



PUBLIC NOTICE

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DA No. 02-3369
December 5, 2002

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, and are effective upon release of this public notice. 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 (rel. Dec. 14, 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-ASG-20021021-00096

Teleglobe USA Inc. (Licensee and Assignor)
Teleglobe USA Inc. (debtor-in-possession) (Assignee)

SCL-ASG-20021021-00095

Optel Telecommunications Inc. (Licensee and Assignor)

Optel Telecommunications Inc. (debtor-in-possession) (Assignee)

**SCL-ASG-20020822-00078 Teleglobe USA Inc. (debtor-in-possession) (Licensee and Assignor)
Teleglobe Puerto Rico Inc. (debtor-in-possession) (Assignee)**

**SCL-T/C-20020821-00069 Teleglobe Inc. (debtor-in-possession) (Transferor)
SkyOnline Holdings, LLC (Transferee)**

PRO FORMA ASSIGNMENTS AND
TRANSFER OF CONTROL

Action Taken: 1) Grant of authority for *pro forma* assignment of interests in submarine cable landing licenses from Teleglobe USA Inc. (Teleglobe USA) to Teleglobe USA Inc., debtor-in-possession (Teleglobe USA DIP) (*see* Attachment 1); 2) grant of authority for *pro forma* assignment of interest in submarine cable landing license from Optel Telecommunications Inc. to Optel Telecommunications Inc., debtor-in-possession; 3) grant of authority for *pro forma* assignment of interest in the MAYA-1 submarine cable landing license from Teleglobe USA DIP to Teleglobe Puerto Rico Inc., debtor-in-possession (Teleglobe PR DIP); and 4) grant of authority to transfer control of interests in cable landing licenses to be held by Teleglobe PR DIP from Teleglobe Inc., debtor-in-possession (Teleglobe DIP) to SkyOnline Holdings, LLC.

Conditions and Requirements: *See* File No. SCL-LIC-19990325-00006, 15 FCC Rcd 19456 (IB 1999). Licensee 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. *See also* 47 C.F.R. § 1.767(g)(1)(14).

Licensee Information: Teleglobe USA DIP is a U.S. corporation, and is a wholly-owned subsidiary of Teleglobe DIP. Teleglobe USA DIP operates capacity in the MAYA-1 submarine cable in and between the continental United States and international points. Teleglobe USA DIP, together with its parent, Teleglobe DIP, filed for reorganization under Chapter 11 of the bankruptcy laws in May 2002. The proposed transaction will occur pursuant to a Plan of Reorganization under the supervision of a bankruptcy court.

Teleglobe PR DIP is a U.S. corporation, and is also a wholly-owned subsidiary of Teleglobe DIP.

Pursuant to a Plan of Reorganization, Teleglobe USA DIP will assign its interest in the MAYA-1 submarine cable landing license to Teleglobe PR DIP, which will in turn be acquired by SkyOnline Holdings, LLC (SkyOnline Holdings), a U.S. limited liability company that is wholly owned by SkyOnline, Inc. As a result of this transaction, Teleglobe PR DIP will become a direct holder of the MAYA-1 License and ultimately will be controlled by SkyOnline, Inc. SkyOnline Holdings, through its operating subsidiaries, provides data and voice communications in various Latin American countries. SkyOnline's parent company, SkyOnline, Inc. holds a Section 214 authorization to provide international global facilities-based and resale services from the United States (*see* File No. ITC-214-19980218-00048). According to the Applicants, the following entities hold a ten percent or greater interest in SkyOnline, Inc.: Nouvel Investissement en Technologies S.A. c/o Fidei S.A., a Luxembourg company, (45 percent); Suez Connect, S.A., a French corporation, (30.6 percent); and Pequot Capital Management, Inc., a U.S. corporation (14.6 percent). Applicants assert that Suez Connect, S.A. is in turn wholly-owned by Suez Lyonnaise des Eaux, a French corporation. In addition, Applicants assert that the following entities hold a ten percent or greater interest in Nouvel Investissement en Technologies S.A.: Melkan Properties S.A. (Melkan), a Panamanian corporation (49.5 percent); and Gariston Investments, Inc. (Gariston), a Panamanian corporation (49.5 percent). Applicants further assert that Melkan is 99 percent

owned by Roland de Kergorlay, a French citizen, and that Gariston is 99 percent owned by Thais d'Annoux, a French citizen.

Cable Design and Capacity: See File No. SCL-LIC-19990325-0006.