



PUBLIC NOTICE

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DA No. 04-1603
June 2, 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-T/C-20040412-00013

Allstream Fiber US, Inc. (Licensee)
Allstream, Inc. (Transferor)
Manitoba Telecom Services, Inc. (Transferee)

TRANSFER OF CONTROL

Action Taken: Grant of authority to transfer control of an interest in the cable landing license for the AmeriCan-1 cable system (SCL-LIC-19980123-00002) held by Allstream Fiber US, Inc. (“Allstream”), from its 100 percent parent, Allstream, Inc., a Canadian corporation, to Manitoba Telecom Services, Inc. (“MTS”), also a Canadian corporation.

Conditions and Requirements: *See Allstream Fiber US, Inc*, File Nos. SCL-LIC-19980123-00002 (SCL-98-001, DA 98-1668), 13 FCC Rcd 15663 (IB 1998) (initial license); SCL-MOD-19990901-00016, 15 FCC Rcd 3057 (IB 2000) (Third modification to add Allstream’s predecessor-in-interest, MetroNet Fiber US, Inc. as a licensee). Allstream 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.

Licensee Information: Allstream is one of four licensees authorized to land and operate the AmeriCan-1 private submarine fiber optic cable extending between the United States and Victoria, British Columbia, Canada. *See* SCL-LIC-19980123-00002 (SCL-98-001, DA 98-1668), 13 FCC Rcd 15663 (IB 1998) (initial license). This application was filed as part of a transaction involving MTS’s acquisition of Allstream, Inc., Allstream’s 100 percent parent, wherein MTS will acquire all of the Class A and Class B shares of Allstream Inc. in exchange for \$23 in cash per share plus 1.0909 of MTS’s shares. *See* ITC-T/C-20040412-00154.

Regulatory Status of Cable: The AmeriCan-1 Cable network operates on a non-common carrier basis. *See* File Nos. SCL-LIC-19980123-00002 (SCL-98-001, DA 98-1668), 13 FCC Rcd 15663 (IB 1998); SCL-MOD-19990901-00016, 15 FCC Rcd 3057 (IB 2000).

Cable Design and Capacity: *See* File Nos. SCL-LIC-19980123-00002 (SCL-98-001, DA 98-1668), 13 FCC Rcd 15663 (IB 1998); SCL-MOD-19990901-00016, 15 FCC Rcd 3057 (IB 2000).