



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET S.W.  
WASHINGTON D.C. 20554

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News media information 202-418-0500  
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)  
TTY (202) 418-2555

**Report No. SCL-00210S**

**Wednesday April 11, 2018**

## **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 license; (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.

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), 1-888-835-5322 (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 Deep Blue Cable (US) Inc. (Deep Blue USA) and Deep Blue Cable Limited (Deep Blue Parent; together, the Applicants) for a license to construct, land, and operate within the United States a non-common carrier fiber-optic submarine cable network connecting Anguilla, British Virgin Islands, Cayman Islands, Colombia, Curacao, Dominican Republic, Haiti, Jamaica, Panama, Saint-Martin, Trinidad and Tobago, Turks and Caicos Islands, Florida, and Puerto Rico (Deep Blue cable system).

The Deep Blue cable system will consist of up to eight fiber pairs (whether a subsystem trunk, branch, or segment) with a design capacity of a minimum of 6 Terra bits per second (Tbps), and an initial lit capacity of 1 Tbps. Deep Blue will have a total length of approximately 12,000 kilometers. Applicants intend to commence commercial operation in the fourth calendar quarter of 2020.

Applicants state that the Deep Blue cable system will provide new and replacement capacity on routes where capacity demand is increasing substantially each year and where a number of existing systems are nearing their useful lives. Further, they state that the system will increase route diversity by pioneering a new cable station at Florida's east coast and providing a diverse southern connection to Trinidad and Tobago, reducing reliance by eastern Caribbean nations on hurricane-prone northern routes and reducing the risk that a single event will disrupt all U.S.-Caribbean or U.S.-Turks and Caicos Islands communications.

The Deep Blue cable system will consist of three subsystems (Subsystem 1, Subsystem 2, and Subsystem 3), and other segments connecting the British Virgin Islands, Anguilla, and Saint-Martin.

Subsystem 1 will connect Boca Raton, Florida, to Mahuma, Curacao, with five branching units extending directly from the trunk of Subsystem 1 to cable landing points located at (1) the Turks and Caicos Islands (Grace Bay, Providenciales), (2) the British Virgin Islands (Josiah's Bay, with two branching units extending directly from Josiah's Bay to landing points located at the Dominican Republic (Long Beach, Puerto Plata) and Puerto Rico (Palo Seco)), (3) Haiti (Kaliko), (4) Jamaica (South Branch located at Harbour View, Kingston), and (5) Colombia (Barranquilla).

Subsystem 2 will connect Naples, Florida to Maria Chiquita, Panama, with two branching units extending directly from the trunk of Subsystem 2 to (1) the Cayman Islands (Turtle Farm, Grand Cayman), and (2) Jamaica (North Branch located at Mammee Bay, Ocho Rios).

Subsystem 3 will connect Marie Pampoen, Willemstad, Curacao to Chaguaramas, Trinidad, with a branching unit extending directly from the trunk of Subsystem 3 to Tobago (Kilgwyn Bay, with a branching unit extending to Lower Manzanilla, Trinidad).

The British Virgin Islands, Anguilla, and Saint-Martin segments will connect (1) a landing point at Whelk Point, British Virgin Islands to an existing stub on the Antilles Crossing cable system, (2) a landing point at Long Bay, Beef Island, British Virgin Islands, to a landing point at Crocus Bay, Anguilla, and (3) a landing point at Sandy Point, Anguilla, to a landing point at Saint-Louis, Saint-Martin.

Deep Blue USA will own and control those portions of the Deep Blue cable system's wet segment in the U.S. territorial sea extending from Boca Raton, Naples, and Puerto Rico. Deep Blue Parent will own and control the remainder of the Deep Blue cable system's wet segment outside the U.S. territorial sea.

The owners of each of the non-U.S. cable landing stations are: (1) Wireless Ventures (Anguilla) Limited (d/b/a Digicel Anguilla Limited) will own and control the existing cable landing station located at The Valley, Anguilla (for cables landing at Crocus Point and Sandy Point, Anguilla); (2) Digicel (BVI) Limited will own and control a new cable landing station that will be located at East End Village, Tortola, British Virgin Islands (for cables landing at Whelk Point, Long Bay Beef Island, and Josiah's Bay, British Virgin Islands); (3) Digicel (Cayman) Limited will own and control a new cable landing station that will be located at Georgetown, Grand Cayman, Cayman Islands (for cable landing at Turtle Farm, Grand Cayman); (4) GlobeNet Cabos Submarinos Bermuda Limited will own and control the existing cable landing station located at Barranquilla, Colombia; (5) United Telecommunication Services (UTS) N.V. will own and control the existing cable landing station located at Willemstad, Curacao (for cable landing at Marie Pampoen, Curacao); (6) Blue NAP Americas will own and control the existing cable landing station located at Willemstad, Curacao (for cable landing at Mahuma, Curacao); (7) Northern Caribbean Fiber Dominicana, S.A. will own and control the existing cable landing station located at Puerto Plata, Dominican Republic (for cable landing at Long Beach); (8) Alpha Communications Network S.A. (d/b/a Digicel Haiti Limited) will own and control the existing cable landing station located at Kaliko, Haiti; (9) Digicel (Jamaica) Limited will own and control two new cable landing stations located at Kingston, Jamaica (for cable landing at Harbour View and Ocho Rios, Jamaica (for cable landing at Mammee Bay); (10) Trans Ocean Network Corp. will own and control the existing cable landing station located at Maria Chiquita, Panama; (11) Global Caribbean Fiber S.A.S. will own and control the existing cable landing station located at Saint-Louis, Saint-Martin; (12) Southern Caribbean Fiber Limited will own and control three cable landing stations located at Tobago and Trinidad (for cable landings at Kilgwyn Bay, Tobago (new cable landing station), Chaguaramas, Trinidad (existing cable landing station), and Manzanilla, Trinidad (new cable landing station); and (13) Digicel (Turks & Caicos) Limited will own and control the existing cable landing station located at Providenciales, Turks and Caicos Islands (for cable landing at Grace Bay).

The owners of each of the U.S. cable stations are as follows: (1) 365 Data Centers LLC (365 Data) will own and operate the existing cable landing station located at Boca Raton, Florida, (2) Skylink Data Centers LLC (Skylink) will own and operate the existing cable landing station located at Naples, Florida, and (3) AT&T of Puerto Rico, Inc. (AT&T) will operate and control space in the existing cable landing station located at Palo Seco, Puerto Rico. Prepa Networks LLC owns the cable station landing building in Puerto Rico.

The Applicants request a waiver of section 1.767(h)(1) of the Commission's rules, 47 CFR § 1.767(h)(1) so that the owners of the Boca Raton, Naples, and Puerto Rico cable landing stations need not be joint applicants for the Deep Blue cable landing license. Section 1.767(h)(1) requires that "any entity that owns or 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). According to the Applicants, neither Skylink nor 365 Data nor AT&T will have any ability to affect significantly Deep Blue's operations, and inclusion of Skylink, 365 Data, and AT&T as joint applicants is not necessary to ensure compliance by the Applicants with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license. For Deep Blue's Boca Raton, Naples, and Puerto Rico landings, Applicants state that Deep Blue USA will enter into a long-term lease for collocation space for power feed equipment in their respective cable landing stations. Deep Blue USA will also retain operational authority over the Deep Blue landing facilities and provide direction to Skylink, 365 Data, and AT&T in all matters relating to the Deep Blue cable system. Further, Deep Blue USA will seek to ensure that all infeasible rights-of-use (IRU) and lease agreements will have initial terms, with extension options at Deep Blue USA's sole discretion, for a total of 25 years each, coextensive with the term of the cable landing license.

The Applicants propose to operate the Deep Blue cable system on a non-common carrier basis. Applicants state that Deep Blue will compete vigorously with established submarine cable operators (i.e., C&W Networks) and other submarine cable systems in the Caribbean and mid-Atlantic regions (i.e., the PCCS, Arcos, CFX-1, SAM-1, Americas II, and other cable systems in the region). Applicants also state that they will not sell capacity indifferently to the public, but rather will sell capacity to particular carriers and enterprise customers pursuant to individually negotiated IRUs and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchaser.

Deep Blue Parent, a St. Lucia company, holds a 100% voting and equity interest in Deep Blue USA. Deep Blue Parent is 100% owned (equity and voting interests), on a direct basis, by Digicel Investments Limited, a Bermuda company which, in turn, is wholly-owned, on a direct basis, by Danemann Limited, an Isle of Man company. IoLCSM Nominees Limited (IoLCSM) holds a 100% direct voting and equity interest in Danemann Limited and Mr. Denis O'Brien, a citizen of Ireland, holds a 100% voting and equity interest in IoLCSM. No other person or entity holds a ten percent or greater direct or indirect ownership interest in Deep Blue USA.

Applicant agrees to accept and abide by the routine conditions specified in section 1.767(g)(1)-(14) of the Commission's rules, 47 C.F.R. §1.767(g)(1)-(14).

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#### 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.

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.