



PUBLIC NOTICE

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DA 03-444
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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 application 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-T/C-20021230-00108

ARCOS-1 USA, Inc. and A.Sur Net, Inc. (Licensees)
ARCOS-1 USA, Inc. and its shareholders (Transferor)
Barclays Bank PLC (Transferee)

TRANSFER OF CONTROL

Action Taken: Grant of authority for the transfer of a controlling interest in the cable landing license for the ARCOS-1 cable system (File No. SCL-LIC-19981222-00032) held jointly by A.Sur Net, Inc. and its parent, ARCOS-1 USA, Inc., from ARCOS-1 USA, Inc. and its shareholders to Barclays Bank PLC.

Conditions and Requirements: *See ARCOS-1 USA, Inc., Application for a License to Land and Operate in the United States a Private Fiber Optic Submarine Cable System Extending Between the United States Mainland, The Bahamas, the Turks and Caicos Islands, the Dominican Republic, Puerto Rico, Curacao, Venezuela, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala, Belize and Mexico, Cable Landing License, File No. SCL-LIC-19981222-00032, 14 FCC Rcd 10597 (TD/IB 1999). See also ARCOS-1 USA, Inc., Com Tech International Cable Corporation, Telecomunicaciones Ultramarinas de Puerto Rico; Application for Authority to Modify a Cable Landing License, File No. SCL-MOD-20010302-00007, 16 FCC Rcd 15781 (PD/IB 2001)(Application to add Com Tech International Cable Corporation (now known as A.Sur Net) and Telecomunicaciones Ultramarinas de Puerto Rico, Inc. to the cable landing license).*

Licensees 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: ARCOS-1 USA, Inc. and a wholly-owned subsidiary, A.Sur Net, Inc., are licensed to land and operate the ARCOS-1 submarine cable system that extends between the United States and 14 countries in the Caribbean, Central and South America. Each company is organized under the laws of the State of Delaware. ARCOS-1 USA is a wholly-owned subsidiary of New World Network, Ltd. (“New World Network”), a Bermuda company. New World Network, together with its direct and indirect wholly-owned subsidiaries, owns 86.051% of, and operates, the ARCOS-1 System. New World Network is a wholly-owned subsidiary of New World Network International, Ltd. (“NWN International”), a Bermuda company. In turn, NWN International is a wholly-owned subsidiary of New World Network Holdings, Ltd. (“NWN Holdings”), a Bermuda company.

Following consummation of a series of proposed transactions, Barclays Bank PLC would receive 62.019% of NWN International’s common equity. The remaining shares, representing 37.981% of the common equity of NWN International, would be held by: its current shareholder NWN Holdings (7%); certain other lenders of NWN International, New World Network, and certain of their affiliates (10.648%); certain investors in NWN Holdings (to the extent they or other permitted investors elect to acquire additional common equity of NWN International pursuant to a contingent equity purchase agreement (up to 11.333%); and NWN International, reserved for issuance to board members, officers and management team (9%). ARCOS-1 USA certifies that no individual shareholder, other than Barclays Bank, is expected to have a 10% or greater share ownership in NWN International.

Barclays Bank PLC is a public limited company organized under the laws of England and Wales. It is a U.K.-based financial services group engaged primarily in banking, investment banking and investment management. Barclays Bank is a wholly-owned subsidiary of Barclays PLC, the ordinary shares of which are traded mainly in the London Stock Exchange and are also traded in the Tokyo Stock Exchange and the New York Stock Exchange. ARCOS-1 USA certifies that no individual shareholder of Barclays PLC holds a sufficient stake to hold a 10% or greater direct or indirect interest in ARCOS-1 USA. It also

certifies that the proposed transfer of control would not result in ARCOS-1 USA acquiring any affiliation with a foreign carrier.

Interlocking Directorates: Barclays Bank PLC states that it has no interlocking directorates with a foreign carrier.

Regulatory Status of Cable: The ARCOS-1 System will continue to be operated on a non-common carrier basis. *See* File No. SCL-LIC-19981222-000332, 14 FCC Rcd 10597 (TD/IB 1999).

Cable Design and Capacity: *See* File No. SCL-LIC-19981222-000332, 14 FCC Rcd 10597 (TD/IB 1999).