



International Bureau

Federal Communications Commission
Washington, DC 20554

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February 28, 2001

Mr. Daniel P. Meyer, General Counsel
Public Employees for Environmental Responsibility
2001 S Street, N.W. - Suite 570
Washington, D.C. 20009

BM-99131

Dear Mr. Meyer:

This is in reply to your January 26 and February 2, 2001 letters to Chairman Powell and me and your February 18, 2001 filing petitioning the Commission to freeze final approval of the ARCOS-1 submarine cable landing license pending environmental review.

In an order released July 2, 1999, the Commission authorized the ARCOS-1 submarine cable system to land in the United States.¹ On July 14, 2000, ARCOS-1 filed a landing point notification that the Commission placed on public notice.² We received no comments. After public notice, the license became final on September 12, 2000.³ Thus, the Commission already has granted ARCOS-1 final license approval and your request to freeze the final approval is untimely.⁴ Therefore, we dismiss your petitions as late filed.

Although your petitions are untimely, we note that ARCOS-1's February 15 response to your January 26 and February 2 letters advises that various federal, state, and local agencies have undertaken full environmental reviews in the context of their approvals of the ARCOS-1 submarine cable system.⁵ In particular, before a submarine cable system may go forward, it not only receives environmental review by the applicable state regulatory agency but by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act of 1899.⁶ On February 27, ARCOS-1 supplemented its response to advise that the U.S. Army Corps of Engineers and Florida Department of Environmental Protection (FDEP) had completed these environmental reviews, with neither agency finding that the project will cause a significant environmental impact, and thus had issued the applicable federal and state environmental permits.⁷ As reflected in ARCOS' February 27 letter and the attached U.S. Army Corps of Engineers and

¹ See *ARCOS-1 USA, Inc., Cable Landing License*, 14 FCC Red 10597 (TD/IB 1999).

² See *Non Streamlined International Applications Accepted for Filing*, Report No. TBL-00264NS (July 26, 2000).

³ See 47 C.F.R. § 1.767(a)(5).

⁴ See 47 C.F.R. §§ 1.1307(c), 1.1313(b).

⁵ See Letter from Troy F. Tanner and Ulises R. Pin, Counsel for ARCOS-1 and Com Tech International Cable Corporation, to Magalie Roman Salas, Secretary, Federal Communications Commission, filing *Motion in Opposition of Request for Environmental Assessment and Enforcement Actions and Request for Emergency Administrative Injunction*, at Motion 5-9 (Feb. 15, 2001).

⁶ Note Section 1.1311(e) of the Commission's rules, 47 C.F.R. § 1.1311(e).

⁷ See Letter from Troy F. Tanner and Ulises R. Pin, Counsel for ARCOS-1 and Com Tech International Cable Corporation, to Magalie Roman Salas, Secretary, Federal Communications Commission (Feb. 27, 2001).

FDEP permits, these permits were issued with specific conditions to ensure there is no significant environmental impact.

We also note that, on February 22, 2001, the U.S. Army Corps of Engineers issued a finding of no significant impact (FONSI), which we have reviewed. This FONSI states, "Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment."⁸

In light of the issuance of these environmental permits with their mitigation conditions and the U.S. Army Corps of Engineers' finding of no significant impact, it is evident that the ARCOS-1 cable system has been reviewed for possible environmental impacts. Having considered these matters, including the finding by the U.S. Army Corps of Engineers, we have no reason to conclude that our grant of the submarine cable landing license is likely to have a significant impact on the environment.

Sincerely,



Donald Abelson
Bureau Chief

cc: Troy F. Tanner and Ulises R. Pin, Counsel for ARCOS-1 and Com Tech International Cable

⁸ See Department of the Army Environmental Assessment and Statement of Finding for Permit 20002522(IP-DSG) (Feb. 22, 2001), at 21.