



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
ftn fcc.gov

DA No. 04-1308
May 11, 2004

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 IS GRANTED. This grant of authority is taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is 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-LIC-20031209-00033

St. Maarten International Communications Services, Inc.
(SMITCOMS INC.)

SUBMARINE CABLE LANDING LICENSE

Action Taken: Grant of Cable Landing License to land and operate a common-carrier fiber-optic cable system, SMPR-1, between St. Maarten, Netherlands Antilles and San Juan, Puerto Rico. *See* Application for Cable Landing License – Streamlined Processing Requested, File No. SCL-LIC-20031209-00033 (filed December 9, 2003) (“Application”); *See also* Amendment to Application for Cable Landing License – Streamlined Processing Requested, File No. SCL-LIC-20031209-00033 (filed January 7, 2004) (“Amendment”).

Acceptability for Filing Public Notice:

See St. Maarten International Communications Services, Inc. Application for a License to Land a Fiber-Optic Cable System between St. Maarten, Netherlands Antilles and San Juan, Puerto Rico, for the SMPR-1 Cable System, File No. SCL-LIC-20031209-00033, Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, DA 04-618 (Int’l Bur., March 5, 2004); Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. TEL-00777S (April 2, 2004 (Correction)).

Conditions and Requirements:

St. Maarten International Communications Services, Inc. SHALL COMPLY with the routine conditions set out in section 1.767(g)(1)-(14) and the reporting requirements set out in section 1.767(l) of the Commission’s rules. *See* 47 C.F.R. § 1.767(g)(1)-(14), and (l).

Licensee Information:

St. Maarten International Communications Services, Inc. (“SMITCOMS, INC.”) is a corporation organized under the laws of Delaware and registered as a foreign corporation under the laws of Puerto Rico. SMITCOMS, INC., located in the Netherlands Antilles, is a wholly-owned subsidiary of SMITCOMS, N.V., a corporation organized under the laws of St. Maarten, Netherlands Antilles. SMITCOMS, N.V., a licensed international carrier, is owned by the Government of the Island Territory of St. Maarten, Netherlands Antilles, which is an autonomous part of the Kingdom of the Netherlands. The Netherlands Antilles is a member state of the World Trade Organization (WTO), and formally agreed to the Basic Telecommunications Services Accord (Addendum on Telecommunications) of the WTO.

SMITCOMS, INC. will operate a common-carrier fiber-optic cable, SMPR-1, between St. Maarten, Netherlands Antilles and San Juan, Puerto Rico. *See* Application at 2.

Interlocking Directorates: SMITCOMS, INC. has interlocking directorates with its parent, SMITCOMS, N.V., the companies’ boards are comprised of the same members. *See* Amendment at 5.

Regulatory Status of Cable:

Applicant proposes to operate on a common-carrier basis. *See* Application at 2.

Cable Design and Capacity, Map, cable Station Information, and Landing Point Notification:

SMPR-1 will be a repeaterless fiber-optic submarine cable. SMPR-1 will be comprised of 16 fibers (*i.e.* 8 pairs), with an initial bandwidth of 2.5 Gbps. The loading capacity of the cable system when lighted at its inaugural 2.5 Gbps bandwidth will be 500 E-1 circuits, or thirty (30) 64-kbps circuits per each E-1 circuit. Attachment 1.B provides a route map showing the routing of SMPR-1, including the main segment between St. Maarten and Puerto Rico. The total extension of the cable is approximately 374 kilometers, and will be free laid on the sea floor within the territorial waters of the U.S. commonwealth. *See* Application at 4 and Attachment 1.

The SMPR-1 system will land at Isla Verde, San Juan, Puerto Rico and Divi Little Bay, St. Maarten, Netherlands Antilles. At Isla Verde, San Juan, Puerto Rico, SMITCOMS will land SMPR-1 using an existing landing station operated by Telecomunicaciones Ultramarinas de Puerto Rico (ULTRACOM). ULTRACOM currently serves as an interconnection point for numerous cable systems in the Caribbean Region, including Taino-Carib-1, Americas-1, Eastern Caribbean, Antillas-1 and 2, Arcos-1, Maya-1 and San-1. The landing station in St. Maarten is the Divi Little Bay beach landing and cable station (St. Maarten, Netherlands Antilles). *See* Application at 4-5 and Attachments 1 and 2.