

FEDERAL COMMUNICATIONS COMMISSION

**Instructions for
Waiver Application for Cable Landing License
Office of International Affairs**

SCL-WAV

Purpose of Form

This form is used to request a waiver of a Commission rule(s) related to licensing, ownership and operation of a submarine cable that has U.S. landing points.

Who Must File This Form and When

Any individual or entity who is a Licensee on or is a proposed Applicant/Licensee to a submarine cable system and is seeking a waiver of the Commission's cable landing licensing rules.

Description of Form

This form consists of a main form and the ability to file an attachment to support the request. 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. To amend a submitted waiver request, use a separate form, SCL-AMD.

An Applicant is permitted to amend its application after filing in ICFS, and prior to the date of any final action taken by the Commission. An amendment to a pending cable landing license application is filed using the SCL-AMD form.

Applicable Rules and Regulations

Section 1.3 of the Commission's rules allows parties to request waiver of the rules when good cause is shown.

Section 1.3 states, "The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown." 47 CFR § 1.3.

The rules regarding cable landing license applications are contained in sections 1.767, 1.768, 63.10(a), 63.18(h), (o), (p), (q), and 1.40001 of the Commission's rules. 47 CFR §§ 1.767, 1.768; 63.10(a), 63.18(h), (o), (p), (q), 1.40001.

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, go to the FCC's Debt Collection webpage,

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Other Submarine Cable (SCL) Forms

- **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-LIC Form.**
 - This form is used to apply for a cable landing license.
- **SCL-LPN Form.**
 - This form is used to file the precise location of a cable landing station if such information was not included in the cable landing license application or request modify a cable landing license to add a new landing location. The notification must be filed no later than ninety (90) days prior to construction of landing station.
- **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 Commission 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.

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 one hour. Our estimate includes the time to read the instructions, 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 e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMDPERM Paperwork Reduction Project (3060-0944), Washington, DC 20554.

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 technical assistance with completing the forms, contact the ICFS Helpline at (202) 418-2222 or ICFSINFO@fcc.gov. For general questions about the form requirements, contact the Office of International Affairs, Telecommunications and Analysis Division at (202) 418-1480 or at FCC-OIA-TAD@fcc.gov.

FILING INSTRUCTIONS

Remember to save your draft application periodically by clicking the save button. ICFS will time-out after 15 minutes of no activity, and failure to save will result in loss of any information entered into the application form after the last save.

Applicant 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. The lead Applicant is the Applicant that is providing the information about the cable that is not specific to an individual Applicant, such as information about the cable system design, and will serve as the Commission contact for the application.

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 Applicant 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 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, select "Legal Counsel" if the contact is the Applicant's counsel. Selecting "other" will open a text box for entry of a description of the relationship.

Application Information

Item 3. Provide a brief description of the waiver request and applicable rule section Applicant seeks to waive. For example, "Company A requests a waiver of the requirement in Section 1.767 to provide information on interlocking directorates." This description will also appear in the "My Filings" tab on the ICFS main page to assist in identifying the application.

Application Fees

Item 4. An application fee is required for this form. Indicate whether you are exempt from the application fee by selecting "Yes" or "No."

Note that the FCC may not be able to start its review of a submitted application until the associated application fee is paid. To determine the required fee amount, refer to Subpart G of Part 1 of the Commission's Rules ([47 CFR Part 1, Subpart G](#)) and the current Fee Filing Guide. The current Fee Filing Guide can be downloaded from the FCC's website at <https://www.fcc.gov/licensing-databases/fees/application-processing-fees>, by calling the FCC's Form

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Distribution Center at (800) 418-FORM (3676), or by faxing your request to the FCC's Fax Information System at 1-866-418-0232.

Item 4.a. If the Applicant is claiming a fee exemption it must select a reason in question 4.a. An attachment demonstrating the Applicant's eligibility for exemption from FCC application fees must be submitted. If the reason is "other," briefly describe your rationale in the text box provided. If a request for waiver/deferral of the FCC application fees has been filed with the FCC, provide the date-stamped copy of the request filed with the Commission's Office of the Managing Director as an attachment.

Item 4.b. If the Applicant answered "Yes" to question 4, it must select the correct fee code here in question 4b. The fee code is DAF. Select this fee code.

Attachments

For the next item, the Applicant must check the box indicating that it has included the described attachment, as appropriate.

Item 5. The Applicant 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 6. If the Applicant is requesting confidential treatment for any of its attachments, answer this question "yes." Otherwise, answer "no." _

If the Applicant answers "yes" in item 6, 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 table.

The Applicant(s) can upload attachments in the table. 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 to 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 7. In order to submit the application, the Applicant must certify acknowledgement of all requirements listed here and elsewhere in this form by clicking on the single indicated checkbox. These requirements include:

- The Applicant certifies that it has provided all the required information and certifications under section 1.767, 47 CFR §1.767 of the Commission's rules.
- The Applicant certifies that neither it nor any party to the Application is subject to a denial of Federal benefits that includes 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 the 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

Item 8. 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. Type the signer's name here.

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).