PUBLIC NOTICE

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Report No. SCL-00138 **Thursday February 28, 2013**

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.

These applications have 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, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at http://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm.

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-LIC-20121221-00015 E viNGN, INC. d/b/a Virgin Islands Next Generation Networks, Inc.

Submarine Cable Landing License

Grant of Authority Date of Action: 02/25/2013

Acceptability for Filing Public Notice: The Application was placed on Public Notice on January 10, 2013. See viNGN, Inc. d/b/a Virgin Islands Next Generation Network, Inc. (viNGN), Application for a license to construct, land and operate a non-common carrier fiber-optic submarine cable, the St. Thomas-St. Croix System, directly linking the islands of St. Thomas and St. Croix, both of which are located within the United States Virgin Islands, File No. SCL-LIC-20121221-00015, Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00136S (Int'l Bur., rel. January 10, 2013). No comments or oppositions 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, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at http://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm.

Action Taken: Grant of Cable Landing License to viNGN for the purpose of landing and operating a non-common carrier fiber-optic submarine cable system, the St. Thomas-St. Croix System, directly linking the islands of St. Thomas and St. Croix, both of which are located within the United States Virgin Islands.

Licensee Information: viNGN, a wholly-owned subsidiary of the Virgin Islands Public Finance Authority (VIPFA), is a public (not publicly-held) corporation organized under the laws of the Territory of the U.S. Virgin Islands. VIPFA is a public corporation and autonomous government instrumentality created in 1988 by the USVI Legislature for the purpose of aiding the USVI Government in the performance of its fiscal duties and carrying out its governmental responsibility of raising capital for public projects.

Cable Design and Capacity: The proposed St. Thomas-St. Croix System will be a high capacity digital fiber-optic system comprised of twelve (12) geographically separated cables, with each cable having 12 strands of fiber, with a design capacity of 100 Gigabits per second (Gbps) per fiber strand. The system will provide an initial design capacity of 10 Gbps on the first fiber strand in each cable. The cable system is based on non-repeatered technology using long range 10 Gigabit optical transceivers on each end of the cable.

Cable Landing Point Arrangements: The proposed cable system will have landing stations in Christiansted, St. Croix; Frederiksted, St. Croix; Brewers Bay, St. Thomas; Great Bay, St. Thomas; Flamingo Bay (Water Island), St. Thomas; Banana Bay (Water Island), St. Thomas; and Vila Olga, St. Thomas (St. Thomas-St. Croix System). The proposed landing station locations are either owned by the USVI government or are the subject of negotiations for easements that will allow viNGN access to the landing locations. viNGN will be fully responsible for the operation of the landing terminal equipment at each station. Each of the landing points associated with the cable system will consist exclusively of beach manholes and will not involve construction or use of buildings.

Regulatory Status of Cable: viNGN proposes to operate the cable system on a non-common carrier basis. viNGN states that the USVI region is served by other cable systems, so there are routing options and competitive alternatives to the proposed St. Thomas-St. Croix System in the region. viNGN also states that it will not offer capacity to the public indifferently, but rather the capacity will be made available to its customers on terms tailored to their particular needs. viNGN further states that it will provide wholesale, reliable high speed internet connections to retail providers, institutions and public infrastructure stewards who will, in turn, provide service to residents, businesses, and the Government of the Virgin Islands.

viNGN has provided information and demonstrated that the proposed operation of the cable on a non-common carrier basis satisfies the requirements set forth in National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630, 642 (D.C. Cir. 1976) (NARUC I), cert. denied, 425 U.S. 992 (1976). See also Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22202-22203, paras. 69-70; Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking, 15 FCC Rcd 20789, 20815-20818, paras. 62-67.

Conditions and Requirements: viNGN shall comply with the routine conditions set out in section 1.767(g)(1)-(14) of the Commission's rules, 47 C.F.R. § 1.767(g)(1)-(14), and with the requirements of section 1.768 of the Commission's rules, 47 C.F.R. § 1.768 (notification by and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier).