PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 09-998

Report No. SCL-00084 **Monday May 4, 2009**

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 applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. 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, 16 FCC Rcd 22167 (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 for a March 13, 2002 Public Notice; http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf for the December 14, 2001 Report and Order.

SCL-MOD-20080630-00015 P IT&E Overseas, Inc.
Modification
Grant of Authority Date of Action: 05/01/2009

Application for consent to modify the cable landing license for the Guam-Philippines Fiber Optic Submarine Cable System ("G-P System"), SCL-LIC-19980511-00017 (SCL-AMD-19980902-00018), to remove IT&E Overseas, Inc. (IT&E) as a licensee pursuant to section 1.767(m)(2) of the Commission's rules, 47 C.F.R. § 1.767(m)(2). IT&E states that it does not own or control a landing station in the United States for the G-P System and holds a 0.124 percent interest in the G-P System and thus is not required to be on the license under the Commission's rules. See 47 C.F.R. § 1.767(h).

SCL-T/C-20090225-00003 E Paniolo Cable Company, LLC

Transfer of Control

Grant of Authority Date of Action: 05/01/2009

Current Licensee: Paniolo Cable Company, LLC

FROM: Waybill Management Group, LLC

TO: Blue Ivory, LLC

Application for consent to transfer control of the cable landing license for the Paniolo Fiber Optic Cable System (PFOC), SCL-LIC-20070223-00003, held by Paniolo Cable Company, LLC (Paniolo) from Waybill Management Group, LLC (Waybill) to Blue Ivory, LLC (Blue Ivory). The PFOC is a non-common carrier fiber optic cable system extending among the Hawaiian Islands of Kauai, Oahu, Molokai, Maui, and Hawaii.

Acceptability for Filing Public Notice: See Paniolo Cable Company, LLC Application to Transfer Control of the Cable Landing License for the Paniolo Fiber Optic Cable System, SCL-LIC-20070223-00003, Streamlined Submarine Cable Landing License Applications Accepted for Filing Public Notice, Report No. SCL-00083S (IB rel. March 25, 2009). No opposition or other comments were filed in response to the Public Notice. The Application has been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R §1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167 (2001) (Submarine Cable Licensing Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, Media Note (Revised) (rel. Dec. 20, 2001) available at http://www.state.gov/r/pa/prs/ps/2001/6951.htm.

Actions Taken: Grant of Authority to transfer control of the interest in the PFOC, SCL-LIC-20070223-00003, held by Paniolo Cable Company, LLC from Waybill Management Group, LLC to Blue Ivory, LLC.

Licensee Information: On March 31, 2008, without prior Commission approval, Waybill transferred its 96% membership interest in Paniolo to Blue Ivory. Prior to the transfer, Blue Ivory held a 4% membership interest in Paniolo. As a result of the transfer, Blue Ivory acquired control of Paniolo. Blue Ivory is wholly owned and controlled by Blue Ivory Hawaii Corp. (Blue Ivory Hawaii). Blue Ivory Hawaii is held equally by three private trusts, the Adrianne H.R. Hee Irrevocable Trust, the Breanne E.R. Hee Irrevocable Trust, and the Charlton E.R. Hee Irrevocable Trust. Each trust holds shares of Blue Ivory Hawaii for the benefit of the named beneficiary. The trustee of each of the trusts is Janeen-Ann A. Olds, a U.S. citizen. Therefore, ultimate control of the cable landing license is held by Ms. Olds.

Cable Design and Capacity: See Paniolo Cable Company, LLC Application for a License to Land and Operate a Fiber-Optic Submarine Cable System Linking the Hawaiian Islands of Kauai, Oahu, Molokai, Maui, and Hawaii, the Paniolo Fiber Optic Cable, SCL-LIC-20070223-00003, 22 FCC Rcd 13169 (Int'l Bur. 2007) (PFOC Cable Landing License Order).

Regulatory Status of Cable: The PFOC operates on a non-common carrier basis. See PFOC Cable Landing License Order, 22 FCC Rcd 13169.

Conditions and Requirements: See PFOC Cable Landing License Order, 22 FCC Rcd 13169. Paniolo 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.

Dismissal

SCL-T/C-20081215-00023 Reach Global Networks Limited

By letter dated April 23, 2009, Applicant notified the Commission of the Withdrawal of its Submarine Cable Transfer of Control application.