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September 14, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA COURIER

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W. -- Room TWB-204
Washington, DC 20554

Re: *Notice of Ex Parte Communication*
IB Docket No. 00-106
Review of Commission Consideration of Applications under the Cable Landing
License Act

Dear Ms. Salas:

On Monday, September 11, 2000, Patricia Paoletta of Level 3 Communications, LLC and the undersigned met with Adam Krinsky of Commissioner Gloria Tristani's office to discuss issues related to the above-referenced proceeding. The views Level 3 expressed were consistent with its written comments, as summarized in the attached presentation left with Mr. Krinsky.

Pursuant to Section 1.1206 of the Commission's rules, an original and one copy of this letter are being filed with your office. Please date-stamp the marked extra copy and return it in the enclosed envelope. Should you have any questions regarding this matter, please contact the undersigned at (202) 295-8458.

Very truly yours,



Troy F. Tanner

cc: Patricia Paoletta
William Hunt

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List A B C D E

Streamlining the Submarine Cable Licensing Process
IB Docket No. 00-106

Comments of
Level 3 Communications, LLC
September 11, 2000

- The Commission's proposals inappropriately place the burden of opening foreign markets on the shoulders of U.S. carriers, even where such carriers have no control over the competitiveness of the regime on the foreign end.
- Requirements and certifications should focus on matters within the applicant's control, not the control of a foreign government (such as foreign backhaul and landing rights) or non-affiliated foreign provider.
- The proposed application process unjustifiably favors individual over joint applicants, when the realities of the marketplace are that ownership of cables will change on a regular basis regardless of the identity of the original applicant.
- Global Crossing's "safe harbor" approach is overly burdensome on Commission staff and applicants. Query: how would an applicant or the Commission know at any given time how many active half circuits there are on a route, and who controls them?
- Global Crossing's "safe harbor" approach unnecessarily disfavors traditional consortium systems. Global Crossing has yet to prove there is a competitive problem in the U.S. market caused by consortium cables that needs to be addressed by the Commission's licensing process.
- The nature of the international market is such that there are a variety of anti-competitive activities that can occur in foreign markets whether or not an applicant is building a private cable or a consortium cable. Private cable builders such as Global Crossing can and do engage in anti-competitive activities abroad that would not be addressed by their safe harbor approach.
- Rather than focusing on using the Commission's processes to stop anti-competitive activities that occur beyond its jurisdiction, the best way the Commission can increase competition in foreign markets is to have a streamlined application process that ensures quick processing in the United States for all forms of cable ownership.
- Anti-competitive activities abroad should be addressed by the U.S. Government in the form of bilateral negotiations with other countries, not as part of the cable licensing process in the United States.
- The Commission should only require U.S. landing parties to be licensees for cable landing licenses. "Landing parties" are those that possess actual control over cable landing stations.

- The FCC should adopt a less burdensome application process. For instance, the Commission should adopt an application procedure that is conducive to a form format. The Commission should rely on certifications by the applicant, instead of requiring supporting documentation from applicants.
- The Commission should improve its transparency on placing conditions on licenses. The Commission could place the conditions in a rule much as it does now for Section 214 authorizations.
- The Commission should consult with the Executive branch to establish a more expeditious process for obtaining its approval, such as the Section 214 streamlined 2-week procedure. For instance, automatic approval of the Executive Branch could be assumed in fourteen (14) days, unless serious prior objections are raised and supported on the record.
- If the Commission streamlines its review process, it should review its licensing and regulatory fees on submarine cable license applications to reflect the new cost of regulation.