



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00098S

Friday December 4, 2009

STREAMLINED SUBMARINE CABLE LANDING LICENSE APPLICATIONS ACCEPTED FOR FILING

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing licensee; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision 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) and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless the Commission has informed the applicant in writing that the application, upon further examination, has been deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. Filings relating to this application must be received within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street, SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Amendment

Amendment filed to SCL-T/C-20090506-00009, an application for consent to the transfer of control of the cable landing license for the Bahamas Internet Cable System, SCL-LIC-20000118-00001, SCL-AMD-20000405-00011, SCL-MOD-20020925-00094, held by Caribbean Crossing Ltd., (CCL) from Columbus Communications Ltd. (Columbus) to Cable Bahamas Ltd. (CBL). See DA 09-1856, rel. August 25, 2009. CCL is a wholly-owned subsidiary of CBL. Columbus is the controlling shareholder of CBL through a 30.2% equity interest in CBL and voting authority to elect three (3) of the five (5) directors of CBL.

Pursuant to the terms of a Share Purchase Agreement executed between CBL, Columbus and its indirect parent Columbus Communications Inc., Columbus will sell and CBL will purchase 100 percent of the shares in CBL currently owned by Columbus. As a result of the proposed transaction, the other existing owners will increase their ownership of CBL.

CBL has subsequently entered into a Trust Declaration pursuant to which 5,000,000 shares of CBL common stock currently held by Columbus will be held by a newly created trust independent of both CBL and the Government of the Bahamas. Consequently, the Trust will have a 26.74% equity and voting interest in CBL. The trustee is Dr. Keva Bethel, a citizen of the Commonwealth of the Bahamas. The Government of the Bahamas will have a combined 21.39% equity and voting interest in CBL. (The National Insurance Board (NIB), an instrumentality of the Government of the Bahamas will hold a 16.23% interest and the Treasurer of the Government of the Bahamas will have a 5.16% interest.) No other individuals or entities will have a 10 percent or greater direct or indirect equity or voting interest in CBL.

The Trust will terminate 14 days after the occurrence of the first of the following to occur: (a) the sale by Bahamas Telecommunications Corporation of more than 50% of its capital shares to a third party other than the Government of The Bahamas or an instrumentality thereof; (b) the admission of the Commonwealth of The Bahamas to the World Trade Organization; (c) the dilution of the interest in CBL held by the Government of The Bahamas to a level that, if the Trust Shares were transferred to CBL, the combined equity and voting interest of the Government of The Bahamas in CBL would be 25% or less; or (d) the dissolution or liquidation of CBL. At that time the shares of CBL held by the trust will be distributed to the other existing owners of CBL and the Government of the Bahamas will have a 29.2% ownership interest in CBL. (NIB will hold a 21.9% interest and the Treasurer will have a 7.3% interest.) No other individuals or entities will have a 10 percent or greater direct or indirect equity or voting interest in CBL.

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See C.F.R. §§ 1.2001-1.2003.

The Commission's rules applicable to submarine cable landing licenses (47 C.F.R. §§ 1.767, 1.768) are available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edoc_public/attachmatch/DA-02-5981A1.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.

By this notice, we inform the public that submarine cable landing license applications and international section 214 applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, these extraordinary circumstances may result where Executive Branch agencies petition the Commission to defer decision on certain transactions pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses and international section 214 applications. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.