

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amper, S.A., Transferor	)	File No. SCL-T/C-20161220-00026
	)	
and	)	
Amalgamated Telecom Holdings Limited,	)	
Transferee	)	
	)	
Application for Consent to Transfer Control	)	
of the Cable Landing License for the	)	
American Samoa-Hawaii Cable System	)	
	)	

**PETITION TO ADOPT CONDITIONS TO  
AUTHORIZATIONS AND LICENSES**

The Department of Homeland Security (“DHS”), with the concurrence of the Department of Justice (“DOJ”, collectively, the “Agencies”), submits this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.<sup>1</sup> Through this Petition, DHS advises the Commission that the Agencies have no objection to the Commission approving the authority sought in the above-referenced proceedings, provided that the Commission removes an existing condition on the related authorizations and licenses and subsequently conditions its approval on the commitment of Amalgamated Telecom Holdings Limited (“ATH”) to abide by the undertakings set forth in the May 7, 2018 Letter of Assurances (“2018 LOA”), which is attached hereto as Attachment A. The above-referenced proceedings involve an application seeking Commission approval to transfer control of a fiber optic submarine cable system connecting the United States, America Samoa and Independent Samoa (“American Samoa Hawaii Cable

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<sup>1</sup> 47 C.F.R. § 1.41.

System”, See FCC File No. SCL-LIC-20080814-00016).

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In the Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc.*, 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of ATH, Amper S.A., and several entities owned or controlled by Amper (American Samoa Hawaii Cable, LLC, Samoa American Samoa Cable, LLC, American Samoa License, Inc., and AST Telecom, LLC d/b/a Blue Sky Communications) in connection with the above-referenced proceedings, the Agencies have concluded that the commitments set forth in the 2018 LOA will help ensure that those agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety can proceed appropriately to satisfy those responsibilities. The Agencies have also determined that a 2009 Agreement among American Samoa Hawaii Cable, LLC, Samoa American Samoa Cable, LLC, American Samoa License, Inc., AST Telecom, LLC d/b/a Blue Sky Communications, and the Agencies, relating to the American Samoa Hawaii Cable System, can and should be terminated and removed as a condition on the underlying cable landing authorization. A mutually-agreed Termination Agreement is attached hereto as Attachment B.

Accordingly, DHS, with the concurrence of DOJ, advises the Commission that it has no objection to the Commission granting the applications in the above-referenced proceedings, provided that the Commission removes any existing conditions on the related authorizations and licenses and subsequently conditions consent on compliance by ATH and its successors with the 2018 LOA.

Respectfully submitted,

/S/ J. Philip Ludvigson

J. Philip Ludvigson

U.S. Department of Homeland Security

Director (Acting) – Foreign Investment Risk Management

Office of Policy

3801 Nebraska Avenue

Washington, D.C. 20016

May 9, 2018

Attachment A (2018 Letter of Assurances)

Attachment B (2018 Termination Agreement)