ventures Limited (“AVL”), Digital 9 Infrastructure plc (“Digital 9”), Aqua Comms (Americas) Inc. (“Aqua Comms Americas”), and America Europe Connect 2 USA Inc. (“AEC2 USA,” together with Aqua Comms Americas, “Aqua Comms Licensees,” and together with AVL, Digital 9, and Aqua Comms Americas, “Applicants”) apply for Commission consent to transfer control of interests in the cable landing licenses for the AEC-1, Havfrue, and Amitié submarine cable systems from AVL to Digital 9. The Aqua Comms Licensees and their non-U.S. affiliates are engaged in a series of transactions that will ultimately reunite the Aqua

Comms Licensees and their non-U.S. affiliates (collectively, the “Aqua Comms Group”) under common ownership by a new public company, Digital 9, recently listed on the London Stock Exchange as part of an initial public offering (the “Reacquisition”). Digital 9 has already acquired the non-U.S. affiliates of the Aqua Comms Licensees. Subject to receipt of U.S. regulatory consents and clearances and satisfaction of other closing conditions, including Commission consent, the parties expect to consummate the Reacquisition in the fourth quarter of 2021.

Consummation of the Reacquisition will serve the public interest, convenience, and necessity. Digital 9 will work with the Aqua Comms Group’s management team to support investment in existing and new Atlantic Ocean region submarine cable infrastructure by the Aqua Comms Group, which has already developed the AEC-1, Havfrue, CeltixConnect-1, CeltixConnect-2, and North Sea Connect systems. The Aqua Comms Group is expected to benefit from the extensive investment and asset management expertise of Digital 9’s team. Ultimately, these factors will strengthen Aqua Comms’ ability to compete more vigorously as a developer and operator of submarine cable infrastructure.

The Reacquisition raises no public interest concerns that would warrant an extended review. Digital 9 does not currently control, and is not affiliated with, any submarine cable operators licensed by the Commission. The Reacquisition would create no new combinations that would adversely affect competition in any geographic market for submarine cable capacity. Indeed, this application qualifies for presumptive streamlined processing under 47 C.F.R. § 1.767(k)(1), as Digital 9 is not affiliated with any foreign telecommunications carriers licensed by the Commission.

I. BACKGROUND

A. Parties to the Reacquisition

1. Aqua Ventures Limited (“AVL”)

AVL is the transferor in the Reacquisition. AVL is a Jersey private company limited by shares, with its principal place of business in Jersey. AVL exists to hold an investment in the Aqua Comms Group and is a wholly-owned, direct subsidiary of Aqua Ventures Hold Co Limited, a Jersey private company limited by shares that is wholly owned by The 2013 Bake Family Trust, a Jersey trust managed by its trustee, Dominion Fiduciary Trust Limited, a Jersey trust services provider, for the benefit of Mr. Christopher Paul Bake, a Dutch citizen and investor. Mr. Bake is the economic settlor of The 2013 Bake Family Trust but has no right to its assets. AVL currently holds a 51-percent voting and economic interest in each of the Aqua Comms Licensees. Upon consummation of the Reacquisition, AVL will hold a non-controlling voting and economic interest of 10.1 percent in Digital 9.

2. Digital 9 Infrastructure plc (“Digital 9”)

Digital 9 is the transferee in the Reacquisition. Digital 9 is a newly-established Jersey public company limited by shares, with its principal place of business in London. It invests in digital infrastructure businesses with existing customer bases. Digital 9’s initial board of directors consists of five directors, all of whom are independent and have significant experience in technology or finance. The board is chaired by Jack Waters, former Chief Operating Officer for Zayo Group Holdings, Inc. and before that, Chief Technology Officer for Level 3 Communications, Inc. Triple Point Investment Management LLP (“Triple Point”) will continue to serve as Digital 9’s investment manager, providing Digital 9 with portfolio and risk management services. The acquisition of the non-U.S. businesses of the Aqua Comms Group constitutes Digital 9’s first major investment.

3. Aqua Comms (Americas) Inc.

Aqua Comms Americas is a Delaware corporation with its principal place of business in Dublin, Ireland, and holds interests in three submarine cable systems licensed by the Commission. First, it is the cable landing licensee for the AEC-1 system, and it owns and operates the U.S.-territory portion of that system.¹ The AEC-1 system connects Shirley, New York, and Kilalla Bay, Ireland.² It entered commercial service on May 5, 2016.³ Second, it is a joint cable landing licensee for the Havfrue system, and it holds a 12.5-percent voting and participation interest in the U.S. territory portion of that system.⁴ The Havfrue system connects Wall, New Jersey; Blaabjerg, Denmark; Old Head Beach, Leckanvy, Ireland; and Kristiansand,

¹ *Actions Taken Under Cable Landing License Act*, Public Notice, File No. SCL-LIC-20140206-00002, 29 FCC Rcd. 12,743 (Int’l Bur. 2014) (granting AEC-1 cable landing license); *Actions Taken Under Cable Landing License Act*, Public Notice, File No. SCL-ASG-20150303-00006, 30 FCC Rcd. 15,291 (Int’l Bur. 2015) (acknowledging *pro forma* assignment of cable landing license from Emerald Networks Holdings Limited to America Europe Connect Licenses Limited); *Actions Taken Under Cable Landing License Act*, Public Notice, File No. SCL-ASG-20200430-00018, 35 FCC Rcd. 6471 (Int’l Bur. 2020) (acknowledging *pro forma* assignment of cable landing license from America Europe Connect Licenses Limited to Aqua Comms Americas); *Actions Taken Under Cable Landing License Act*, Public Notice, File No. SCL-MOD-20210105-00001, DA 21-151 (Int’l Bur., rel. Feb. 12, 2021) (modifying AEC-1 cable landing license to condition it upon compliance with a letter of assurances executed for the benefit of the U.S. Department of Homeland Security effective January 5, 2021).

² Although the 2014 cable landing license authorizes an additional landing in Molvik, Iceland, no segment connecting to Iceland has ever been constructed.

³ See Letter from Robert E. Stup, Jr., Squire Patton Boggs (US) LLP, Counsel for America Europe Connect Licenses Limited, to FCC Secretary Marlene H. Dortch, File No. SCL-LIC-20140206-00002 (filed May 23, 2016).

⁴ *Actions Taken Under Cable Landing License Act*, Public Notice, File No. SCL-LIC-20180511-00010, 34 FCC Rcd. 7969 (Int’l Bur. 2019) (granting cable landing license for the Havfrue system to AEC2 USA, America Europe Connect 2 Limited (“AEC2”), Edge Cable Holdings USA, LLC, Optibulk Havfrue AS, and GU Holdings Inc.); *Actions Taken Under Cable Landing License Act*, Public Notice, File No. SCL-ASG-20201130-00047, 35 FCC Rcd. 14,902 (Int’l Bur. 2020) (acknowledging *pro forma* assignment of cable landing license interest from AEC2 to Aqua Comms Americas).

Norway. It entered commercial service on November 17, 2020.⁵ Third, it is a joint cable landing licensee for the Amitié system, and it holds a 6.25-percent voting and participation interest in that system.⁶ The Amitié system will connect Lynn, Massachusetts with Le Porge, France and Bude, United Kingdom. AVL holds a 51-percent voting-and-equity interest in, and controls, Aqua Comms Americas.

4. America Europe Connect 2 USA Inc.

AEC2 USA is a Delaware corporation with its principal place of business in Dublin, Ireland. It is a joint cable landing licensee for the Havfrue system, for which it serves as the U.S. landing party.⁷ AVL holds a 51-percent voting-and-equity interest in, and controls, AEC2 USA.

B. The Reacquisition and *Pro Forma* Transactions Preceding the Transaction

On March 7, 2021, the shareholders of Aqua Comms Licensees' ultimate operating parent, Aqua Comms DAC, entered into an agreement with Digital 9 pursuant to which: (a) Digital 9 agreed to acquire all of the shares of Aqua Comms DAC in advance of the planned public offering and fundraising (the "Non-U.S. Affiliates Acquisition"); and (b) in advance of such Non-U.S. Affiliates Acquisition and to ensure compliance with Commission regulatory requirements prior to any transfer of control of the Aqua Comms Licensees, Aqua Comms DAC would cause its wholly-owned subsidiaries (and Aqua Comms Licensees' immediate parents) to

⁵ See Letter from Kent Bressie, Harris, Wiltshire & Grannis LLP, Counsel for America Europe Connect 2 USA Inc. and America Europe Connect 2 Limited, to FCC Secretary Marlene H. Dortch, File No. SCL-LIC-20180511-00010 (filed Nov. 17, 2020).

⁶ *Actions Taken Under Cable Landing License Act*, Public Notice, DA No. 21-428, File Nos. SCL-LIC-20200807-00036 and SCL-AMD-20210321-00018 (Int'l Bur., rel. April 15, 2021) (granting cable landing license for the Amitié system to Aqua Comms Americas, Edge Cable Holdings USA, LLC, Cable & Wireless Americas Systems, Inc., and Microsoft Infrastructure Group, LLC).

⁷ *Actions Taken Under Cable Landing License Act*, Public Notice, File No. SCL-LIC-20180511-00010, 34 FCC Rcd. 7969 (Int'l Bur. 2019).

sell a 51-percent controlling interest in Aqua Comms Licensees to AVL (the “U.S. Hive-Out”), meaning that AVL would continue to control the Aqua Comms Licensees by holding a majority voting and equity interest in each of them. The parties consummated the U.S. Hive-Out on March 30, 2021, and the Aqua Comms Licensees notified the Commission of the resulting *pro forma* transfers of control on April 16, 2021.⁸

On March 31, 2021, Digital 9’s initial shareholders acquired ordinary shares as a result of the initial placement, and Digital 9’s shares began to trade on the London Stock Exchange. Following grant of Commission consent for the Reacquisition and satisfaction of other closing conditions, AVL will sell its 51-percent interest in Aqua Comms Americas and AEC2 USA to each of AECL and AEC2, respectively (each now a wholly-owned, indirect subsidiary of Digital 9, and each the respective prior owner of such shares prior to the U.S. Hive-Out), pursuant to market-based terms and conditions substantially similar to the stock purchase agreements for the U.S. Hive-Out. At that time, the Aqua Comms Licensees and the non-U.S. affiliates will be reunited in a unified ownership structure under Digital 9.

II. THE REACQUISITION WOULD SERVE THE PUBLIC INTEREST AND WOULD NOT HARM COMPETITION

A. Standard of Review

Although the Cable Landing License Act does not contain a public interest standard, the Commission has asserted that it determines whether a proposed assignment or transfer of control

⁸ FCC File Nos. SCL-T/C-20210416-00021 and SCL-T/C-20210416-00022. As noted in the pro forma notification, as part of the U.S. Hive-Out, The Aqua Comms Licensees have also entered into a transition services agreement with Aqua Comms DAC subsidiaries for administrative, back-office, and certain operational support services during the pendency of the Reacquisition.

of a cable landing license is consistent with the public interest, convenience, and necessity.⁹ The public interest determination turns first on whether the proposed transaction complies with the specific provisions of the Communications Act, other applicable statutes, and the Commission's rules.¹⁰ In making that inquiry, the Commission focuses on whether the proposed assignee or transferee is qualified to hold Commission licenses.¹¹

If the proposed transaction would not violate a statute or rule, the Commission then considers "whether the transaction could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Act or related statutes."¹² Finally, it considers the transaction's public interest benefits, including "the clear public interest benefits in a license or authorization holder being able to assign or transfer control of its license or authorization freely."¹³

B. The Reacquisition Will Serve the Public Interest

Here, the Reacquisition would not violate any provision of the Cable Landing License Act or any Commission rule, nor would it substantially frustrate or impair the Commission's implementation or enforcement of the Cable Landing License Act or interfere with the objectives of the Cable Landing License Act or other statutes. To the contrary, as detailed below, the

⁹ See, e.g., *Applications Filed by Global Crossing Limited and Level 3 Communications, Inc. for Consent to Transfer Control*, Memorandum Opinion and Order and Declaratory Ruling, 26 FCC Rcd. 14,056, 14,061 ¶ 10 (Wireline Comp. and Int'l Burs. 2011).

¹⁰ See, e.g., *Liberty Latin America Ltd. and AT&T Inc.*, Memorandum Opinion and Order and Declaratory Ruling, WT Docket No. 19-384, DA 20-1270, at 5-6 ¶¶ 9-11 (Wireless Tel., Wireline Comp., and Int'l Burs., rel. Oct. 27, 2020).

¹¹ *Id.* at 6-7 ¶¶ 13-15.

¹² *Id.* at 5 ¶ 10.

¹³ *Id.* at 6 ¶ 11

Reacquisition will offer substantial public interest benefits without any material countervailing harms.

By sequencing transactions and segregating the U.S. and non-U.S. businesses of the Aqua Comms Group at the outset, the parties have enhanced commercial certainty regarding the timing of Digital 9's initial public offering and the scope of its business at the time of that offering. At the same time, this sequencing expressly recognizes and preserves the Commission's jurisdiction to review and approve or clear the transaction as it pertains to the Aqua Comms Group's U.S. business and U.S. licenses and licensees.

C. Public Interest Benefits

Consummation of the Reacquisition will serve the public interest, convenience, and necessity without any offsetting public interest harms. Digital 9 will work with Aqua Comms' management team to support investment in existing and new Atlantic Ocean region submarine cable infrastructure by the Aqua Comms Group, which has already developed the AEC-1, Havfrue, CeltixConnect-1, CeltixConnect-2, and North Sea Connect systems. Aqua Comms is expected to benefit from the extensive investment and asset management expertise of Digital 9's team. Ultimately, these factors will strengthen the Aqua Comms Group's ability to compete more vigorously as a developer and operator of submarine cable infrastructure.

The Reacquisition would create no new combinations that would adversely affect competition in any geographic market for submarine cable capacity. Digital 9 does not currently control, and is not affiliated with, any submarine cable operators licensed by the Commission.

III. INFORMATION REQUIRED BY 47 C.F.R. § 1.767(A)(11)(I)

Pursuant to 47 C.F.R. § 1.767(a)(11)(i), the Applicants provide the following information in support of their request for Commission consent for the Reacquisition:

A. Applicant Identification Information¹⁴

In Table 1 below, the Applicants provide their names, addresses, telephone numbers, places of organization, and FCC Registration Numbers.

TABLE 1: APPLICANT IDENTIFICATION INFORMATION

Name, Address, and Telephone Number	Place of Organization	FRN	Transaction Role
Aqua Ventures Limited 3rd Floor, Charter Place 23-27 Seaton Place St. Helier, Jersey JE4 0WH Channel Islands +44 1534 765213	Jersey	0029702487	Transferor
Digital 9 Infrastructure plc 26 New Street St. Helier, Jersey JE2 3RA Channel Islands +44 (0)20 7201 8989	Jersey	0030832547	Transferee
Aqua Comms (Americas) Inc. 85 East End Avenue #15E New York, New York 10028 +1 917 385 8729	Delaware	0029384567	Licensee
America Europe Connect 2 USA Inc. 85 East End Avenue #15E New York, New York 10028 +1 917 385 8729	Delaware	0027231851	Licensee

B. Contact Information¹⁵

The Commission should address correspondence regarding this application to the persons identified in Table 2 below.

¹⁴ See 47 C.F.R. § 1.767(a)(1), (2).

¹⁵ See *id.* § 1.767(a)(3).

TABLE 2: APPLICANT CONTACT INFORMATION

Party/Parties	Company Contact	Counsel Contact
AVL	Joanne Manser A Director of Dominion Fiduciary Directors (No.1) Limited, being a director of Aqua Ventures Limited 3rd Floor, Charter Place 23-27 Seaton Place St. Helier, Jersey JE4 0WH Channel Islands +44 1534 765213	Kent Bressie Colleen Sechrest Harris, Wiltshire & Grannis LLP 1919 M Street, N.W., Suite 800 Washington, D.C. 20036-3537 +1 202 730 1337 kbressie@hwglaw.com csechrest@hwglaw.com
Digital 9	Keith Mansfield Director Digital 9 Infrastructure plc 26 New Street St. Helier JE2 3RA Jersey +44 (0) 20 3909 3538	Robert E. Stup, Jr. Squire Patton Boggs (US) LLP 2550 M Street, N.W. Washington D.C. 20037 +1 202 626 6721 robert.stup@squirepb.com
Aqua Comms Americas AEC2 USA	Sandra Delany General Counsel Aqua Comms DAC The Exchange Building Foster Place Dublin 2, D02 E796 Ireland + 353 1 662 4399	Kent Bressie Colleen Sechrest Harris, Wiltshire & Grannis LLP 1919 M Street, N.W., Suite 800 Washington, D.C. 20036-3537 +1 202 730 1337 kbressie@hwglaw.com csechrest@hwglaw.com

C. Certification Regarding Ownership, Place of Organization, Principal Business, and Interlocking Directorates¹⁶

Digital 9 certifies that upon consummation of the Reacquisition, the Aqua Comms Licensees will have the following 10-percent-or-greater direct or indirect voting or economic interest holders:

¹⁶ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

America Europe Connect Limited (“AECL”)

Address: The Exchange Building, Foster Place, Dublin 2, D02 E796, Ireland

Place of Organization: Ireland

Principal Business: telecommunications

Relationship: AECL will hold a 100-percent voting and equity interest in Aqua Comms Americas.

Aqua Comms Connect Limited (“Aqua Comms Connect”)

Address: The Exchange Building, Foster Place, Dublin 2, D02 E796, Ireland

Place of Organization: Ireland

Principal Business: telecommunications

Relationship: Aqua Comms Connect holds a 100-percent voting and equity interest in AECL.

America Europe Connect 2 Limited (“AEC2”)

Address: The Exchange Building, Foster Place, Dublin 2, D02 E796, Ireland

Place of Organization: Ireland

Principal Business: telecommunications

Relationship: AEC2 will hold a 100-percent voting and equity interest in AEC2 USA.

Aqua Comms Designated Activity Company (“Aqua Comms DAC”)

Address: The Exchange Building, Foster Place, Dublin 2, D02 E796, Ireland

Place of Organization: Ireland

Principal Business: telecommunications

Relationship: Aqua Comms DAC holds a 100-percent voting and equity interest in Aqua Comms Connect and a 100-percent voting and equity interest in AEC2.

Digital 9 Infrastructure plc

Registered Address: 26 New Street, St. Helier, Jersey JE2 3RA, Channel Islands

Place of Organization: Jersey, Channel Islands

Principal Business: investments

Relationship: Digital 9 holds a 100-percent voting and equity interest in Aqua Comms DAC.

Rathbone Investment Management Limited (“Rathbone”)

Address: 8 Finsbury Circus, London EC2M 7AZ, United Kingdom

Place of Organization: United Kingdom

Principal Business: investments

Relationship: Rathbone holds an approximate 10.6-percent voting and economic interest in Digital 9.

Aqua Ventures Limited (“AVL”)

Address: 3rd Floor, Charter Place, 23-27 Seaton Place, St. Helier, Jersey JE4 0WH

Place of Organization: Jersey

Principal Business: investments

Relationship: AVL holds an approximate 10.1-percent voting and economic interest in Digital 9.

Aqua Ventures Hold Co Limited (“AVHC”)

Address: 3rd Floor, Charter Place, 23-27 Seaton Place, St. Helier, Jersey JE4 0WH

Place of Organization: Jersey

Principal Business: investments

Relationship: AVHC holds a 100 percent voting-and-economic interest in AVL.

The 2013 Bake Family Trust (the “Bake Trust”)

Address: 3rd Floor Charter Place, 23-27 Seaton Place, St. Helier JE4 0WH, Jersey

Place of Organization: Jersey

Principal Business: family wealth planning

Relationship: The Bake Trust holds a 100-percent voting and economic interest in AVHC.

Dominion Fiduciary Trust Limited (“Dominion Fiduciary Trust”)

Address: 3rd Floor Charter Place, 23-27 Seaton Place, St. Helier JE4 0WH, Jersey

Place of Organization: Jersey

Principal Business: trust and company service provider

Relationship: Dominion Fiduciary Trust serves as the trustee of, and controls, the Bake Trust. As trustee, Dominion Fiduciary Trust holds a 100-percent voting interest in the Bake Trust.

Mr. Christopher Paul Bake

Address: 13 Phillimore Gardens, Kensington, London W8 7QG, United Kingdom

Citizenship: the Netherlands

Principal Business: business management

Relationship: Mr. Bake and his family are the economic beneficiaries of the Bake Trust, although they have no voting interest in the trust itself and no right to any percentage of the assets. The trustee exercises a discretionary power to distribute economic benefits to the beneficiaries. Mr. Bake is the economic settlor of the trust.

Digital 9’s shares trade publicly on the London Stock Exchange under the symbol “DGI9.” As

there is an active market in Digital 9’s shares, Digital 9’s share ownership is always fluid.

Moreover, Digital 9 can ascertain its significant shareholders only on the basis of its records and regulatory filings made by shareholders and therefore might not know of possibly related or

affiliated shareholders that are not disclosed to it. Recognizing these limitations, as of April 15, 2021, no person other than those disclosed above holds a 10-percent-or-greater indirect voting or economic interest in the Aqua Comms Licensees through Digital 9. Digital 9 has no interlocking directorates with foreign telecommunications carriers.

D. Certification Regarding the Anti-Drug Abuse Act of 1988¹⁷

By their respective signatures below, the Applicants certify that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.¹⁸

E. Certification Regarding Foreign Carrier Status and Foreign Affiliations¹⁹

By its signature below, Digital 9 certifies that upon consummation of the Reacquisition: (1) Digital 9 is not an authorized foreign carrier in any foreign destination market, and (2) Digital 9 is not affiliated with any foreign carrier.

F. Certification Regarding Destination Countries²⁰

By its signature below, Digital 9 certifies to the following: (1) Digital 9 is not a foreign carrier in any destination market where any of the AEC-1, Havfrue, or Amitié submarine cable systems land; (2) Digital 9 will not control a foreign carrier in any destination market where any of the AEC-1, Havfrue, or Amitié submarine cable systems land; (3) no entity that will own more

¹⁷ See 47 C.F.R. §§ 1.767(a)(8)(i), 63.18(o).

¹⁸ 21 U.S.C. § 862(a); Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, § 5301, 102 Stat. 4181, 4310-12 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act of 1990, Pub. L. No. 101-647, § 1002(d)(1), 104 Stat. 4789, 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

¹⁹ See 47 C.F.R. § 1.767(a)(8)(ii).

²⁰ See *id.* § 1.767(a)(8)(iii).

than 25 percent of Digital 9, or that controls Digital 9, controls a foreign carrier in any destination market where any of the AEC-1, Havfrue, or Amitié submarine cable systems land; and (4) no grouping of two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of Digital 9 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 any of the AEC-1, Havfrue, or Amitié submarine cable systems.

G. Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets²¹

No response is required, as Digital 9 did not identify any non-WTO markets in response to 47 C.F.R. § 1.767(a)(8)(iii).

H. Certification Regarding Routine Conditions²²

By its signature below, Digital 9 certifies that it will accept and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

I. Streamlining²³

The Applicants request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1) of the Commission's rules, as Digital 9 is not affiliated with any foreign carrier, much less a foreign carrier in a landing country for any of the AEC-1, Havfrue, or Amitié submarine cable systems. As this application does not seek authority for any new or modified submarine cable construction, no certification is required with respect to the Coastal Zone Management Act.²⁴

²¹ See *id.* § 1.767(a)(8)(iv).

²² See *id.* § 1.767(a)(9).

²³ See *id.* § 1.767(j), (k).

²⁴ See 47 C.F.R. § 1.767(k)(4).

J. Certification Regarding Service to Executive Branch Agencies²⁵

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

²⁵ *See id.* § 1.767(j).

CONCLUSION

For the reasons stated above, the Applicants request that the Commission grant consent expeditiously to the transfer of control of the Aqua Comms Licensees from AVL to Digital 9.

Respectfully submitted,

Aqua Ventures Limited



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CONCLUSION

For the reasons stated above, the Applicants request that the Commission grant consent expeditiously to the transfer of control of the Aqua Comms Licensees from AVL to Digital 9.

Respectfully submitted,

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Nigel Bayliff

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April 23, 2021

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CERTIFICATE OF SERVICE

I, Kent Bressie, hereby certify that consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing application for consent to the Reacquisition, by hand delivery or electronic mail this 23rd day of April, 2021, to the following:

Douglas May
Director, Technology and Security Policy
International Communications and Information Policy
Bureau of Economic and Business Affairs
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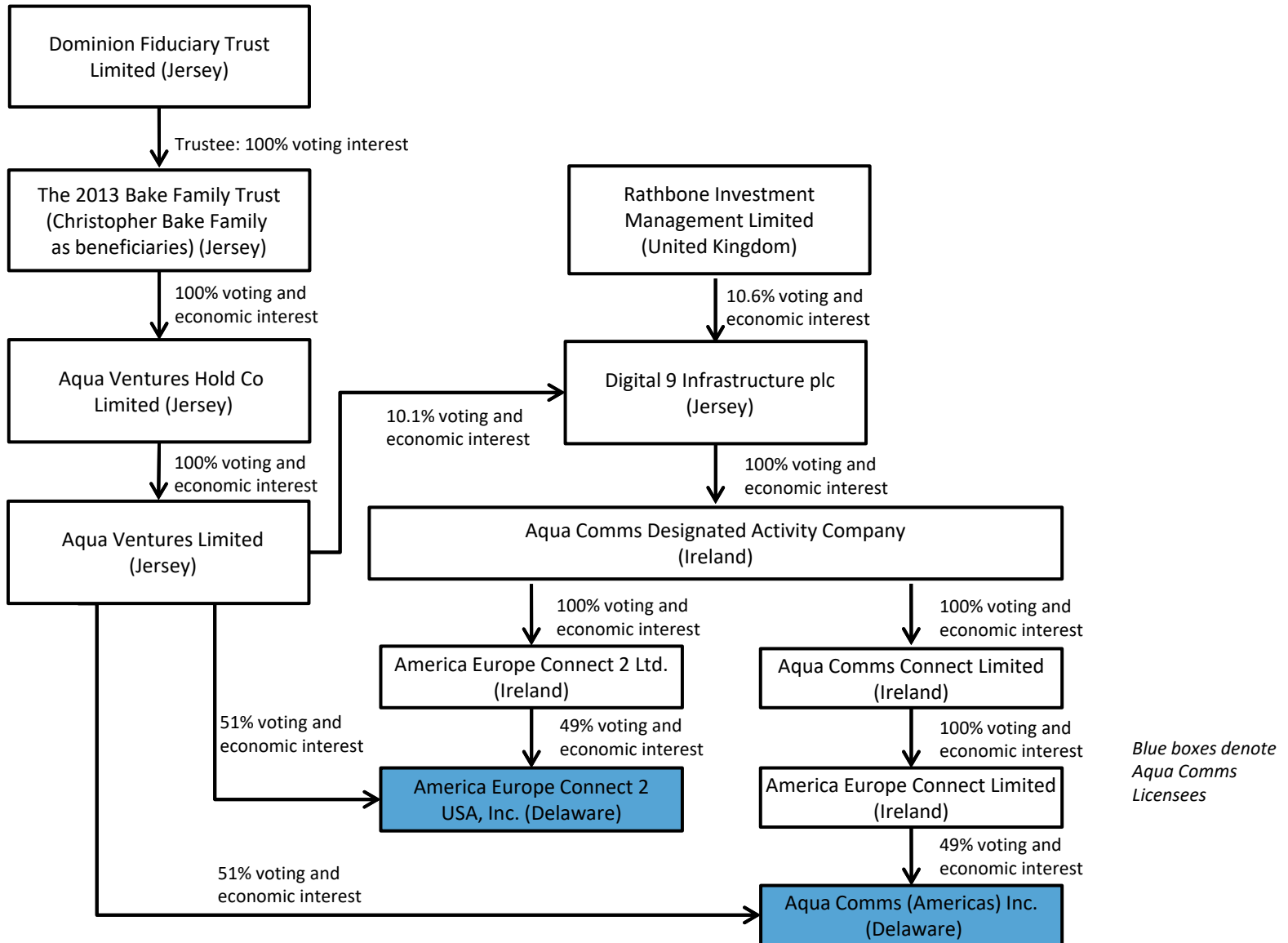


Kent Bressie

EXHIBIT LIST

- A. Pre-Consummation Ownership Structure of Aqua Comms Licensees**
- B. Post-Consummation Ownership Structure of Aqua Comms Licensees**

Exhibit A: Pre-Consummation Ownership of Aqua Comms Licensees



**Exhibit B:
Post-Consummation Ownership of Aqua Comms Licensees**

