

FCC [#]
SCL-LPN

FEDERAL COMMUNICATIONS
COMMISSION

Not Yet Approved
by OMB
3060-0944

**Instructions for
Submarine Cable Landing Point Notification
Office of International Affairs**

SCL-LPN

GENERAL INSTRUCTIONS

Purpose of Form: This form is used by an Applicant(s) to notify the Federal Communications Commission (Commission or FCC) of the precise location of each cable landing station point of the cable system. If the precise landing point information was not known at the time the cable landing license application was filed, the Applicant(s) is required to provide the landing point information ninety (90) days prior to commencing construction at each landing point. *See* 47 CFR 1.767(a)(5).

The 1921 Submarine Cable Landing License Act states that “no person shall land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country or one portion of the U.S. with any other portion thereof, unless a written license” has been issued by the President of the United States 47 U.S.C. §§ 34-39. The FCC, on delegated authority from the President, is directed to receive all applications and coordinate with the Department of State and other Executive Branch Agencies in determining whether to grant the Application. Executive Order No. 10,530 and 47 CFR § 1.767 (a)(11)(iii)(b).

Once granted, the cable landing license shall not be transferred, assigned, or disposed of, or disposed of indirectly by transfer of control of the licensee, unless the Federal Communications Commission gives prior consent in writing. 47 CFR § 1.767(g)(6). An application to assign or transfer control of a cable landing license is filed using the SCL-ASG&T/C form.

A Licensee is permitted to modify a submarine cable landing license grant to add a cable landing point(s) to a cable system. Modifications to add a new licensee are required to be signed by each initial Applicant or Licensee. Joint applicants may appoint one party to act as proxy for purposes of complying with this requirement. 47 CFR § 1.767(m). An application to modify a cable landing license is filed using the SCL-MOD form.

A Licensee must notify the Commission if it becomes or seeks to become affiliated with a foreign carrier that is authorized to operate in a foreign destination market of the submarine cable

including an entity that owns or controls a cable landing station in that market. 47 CFR § 1.768. A foreign carrier affiliation notice is filed using the SCL-FCN form.

A cable landing license expires twenty-five (25) years from the date that the cable is placed into service. A cable landing license may be renewed. 47 CFR § 1.767(g)(14). A renewal application is filed using the SCL-RWL form.

Who Must File This Form and When: Any individual or entity who is a Licensee on or is a proposed Applicant/Licensee and has not previously notified the Commission of the precise landing point locations of the cable landing station(s). The following entities are required to be applicants for, and licensees on, a cable landing license:

- Any entity that owns or controls, or proposes to own or control, a U.S. cable landing station. OR
- Any entity that owns or controls a 5% or greater interest in the cable system AND uses a U.S. landing point. 47 CFR § 1.767(h)(1)(2).

Description of Form: This form consists of a main form and the ability to file an attachment(s) to support the request. Each Applicant/Proposed Licensee is required under our rules to provide legal, technical, and financial information, and provide certain signed certifications and signatures prior to uploading the document (and attachments if applicable) to the FCC's International Bureau Filing System (IBFS). 47 CFR §§ 1.767, § 1.768, §§ 63.18 (h) (o), § 63.10(a) The Applicant is encouraged to upload a single document in machine readable format, including all required information. The Applicant must fill in all required fields, upload required documents, make all required certifications, and sign the form before submitting the application.

Information Current and Complete: Information filed in the application with the Commission must be kept current and complete under section 1.65 of the Commission's rules. 47 CFR § 1.65.

An applicant is permitted to amend the application after filing in IBFS, and prior to the date of any final action taken by the Commission. Amendments to pending applications to add a new applicant or licensee are required to be signed by each initial applicant or licensee. Joint applicants may appoint one party to act as proxy for purposes of complying with this requirement. 47 CFR § 1.767 (m). An amendment to a pending Cable Landing License application is filed using the SCL-AMDS form.

Applicable Rules and Regulations

The FCC derives its authority to grant, regulate and impose conditions on submarine cables from:

- Cable Landing License Act of 1921 (Cable Landing License Act) and the 1954 Executive Order No. 10530. Pub. Law No. 8, 67th Congress, 42 Stat. 8 (1921); 47 U.S.C. §§ 34-39; Exec. Order No. 10530 § 5(a) (May 10, 1954); reprinted as amended in 3 U.S.C. §301.
- Communications Act of 1934, as amended (Act) 47 U.S.C. §151 *et. seq.*
- Commission rules, 47 CFR §§ 1.767, 1.768, §§ 63.18 (h) (o); §63.10 (a).
- Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 2167 (2001).

Applicants should refer to the Debt Collection Improvement Act of 1996. The Debt Collection Act requires all federal agencies to ensure that no debtors to the Federal government obtain any licenses or other benefits from the FCC. To ensure this, the Commission must collect FRN information to correlate its Applicants with any outstanding Federal debt that they might have incurred in other dealings with the Federal government. For additional information, press on the FCC's Debt Collection webpage, <https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>.

Other Submarine Cable (SCL) Forms

- **SCL-LIC Form: This form is used to file for a cable landing license.**
- **SCL-AMD Form.**
 - This form is used to amend a pending application related to a cable landing license.
- **SCL-ASG&TC Form.**
 - This form is used for an assignment of a cable landing license or the transfer of control of a licensee. The form is used for both substantive and pro forma transactions.
- **SCL-MOD Form.**
 - This form is used to modify an existing cable landing license, for example to add or remove a licensee or to add a new landing point.

- **SCL-FCN Form.**
 - The form is used by a licensee to notify the FCC of new foreign carrier affiliations.
- **SCL-RPT Form.**
 - This form is used to file the reports of any licensee affiliated with a foreign carrier with market power in destination country of the cable system in accordance with section 1.767(l) of the Commission's rules.
- **SCL-RWL Form**
 - This form is used to request renewal of an existing cable landing license.
- **SCL-STA Form.**
 - This form is used to request Special Temporary Authority related to a cable landing license, such as to start construction of the cable prior to grant of the cable landing license or related to an unauthorized transaction related to the license.
- **SCL-WAV Form.**
 - This form is used to request a waiver of the FCC rules related to a cable landing license.

FCC Notice Required by The Paperwork Reduction Act

We have estimated that on average each response to this collection of information (using in-house staff) will take 1 hour. Our estimate includes the time to read the instruction, rules, gather data, and complete and file the form. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden, please email them to pra@fcc.gov or send them to the Federal Communications Commission, AMDPERM, Paperwork Reduction Project (3060-0404), Washington, DC 20554. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS.

The Applicant is not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number of 3060-0944. This notice is required by the Paperwork Reduction Act of 1995, P.L. 104-13, October 1, 1995, 44 U.S.C. Section 3507.

For Assistance

For assistance with completing the forms, contact Office of International Affairs, Telecommunications and Analysis Division at FCC-OIA-TAD@fcc.gov or at (202) 418-1480.

FILING INSTRUCTIONS FOR CABLE LANDING POINT NOTIFICATION FORM

Applicant(s) Information

Item 1. The Applicant must enter the information requested. Some data will be pre-populated using the data associated with carrier's FCC Registration Number (FRN). If there are multiple Applicants for the cable landing license, the lead Applicant shall enter its information in Item 1.

When the Applicant enters its FRN, the Applicant Information will pre-populate with its FRN data in CORES. To modify these pre-populated data, update the data associated with the FRN in CORES. However, a few fields are editable in this item in the SCL-LIC form (Attention, Title, Phone, Fax, and Email fields are editable).

Enter any missing data and sections that are not already populated from CORES, such as the "Applicant/Licensee Legal Entity Type" field.

Contact Information

Item 2. Identify the contact representative, if different from the Applicant. The contact information can be imported automatically from CORES if the carrier supplied an FRN, but fields are still editable.

If the contact representative is the same as the person indicated in Item 1, then check the box "Same as Applicant." If the contact representative is not the same as the Applicant, provide the requested information.

- Provide the name of a person in your organization, your outside counsel, or other representative whom we can contact if there are questions regarding your application. This person should have decisional authority over the contents of your application.
- Provide the Company name if different from the "Applicant" name in Item 1 or repeat "Company" name here.
- Provide the contact representative's address, phone number, fax number, and email.
- Provide your "Doing Business As (DBA)" name. If the Applicant is not operating its business using a DBA, you may leave this section blank.
- Indicate how the contact person is related to the Applicant by selecting a choice from the drop-down "Relationship" menu. For example, indicate that the "contact is outside counsel" or "contact is a corporate officer of the carrier." Selecting "other" will open a text box for entry of a description of the relationship.

Application Information

Item 3. Provide a short description of the cable system, including the system name, landing point countries, and names of the Applicant(s)/Proposed Licensees. This description will show up the Applicant's "My Filings" tab on the ICFS main page, allowing for identification of this filing.

Item 4: Enter in the chart the name of the cable system and AuthID and/or file number (SCL-LIC) of the cable landing license application for which the Landing Point Notification is being filed. Entering with AuthID should populate the SCL-LIC file number automatically, just as entering the file number should automatically populate the AuthID.

Submarine Cable Landing Location Information

Item 5. In the table, provide, the specific geographic coordinates of the U.S. and foreign landing locations that were not included in the Applicant's initial SCL-LIC application, as required by 1.767(a)(5) and 1.767(g)(8) of the Commission's rules. Use the drop-down menus to select in column (a) whether the cable landing station is a U.S. or foreign station and select in column (b) the type of landing (cable landing station or beach joint/manhole). In columns (c) and (d), provide the latitude and longitude coordinates in Decimal Degrees. Information on converting latitude and longitude between decimal degrees and degrees, minutes, and seconds is available at <https://www.fcc.gov/media/radio/dms-decimal>.

Item 6. If the Applicant requests confidential treatment for the specific geographic coordinates of the U.S. and foreign landing locations, indicate this by checking the "Yes" box here. If yes, the Applicant(s) must submit an attachment with an explanation for the request for confidentiality. The coordinates provided in the Item 7 table will not be visible to the public while the request for confidentiality remains pending.

Item 7. Indicate whether the Applicant has attached a map showing specific geographic coordinates of each cable landing station in the United States and in foreign countries where the cable will land, and the coordinates of any beach joint where those coordinates differ from the coordinates of the cable landing station, as required by section 1.767(a)(5) of the Commission's rules, by checking "yes" or "no." If no," in an attachment, explain why the Applicant has not included a map in an attachment. A waiver request may be warranted.

Item 8: The Applicant acknowledges that it/they will not commence construction at the landing location(s) identified above until at least ninety (90) days after the filing of this landing point notification as required by section 1.767(a)(5), (g)(8) of the Commission's rules. [check box]

Waiver

Item 9. Indicate whether this Application includes a request for waiver of any Commission rules by checking "Yes" or "No." If "Yes," list the rules for which a waiver is sought in Item 6a. Provide an explanation for the waiver request in an attachment, along with other material information.

Attachments

For Items 10-11, the Applicant must check the box for each of the following items indicating that it has included the described attachment, as appropriate.

Item 10. Indicate by checking “yes” or “no” if the Applicant(s) has attached a map showing specific geographic coordinates of each cable landing station in the United States and in foreign countries where the cable will land, and the coordinates of any beach joint where those coordinates differ from the coordinates of the cable landing station, as required by section 1.767(a)(5) of the Commission’s rules. If Applicant(s) has not attached a map, remember to upload an attachment explaining why the map has not been included. As noted above, a waiver request may be warranted.

Item 11. If applicable, the Applicant(s) has uploaded a statement supporting the waiver request and identifying the rule number(s) involved, along with other material information.

Attachments/Confidential Treatment of Attachments

Item 12. If the Applicant(s) is/are requesting confidential treatment for any of its attachments, answer this question “yes.” Otherwise, answer “no.” This question is specifically related to uploaded attachments (e.g., narrative statements, maps, etc.) and not confidential treatment of the station coordinates entered in the main form in Item 5 (applicants indicate a request confidential treatment of coordinates in Item 7). (Note that if the Applicant indicates in Item 6 that it wants confidential treatment for its coordinates, it must still upload an attachment with a supporting statement for the “confidential treatment request(s)” identifying the applicable rule(s) and providing other supporting materials or information.)

If the Applicant answers “yes” in item 13, then it must upload a supporting statement for the “confidential treatment request(s)” identifying the applicable rule(s) and providing other supporting materials or information. The Applicant must also upload both the Redacted Public version and the Non-Redacted Confidential version of the attachment(s) in the Attachments section which follows below.

The Applicant(s) can upload attachments in this section of the application. The Applicant(s) will identify the attachment(s) with a short name for easy identification of the information included in each attachment.

Note: Each document required to be filed as an attachment should be current as of the date of filing. Each page of every attachment must be identified with the number or letter, the number of the page, and the total number of pages.

In this item, the Applicant may use the upload button to upload its attachments. After uploading, the Applicant can describe the attachment. Also after uploading, the Applicant can click the confidential treatment button next the attachment name if it so desires. Clicking the confidential treatment button will trigger a request to upload both a redacted, public version of the attachment and a public supporting statement justifying the confidentiality request. Identify in the attachment the applicable rule(s) and provide other supporting materials or information.

Documents designated for confidential treatment will not be publicly viewable in ICFS while the Commission considers the confidentiality request.

General Certification Statements

Item 13. In order to submit the application, the Applicant(s) must certify acknowledgement of all requirements listed here and elsewhere in this form by clicking on the single indicated checkbox. If there are multiple applicants, [**need language here**]. These requirements include:

- The Applicant certifies that it has provided all the required information required by section 1.767(a)(5), (g)(8) of the Commission's rules.
- The Applicant certifies that neither it nor any other party to the application is subject to a denial of Federal benefits, including FCC benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR § 1.2002(b) for the meaning of “party to the application” for these purposes. (This certification does not apply to applications filed in services exempted under § 1.2002(c) of the rules, or to Federal State or local governmental entities or subdivisions thereof, 47 CFR § 1.2002(c).)
- The Applicant certifies that all of its statements made in this application and in its attachments or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith

Party Authorized to Sign

Each Applicant must sign the Application.

Item 14. Enter all of the required information in the table:

- the name of the Applicant.
- the title of the person signing the application. If the Applicant is a corporation or other business entity, the person submitting the application must be an officer.
- the signature of the person signing the application.

The Applicant does not enter a date. ICFS will fill in the date automatically with the date on which the application is submitted.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).