



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. SCL-00074S**

**Tuesday September 2, 2008**

## **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](mailto: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.

## Submarine Cable Landing License

Application filed by American Samoa Hawaii Cable, LLC ("ASHC"), Pac-Rim Redeployment, LLC ("PRR") and AST Telecom, LLC, d/b/a Blue Sky Communications ("Blue Sky," together with ASHC and PRR, "Applicants") for authority to land and operate a non-common carrier fiber-optic submarine cable network connecting Keawaula, Hawaii, Iliili, American Samoa, and Apia, the Independent State of Samoa ("Samoa"), the American Samoa-Hawaii Cable System ("ASHC System"). This will be the first ever submarine cable connecting to American Samoa and Samoa.

The Application states that, to construct the ASHC System, the Applicants will remove a section of the former PAC Rim East cable system between New Zealand and Hawaii and reinstall that section to terminate at the cable station at Iliili, American Samoa, and Apia, Samoa. The new ASHC System will use the same cable landing facilities in Hawaii as the former Pac Rim East system, including the existing bore pipes, beach manhole, conduit, and Keawaula cable station.

The ASHC System will initially consist of two (2) segments of digital fiber-optic cable. The first segment will connect Keawaula, on the island of Oahu in Hawaii, with Iliili, American Samoa. The second segment will connect Iliili with Apia, Samoa. On the Hawaii-American Samoa segment, the ASHC System will consist of two (2) optical fiber pairs, with a design capacity and initial configuration capacity of 1.12 Gbps. On the American Samoa-Samoa segment, the ASHC System will consist of two (2) optical fiber pairs, with a design capacity of 160 Gbps but an initial capacity of 2.5 Gbps.

PRR will construct and initially own the wet link portion of the ASHC System, including the Hawaii, American Samoa, and the Samoa shore-end portions of the ASHC System. Upon commissioning, pursuant to a Purchase Agreement, ASHC will acquire the ASHC System. ASHC will operate the wet-link portion of the ASHC System, including the Hawaii-American Samoa and American Samoa-Samoa segments, as well as the Hawaii, American Samoa, and Samoa shore-end portions of the ASHC System. Blue Sky will construct, own and operate the Iliili cable station in American Samoa. SamoaTel Limited ("SamoaTel") will construct, own and operate the Apia cable station in Samoa. SamoaTel will not have any equity interest in the ASHC System or the cable stations in Hawaii or American Samoa.

The ASHC System will use the existing cable station at Keawaula, Hawaii, which is owned by AT&T, Inc. Applicants request a waiver of section 1.767(h)(1) which requires that "any entity that controls a cable landing station in the United States" shall be "applicants for, and licensees on, a cable landing license." 47 C.F.R. § 1.767(h)(1). Application at 18. According to the Applicants, AT&T will not be able to affect significantly the operation of the ASHC Cable System, and it is not necessary for AT&T to be a licensee to ensure compliance with the Cable Landing License Act, the Commission's rules or the terms of the cable landing license. Id. The Applicants state that ASHC will enter into an agreement with AT&T giving ASHC a long-term lease in AT&T's conduits connecting the ASHC System's Hawaii beach landing with the Keawaula cable station and a long-term lease in the collocation space in the Keawaula cable station building. ASHC will have exclusive control over and access to ASHC's system terminal equipment. Equipment for the ASHC System will be separately caged and controlled exclusively by the Applicants from their network operations center in the Iliili cable station. The Applicants will retain operational authority over ASHC System facilities and provide direction to AT&T in all matters relating to the ASHC System. Pursuant to an agreement between ASHC and AT&T, AT&T will perform certain limited "remote hands" maintenance services on the Applicants' equipment, which will be performed in accordance with the ASHC's directions. Id. at 19.

The Applicants propose to operate the ASHC System on a non-common carrier basis. Applicants state that capacity on the ASHC System will not be sold indifferently to the user public, but will be used by the Applicants and offered to other carriers on terms tailored to their particular needs. Application at 6-7. Applicants states that the ASHC System will not have sufficient market power to warrant common carrier regulation. Id. at 7. Although the ASHC System will be the first subcable to serve American Samoa and Samoa, Applicants state that it will compete against satellite service to these locations and terrestrial microwave service between American Samoa and Samoa. Id. at 8.

Blue Sky is a wholly-owned, direct subsidiary of eLandia International Inc. Stanford International Bank, Ltd ("SIB"), organized under the laws of Antigua and Barbuda, owns 68.1% of and controls eLandia International. SIB is a direct, wholly-owned subsidiary of Stanford International Bank Holdings Ltd. ("SIB Holdings"), also organized under the laws of Antigua and Barbuda. SIB Holdings is wholly owned by Mr. R. Allen Stanford, a U.S. citizen.

PRR is owned by eLandia Technologies, Inc. (80%) and MC Cable I, LLC (20%). eLandia Technologies is a wholly-owned direct subsidiary of eLandia International. MC Cable I is owned by two members: (1) Pac Rim Investments, LLC (51%) and (2) MC Partners American Samoa Holdings, LLC. (49%). Pac Rim Investments is wholly owned by James R. Wilson, a U.S. citizen. MC Partners American Samoa Holdings is owned by six U.S. citizens: (i) Thomas A. Harris (32%), (ii) Michael P. Dunn (24%), (iii) John B. Rucker III (17.6%), (iv) Douglas C. Sellers (13.5%), (v) Philip W. Fletcher III (7.9%), and (vi) Kenneth C. Funderburk (5%).

ASHC is owned by eLandia Technologies (53.44%), the American Samoa Government (33.33%), and MC Cable II, LLC (13.33%). MC Cable II, LLC has the same ownership as MC Cable I, LLC.

Applicants agree to accept and abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).

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](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](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.