

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

MAR 12 2002

CE OF  
AGING DIRECTOR

Jean L. Kiddoo  
Helen E. Disenhaus  
Troy F. Tanner  
Swidler Berlin Shereff Friedman, LLP.  
3000 K Street, NW, Suite 300  
Washington, DC 20007-5116

86-285

Re: Petition for Waiver of  
Application Fees  
Fee Control No. 00000RROG-02-018

Dear Counsel:

This letter responds to your petition for a waiver of the application fees in the amount of \$6,520 submitted by Global Crossing, Ltd. on behalf of its wholly owned subsidiaries, GT Landing Corp., Global Crossing Telecommunications, Inc., MAC Landing Corp., PAC Landing Corp., Global Crossing Latin America & Caribbean Co., GC Pacific Landing Corp., and GT Landing II Corp., in connection with the pro forma assignment of submarine cable landing licenses.

You state that on January 28, 2002 Global Crossing and certain of its subsidiaries, including those named above, filed voluntary petitions under Chapter 11 of the United States Bankruptcy Code to reorganize their business and financial structure. The application in question involves assignment of the licenses held by the named subsidiaries to those subsidiaries as Debtors-in-Possession. You contend that the bankruptcy court must approve any expenditure of fees and submit that no assignment application should be required to be filed in these circumstances in any case. Therefore, you request a waiver or reduction in the amount of the filing fees.

Section 1.1117 of the Commission's Rules, 47 C.F.R. § 1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990). Section 1.1117 further provides that an applicant seeking a waiver of the filing fee requirement include the applicable fee with its waiver request, and also provides that the fee will be returned if the waiver is granted. Id.

Jean L. Kiddoo, Helen E. Disenhaus  
& Troy F. Tanner

2.

Although you did not submit the filing fees with your assignment application, under the circumstances we will treat your request as one for deferral and waiver of the fees. You have presented information showing that Global Crossing and its subsidiary companies filed Petitions under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court, Southern District of New York. We find that these filings establish financial hardship and demonstrate good cause for waiver of the filing fees. See MobileMedia Corporation, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee); cf. Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995) (evidence of bankruptcy or receivership sufficient to establish financial hardship for purposes of waiver of regulatory fees). Moreover, waiver of the filing fees will serve the public interest by protecting the interests of Global Crossing's creditors. Therefore, your petition for waiver is granted.

If you have any questions concerning this letter, please contact the Revenue and Receivable Operation Group at (202) 418-1995.

Sincerely,



 Mark A. Reger  
Chief Financial Officer

0000 RRG-02-018

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

DATE STAMP & RETURN

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February 14, 2002

RECEIVED

FEB 14 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Mr. Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
444 12th Street S.W.  
Washington, D.C. 20554

Re: Global Crossing Ltd. and Certain of its Subsidiaries Petition for Waiver of International Bureau Application Processing Fees for *Pro Forma* Assignment of Submarine Cable Landing Licenses

Dear Mr. Fishel:

By this Petition, Global Crossing Ltd. ("Global Crossing"), on behalf of its wholly-owned subsidiaries, GT Landing Corp., Global Crossing Telecommunications, Inc., MAC Landing Corp., PAC Landing Corp., Global Crossing Latin America & Caribbean Co., GC Pacific Landing Corp., and GT Landing II Corp., (collectively "Global Crossing License Subs"), pursuant to Section 1.1117 of the Federal Communications Commission's ("FCC's") Rules,<sup>1</sup> hereby requests a waiver of the FCC application fees set forth in Section 1.1107<sup>2</sup> associated with the attached *pro forma* assignment of submarine cable landing license application filed today with the FCC's International Bureau. Global Crossing believes that this Petition is made for good cause and that the granting of this Petition would serve the public interest. As detailed below, good cause also exists for a waiver of the requirement in Section 1.1117(e) that the filing fee in question be filed with this waiver request.

On January 28, 2002, Global Crossing Ltd. and certain of its subsidiaries, including the Global Crossing License Subs, filed voluntary petitions under Chapter 11 of the United States Bankruptcy Code to reorganize their business and financial structure. *In re Global Crossing Ltd., et al*, Chap. 11 Case Nos. 02-40187 - 02-40241 (Bankr. S.D.N.Y.). Global Crossing

<sup>1</sup> 47 CFR § 1.1117.

<sup>2</sup> 47 CFR § 1.1107.

advised the Commission of the Chapter 11 filings in a January 28, 2002 letter to Chairman Powell.

The FCC has consistently found that a waiver of its rules is appropriate if special circumstances including hardships on an applicant warrant a deviation from the general rule and such deviation would not eviscerate the rule, but would in fact better serve the public interest than would strict adherence to the general rule.<sup>3</sup> The circumstances of the present filing, namely the recent filing by Global Crossing of petitions under Chapter 11, and the recent adoption of new rules that eliminate fees for pro forma assignments, present the special circumstances warranting a waiver.

First, due to Global Crossing's status of operating under Chapter 11, the bankruptcy court must approve any expenditure of fees. Global Crossing has been instructed by FCC staff to file this *pro forma* assignment application immediately. However, getting court approval to pay these filing fees likely will be a lengthy process that will delay the filing of the assignment applications. Because Global Crossing holds these licenses in the names of several wholly-owned subsidiaries, FCC staff has informed Global Crossing that it would need to pay a separate \$815.00 filing fee for each subsidiary. The total cost would be \$6,520.00 in filing fees. Yet, as demonstrated below, the necessity of these fees is questionable. Therefore, in order to expedite processing, and conserve valuable resources by not paying unnecessary fees, Global Crossing believes that the public interest would be served by granting a waiver of the requirement that it submit the fees with this fee waiver request. Granting such a waiver will allow the FCC to review the merits of Global Crossing's petition immediately, without the need to wait for bankruptcy court approval of a fee payment.

Second, the requirement that Global Crossing file an assignment application is questionable. There are no specific FCC rules that address what procedures apply in cases of bankruptcy involving cable landing licensees. After discussing the situation with the International Bureau staff, it was the staff's position that Global Crossing should file an application for approval of the *pro forma* assignment of its subsidiaries' licenses to reflect their change in status to debtor-in-possession. This prior approval filing requirement does not reflect the standard practice for the other international FCC licenses held by Global Crossing. For instance, Global Crossing's international Section 214 authorizations are subject to a simple no-fee after-the-fact notification procedure. Further, the Common Carrier Bureau has advised that no action is required in connection with Global Crossing's domestic Section 214 authorization. Therefore, there is an inconsistency in FCC practice on this issue. In fact, the FCC has recognized this inconsistency, and recently adopted new cable landing license rules that would bring them into conformity with these other service licensing rules.<sup>4</sup> Unfortunately, the FCC's

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<sup>3</sup> *Northeast Cellular Tel. Co. L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972)).

<sup>4</sup> See *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-331, released December 14, 2001 ("Cable Landing License Order").

new cable landing licensing rules do not go into effect until March 15, 2002. Once the new rules become effective, prior approval and the payment of fees will not be required for *pro forma* assignments or transfers of control of cable landing licenses. Therefore, even assuming the accuracy of the International Bureau staff's position that this is a *pro forma* assignment, under the new rules Global Crossing would only be required to make a post-notification filing that would not require a fee. Accordingly, Global Crossing is filing this application now as an accommodation to the wishes of the FCC staff, even though the application would not be required if Global Crossing waited until after March 15, 2002, at which time it would only need to file a notification.

Third, pursuant to Section 1.113(a)(4) of the Commission's Rules, if Global Crossing's application were on file today, Global Crossing would be entitled to a refund of its filing fees. Section 1.113(a)(4) states that refunds will be issued "when the Commission adopts new rules that nullify applications already accepted for filing..." In this case, the new rules were adopted November 8, 2001, although they will not become effective until March 15, 2002. Even if the FCC decides that Section 1.1113 only applies once new rules become "effective," instead of "adopted," in all likelihood Global Crossing's application will be pending on March 15<sup>th</sup>. This is because the FCC has established a streamlined 45-day processing procedure for submarine cable applications. As part of this process, the FCC has agreed to give the State Department a minimum of 30 days to review cable landing license applications. Therefore, even if the FCC processes the application immediately at the end of this 30-day time period, by the time Global Crossing's application is processed the new rules will have become effective.<sup>5</sup> Accordingly, Global Crossing submits that good cause exists to waive the necessity for submitting filing fees now, even with this petition, when it is clear that Global Crossing should be entitled under the FCC's rules to a refund of those fees anyway.

Finally, at a minimum, a reduction in the amount of the filing fees is appropriate due to the nature of the filing. The FCC's filing fees are established as a means of reimbursing the FCC for the cost of processing an application. The fees are supposed to represent the average cost to the FCC of processing the applications.<sup>6</sup> In this case, the FCC's burdens are minimal in processing Global Crossing's application. Global Crossing has filed only one application that covers all of its subsidiaries. Because it is a *pro forma* assignment, the FCC does not need to draft a public notice or seek public comment. Further, the FCC does not even need to draft an order to grant the application. Instead, the FCC is able to grant it through a grant stamp process. Therefore, there is no rational basis for the FCC to require \$6,520 in filing fees for this application. Accordingly, the public interest would be served by granting a waiver of this filing fee, or at a minimum greatly reducing it.

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<sup>5</sup> Global Crossing notes that pursuant to paragraph 63 of the Cable Landing License Order, Global Crossing intends to notify the FCC when the new rules go into effect that it wishes to have its cable licenses modified to allow Global Crossing to take advantage of the new *pro forma* filing rules. See *id.* at para. 63.

<sup>6</sup> See *Establishment of a Fee Collection Program*, 3 FCC Rcd 5987 (1988).

In conclusion, Global Crossing respectfully requests a waiver of the FCC application processing fees as described above. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Jean L. Kiddoo  
Helen E. Disenhaus  
Troy F. Tanner

Special Counsel to Global Crossing, Ltd.  
(Debtor-in-Possession)

cc: Paul Kouroupas  
Michael Shortley

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

In the Matter of )

GLOBAL CROSSING LTD. )  
and Certain of its Subsidiaries )

Application for Authority for a *Pro Forma* )  
Assignment of Cable Landing Licenses )

File No. SCL-ASG-2002 \_\_\_\_\_

APPLICATION

Global Crossing Ltd. and certain of its subsidiaries<sup>1</sup> (collectively "Global Crossing"), by its undersigned counsel and pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (1994), Section 1.767 of the Commission's Rules, 47 C.F.R. § 1.767 (1999), and Executive Order No. 10530, hereby requests approval for the *pro forma* assignment of the cable landing licenses held by those subsidiaries to those subsidiaries as Debtors-in-Possession.<sup>2</sup> Global Crossing Ltd. will separately notify the Commission of the *pro forma* assignment of the wireless and international Section 214 authorizations held by various of its subsidiaries. The Common Carrier Bureau has advised that no notice is required in connection with the domestic Section 214 authority held by subsidiaries of Global Crossing Ltd.

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<sup>1</sup> These subsidiaries are GT Landing Corp., Global Crossing Telecommunications, Inc., MAC Landing Corp., PAC Landing Corp., Global Crossing Latin America & Caribbean Co., GC Pacific Landing Corp., and GT Landing II Corp.

<sup>2</sup> As Debtors-in-Possession, Global Crossing and its subsidiaries will retain possession of their property and businesses during the reorganization process. There has been no change in the directors, officers, management, or shareholders of Global Crossing or its subsidiaries as a result of the Chapter 11 petitions, and Global Crossing intends to continue its operations during the reorganization. Therefore, Global Crossing does not believe that a transfer of control or assignment has occurred within the meaning of the Commission's Rules dealing with submarine cable licensing. Thus, it is Global Crossing's position that no filing or approval is required in connection with the company's Chapter 11 petition. However, after discussions with International Bureau staff, Global Crossing files this application without prejudice to its legal position.

Concurrent with this application, Global Crossing is filing a request for a waiver of the filing fees that would normally be required with an application for assignment of a cable landing license. As detailed in the waiver request, Global Crossing believes that, due to the circumstances of this filing, the public interest would be greatly disserved by requiring Global Crossing to submit filing fees with this application. Therefore, Global Crossing requests that the Commission expeditiously process this application in its present form, without requiring the payment of filing fees.

On January 28, 2002, Global Crossing Ltd. and certain of its subsidiaries, including those holding U.S. cable landing licenses,<sup>3</sup> filed voluntary petitions under Chapter 11 of the United States Bankruptcy Code to reorganize their business and financial structure. *In re Global Crossing Ltd., et al*, Chap. 11 Case Nos. 02-40187 - 02-40241 (Bankr. S.D.N.Y.). Global Crossing advised the Commission of the Chapter 11 filings in a January 28, 2002, letter to Chairman Powell.

As a result of the critical importance of maintaining the confidentiality of Global Crossing's impending Chapter 11 filing and the rapid unfolding of events leading up to the bankruptcy filing, Global Crossing could not seek prior approval of the instant *pro forma* assignment. Global Crossing therefore requests that the Commission grant it a waiver of the conditions of its cable landing licenses to the extent, if any, that those conditions require it to obtain prior approval for a *pro forma* assignment. Because this transaction is *pro forma* in nature, Global Crossing requests that the FCC grant this application pursuant to its grant stamp procedure.

Below are listed the subsidiaries of Global Crossing Ltd. that hold cable landing licenses and the original file numbers of their licenses. Global Crossing certifies that any transfer of control or assignment that has occurred as a result of the Chapter 11 petitions is *pro forma* pursuant to 47 C.F.R. § 63.24(a) and that the Chapter 11 petitions do not change the ultimate control of Global Crossing or its subsidiaries.

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<sup>3</sup> One of Global Crossing's indirect subsidiaries, PC Landing Corp. ("PC Landing"), also holds a cable landing license (SCL-98-006). Unlike Global Crossing's other direct subsidiaries that hold licenses, PC Landing is owned by Global Crossing's subsidiary Asia Global Crossing Ltd. ("AGC"). Neither AGC nor PC Landing are parties to Global Crossing's Chapter 11 filing.

In accordance with Section 1.767 of the Commission's Rules, Global Crossing submits the following information with respect to each Global Crossing subsidiary that has made a Chapter 11 filing and holds a U.S. cable landing license:

(1) Name, address, and telephone numbers:

SCL-ASG-19981207-00028

Assignor and Licensee: GT Landing Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: GT Landing Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

SCL-LIC-19981117-00025<sup>4</sup>

Assignor and Licensee: Global Crossing Telecommunications, Inc.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: Global Crossing Telecommunications, Inc. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

SCL-LIC-19981030-00023

Assignor and Licensee: MAC Landing Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

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<sup>4</sup> Originally granted to Frontier Communications Services Inc. ("FCSI") and International Exchange Networks, Ltd. ("IXNet") for their interests in the Japan-US Cable System. Control of FCSI was transferred to Global Crossing Ltd. pursuant to FCC File Nos. SCL-TAO-19990914-00018 and SCL-T/C-19990914-00020. FCSI's name was later changed to Global Crossing Telecommunications, Inc. ("GCTI"). Control of IXNet was transferred to Global Crossing Ltd. pursuant to FCC File No. SCL-T/C-20000719-00029, and IXNet's interest later assigned on a *pro forma* basis to GCTI pursuant to FCC File No. SCL-ASG-20011212-00024.

Assignee: MAC Landing Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

**SCL-LIC-19981103-00022**

Assignor and  
Licensee: PAC Landing Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: PAC Landing Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

**SCL-LIC-19990823-00015**

Assignor and  
Licensee: Global Crossing Latin America & Caribbean Co.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: Global Crossing Latin America & Caribbean Co.  
(Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

**SCL-95-013, SCL-95-005, SCL-95-006, SCL-95-004, SCL-94-003,  
SCL-95-010, SCL-95-011<sup>5</sup>**

Assignor and  
Licensee: GC Pacific Landing Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

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<sup>5</sup> These cable landing licenses were assigned/transferred to GC Pacific Landing in FCC File Nos. SCL-ASG-19981204-00029 and SCL-T/C-19981204-00030.

Assignee: GC Pacific Landing Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

SCL-LIC-19990913-00019<sup>6</sup>

Assignor and  
Licensee: GT Landing II Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: GT Landing II Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

(2) Assignors and

Licensees: GT Landing Corp. is a corporation organized under the laws of the State of Delaware.

Global Crossing Telecommunications, Inc. is a corporation organized under the laws of the State of Michigan.

MAC Landing Corp. is a corporation organized under the laws of the State of Delaware.

PAC Landing Corp. is a corporation organized under the laws of the State of Delaware.

Global Crossing Latin America & Caribbean Co. is a corporation organized under the laws of the State of Delaware.

GC Pacific Landing Corp. is a corporation organized under the laws of the State of Delaware.

GT Landing II Corp. is a corporation organized under the laws of the State of Delaware.

Assignees: GT Landing Corp. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

Global Crossing Telecommunications, Inc. (Debtor-in-Possession) is a corporation organized under the laws of the State of Michigan.

MAC Landing Corp. (Debtor-in-Possession) is a corporation

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<sup>6</sup> This cable landing license was modified to add GT Landing II Corp. as a landing party in FCC File No. SCL-MOD-20000511-00018. Global Crossing seeks the assignment only of its interest in the license.

organized under the laws of the State of Delaware.

PAC Landing Corp. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

Global Crossing Latin America & Caribbean Co. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

GC Pacific Landing Corp. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

GT Landing II Corp. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

- (3) Correspondence concerning this application should be sent to:

Jean L. Kiddoo  
Troy F. Tanner  
Paul O. Gagnier  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
(202) 424-7500 (Tel.)  
(202) 295-8478 (Fax)

- (4) Descriptions of the cable networks identified above are already on file with the Commission in the original license files and are incorporated by reference herein.
- (5) A general description of the cable landing locations identified above are already on file with the Commission in the original license files and are incorporated by reference herein.
- (6) These cables are operated on a non-common carrier basis.
- (7) On January 28, 2002, Global Crossing Ltd. and its subsidiaries identified above filed for protection under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York. Global Crossing and its subsidiaries continue in possession of their property and management of their businesses as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code. The voting and ownership interests in the cables identified above have not changed as a result of such filings.
- (8) The foreign carrier affiliations of Global Crossing Ltd. and its subsidiaries have not changed as a result of such filing.

- (9) Global Crossing understands that the Commission generally treats bankruptcy filings as involuntary transactions (regardless of whether they are initiated by the licensee or its creditors) that qualify for *pro forma* treatment.<sup>7</sup> Although prior Commission approval generally is required for *pro forma* assignments of cable landing licenses, Global Crossing was precluded from submitting an application prior to its Chapter 11 filing because of the critical importance of maintaining the confidentiality of Global Crossing's impending Chapter 11 filing and the rapid unfolding of events leading up to the bankruptcy filing. There is ample Commission precedent recognizing that *nunc pro tunc* approval is appropriate for involuntary assignment applications filed within thirty (30) days of the filing of a bankruptcy petition.<sup>8</sup>

To the extent that the Commission believes that prior approval is required even for involuntary assignments of cable landing licenses in a Chapter 11 context, Global Crossing requests a waiver of the prior approval requirement. Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule.<sup>9</sup> The circumstances of the present filing, namely the recent filing by Global Crossing of petitions under Chapter 11, present special circumstances warranting a waiver. Moreover, there are no specific procedures for bankruptcy filings for cable landing licenses. In fact, Global Crossing's international Section 214 authorizations are subject to simple after-the-fact notifications (and the Common Carrier Bureau has advised that no action is required in connection with Global Crossing's domestic Section 214 authorizations). Finally, when the Commission's new cable landing licensing rules go into effect next month, prior approval will not be required for *pro forma* assignments or transfers of control of cable landing licenses. Grant of a waiver of the prior approval requirement under these circumstances would be in the public interest and would not undermine the policy objectives of the International Bureau because Global Crossing promptly notified the Commission staff of its Chapter 11 filing.

- (10) Global Crossing Ltd. and its subsidiaries certify that they are not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

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<sup>7</sup> See Application for *Pro Forma* Transfer of Control of Cable Landing Licenses of Viatel Inc. to Viatel Inc. as Debtor-in-Possession, File No. SCL-T/C-20010507-00015 (granted June 15, 2001).

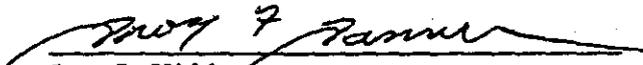
<sup>8</sup> See, e.g., *Padre Serra Communications, Inc.*, 14 FCC Rcd 9695 (1999).

<sup>9</sup> *Northeast Cellular Tel. Co. L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

**CONCLUSION**

For the reasons stated above, Global Crossing Ltd. and the subsidiaries listed herein respectfully submit that the public interest, convenience and necessity would be furthered by a grant of this application for *pro forma* assignment of the cable landing licenses held by Global Crossing's subsidiaries.

Respectfully submitted,



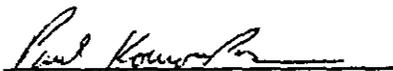
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Washington, D.C. 20007  
(202) 424-7500 (Tel)  
(202) 295-8478 (Fax)

Special Counsel to Global Crossing Ltd.  
(Debtor-in-Possession)

Dated: February 14, 2002

**CERTIFICATION OF GLOBAL CROSSING LTD. (Debtor-in-Possession)**

On behalf of Global Crossing Ltd. (Debtor-in-Possession) and certain of its subsidiaries, I hereby certify that the statements in the foregoing Application for Authority to assign the Cable Landing Licenses held by Global Crossing's subsidiaries are true, complete, and correct to the best of my knowledge and are made in good faith.

By: 

Name: Paul Kouroupas

Title: Senior Counsel

Date: February 14, 2002

**From:** "Tanner, Troy" <TFTanner@SWIDLAW.com>  
**To:** "cpride@fcc.gov" <cpride@fcc.gov>, "afishel@fcc.gov" <afishel@fcc.gov>  
**Date:** 2/15/02 11:37AM  
**Subject:** Fee Waiver Petition for Global Crossing

Attached for your convenience is a PDF version of a fee waiver petition and underlying application we filed yesterday on behalf of Global Crossing. This petition seeks a waiver of the filing fees (up to \$6,520) that Global Crossing normally would be required to submit with its application for the pro forma assignment of its subsidiaries' cable landing licenses to themselves as debtors-in-possession. As detailed in the petition, Global Crossing recently filed a Chapter 11 petition, and now must seek court approval to issue a check for the filing fees. However, FCC staff has instructed Global Crossing to file these applications as soon as possible, making it difficult to get court approval for such an expenditure in a timely manner. Further, the rule section requiring Global Crossing to seek approval for the pro forma assignment has been changed in a rulemaking proceeding last year, and becomes effective next month. Therefore, in all likelihood, Global Crossing's application will be pending when the new rule goes into effect. Therefore, pursuant to Section 1.1113 of the Commission's Rules, Global Crossing should be entitled to a refund of the filing fees. Therefore, good cause exists to waive the fee requirement.

If you have any questions, please do not hesitate to call me.

Regards,  
Troy Tanner

<<GCL Waiver Petition.pdf>>

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Troy F. Tanner  
Swidler Berlin Shereff Friedman, LLP  
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Washington, DC 20007  
(202) 295-8360 (direct)  
(202) 424-7500 (main)  
(202) 295-8478 (fax)  
tftanner@swidlaw.com

**CC:** "Gagnier, Paul" <POGagnier@SWIDLAW.com>, "Disenhaus, Helen" <HEDisenhaus@SWIDLAW.com>, "Kiddoo, Jean" <JLKiddoo@SWIDLAW.com>

Attached for your convenience is a PDF version of a fee waiver petition and underlying application we filed yesterday on behalf of Global Crossing. This petition seeks a waiver of the filing fees (up to \$6,520) that Global Crossing normally would be required to submit with its application for the *pro forma* assignment of its subsidiaries' cable landing licenses to themselves as debtors-in-possession. As detailed in the petition, Global Crossing recently filed a Chapter 11 petition, and now must seek court approval to issue a check for the filing fees. However, FCC staff has instructed Global Crossing to file these applications as soon as possible, making it difficult to get court approval for such an expenditure in a timely manner. Further, the rule section requiring Global Crossing to seek approval for the *pro forma* assignment has been changed in a rulemaking proceeding last year, and becomes effective next month. Therefore, in all likelihood, Global Crossing's application will be pending when the new rule goes into effect. Therefore, pursuant to Section 1.1113 of the Commission's Rules, Global Crossing should be entitled to a refund of the filing fees. Therefore, good cause exists to waive the fee requirement.

If you have any questions, please do not hesitate to call me.

Regards,  
Troy Tanner

<<GCL Waiver Petition.pdf>>

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*Troy F. Tanner*

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February 14, 2002

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Mr. Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
444 12th Street S.W.  
Washington, D.C. 20554

Re: Global Crossing Ltd. and Certain of its Subsidiaries Petition for Waiver of International Bureau Application Processing Fees for *Pro Forma* Assignment of Submarine Cable Landing Licenses

Dear Mr. Fishel:

By this Petition, Global Crossing Ltd. ("Global Crossing"), on behalf of its wholly-owned subsidiaries, GT Landing Corp., Global Crossing Telecommunications, Inc., MAC Landing Corp., PAC Landing Corp., Global Crossing Latin America & Caribbean Co., GC Pacific Landing Corp., and GT Landing II Corp., (collectively "Global Crossing License Subs"), pursuant to Section 1.1117 of the Federal Communications Commission's ("FCC's") Rules,<sup>1</sup> hereby requests a waiver of the FCC application fees set forth in Section 1.1107<sup>2</sup> associated with the attached *pro forma* assignment of submarine cable landing license application filed today with the FCC's International Bureau. Global Crossing believes that this Petition is made for good cause and that the granting of this Petition would serve the public interest. As detailed below, good cause also exists for a waiver of the requirement in Section 1.1117(e) that the filing fee in question be filed with this waiver request.

On January 28, 2002, Global Crossing Ltd. and certain of its subsidiaries, including the Global Crossing License Subs, filed voluntary petitions under Chapter 11 of the United States Bankruptcy Code to reorganize their business and financial structure. *In re Global Crossing Ltd., et al*, Chap. 11 Case Nos. 02-40187 - 02-40241 (Bankr. S.D.N.Y.). Global Crossing

<sup>1</sup> 47 CFR § 1.1117.

<sup>2</sup> 47 CFR § 1.1107.

advised the Commission of the Chapter 11 filings in a January 28, 2002 letter to Chairman Powell.

The FCC has consistently found that a waiver of its rules is appropriate if special circumstances including hardships on an applicant warrant a deviation from the general rule and such deviation would not eviscerate the rule, but would in fact better serve the public interest than would strict adherence to the general rule.<sup>3</sup> The circumstances of the present filing, namely the recent filing by Global Crossing of petitions under Chapter 11, and the recent adoption of new rules that eliminate fees for pro forma assignments, present the special circumstances warranting a waiver.

First, due to Global Crossing's status of operating under Chapter 11, the bankruptcy court must approve any expenditure of fees. Global Crossing has been instructed by FCC staff to file this *pro forma* assignment application immediately. However, getting court approval to pay these filing fees likely will be a lengthy process that will delay the filing of the assignment applications. Because Global Crossing holds these licenses in the names of several wholly-owned subsidiaries, FCC staff has informed Global Crossing that it would need to pay a separate \$815.00 filing fee for each subsidiary. The total cost would be \$6,520.00 in filing fees. Yet, as demonstrated below, the necessity of these fees is questionable. Therefore, in order to expedite processing, and conserve valuable resources by not paying unnecessary fees, Global Crossing believes that the public interest would be served by granting a waiver of the requirement that it submit the fees with this fee waiver request. Granting such a waiver will allow the FCC to review the merits of Global Crossing's petition immediately, without the need to wait for bankruptcy court approval of a fee payment.

Second, the requirement that Global Crossing file an assignment application is questionable. There are no specific FCC rules that address what procedures apply in cases of bankruptcy involving cable landing licensees. After discussing the situation with the International Bureau staff, it was the staff's position that Global Crossing should file an application for approval of the *pro forma* assignment of its subsidiaries' licenses to reflect their change in status to debtor-in-possession. This prior approval filing requirement does not reflect the standard practice for the other international FCC licenses held by Global Crossing. For instance, Global Crossing's international Section 214 authorizations are subject to a simple no-fee after-the-fact notification procedure. Further, the Common Carrier Bureau has advised that no action is required in connection with Global Crossing's domestic Section 214 authorization. Therefore, there is an inconsistency in FCC practice on this issue. In fact, the FCC has recognized this inconsistency, and recently adopted new cable landing license rules that would bring them into conformity with these other service licensing rules.<sup>4</sup> Unfortunately, the FCC's

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<sup>3</sup> *Northeast Cellular Tel. Co. L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972)).

<sup>4</sup> See *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-331, released December 14, 2001 ("Cable Landing License Order").

new cable landing licensing rules do not go into effect until March 15, 2002. Once the new rules become effective, prior approval and the payment of fees will not be required for *pro forma* assignments or transfers of control of cable landing licenses. Therefore, even assuming the accuracy of the International Bureau staff's position that this is a *pro forma* assignment, under the new rules Global Crossing would only be required to make a post-notification filing that would not require a fee. Accordingly, Global Crossing is filing this application now as an accommodation to the wishes of the FCC staff, even though the application would not be required if Global Crossing waited until after March 15, 2002, at which time it would only need to file a notification.

Third, pursuant to Section 1.113(a)(4) of the Commission's Rules, if Global Crossing's application were on file today, Global Crossing would be entitled to a refund of its filing fees. Section 1.113(a)(4) states that refunds will be issued "when the Commission adopts new rules that nullify applications already accepted for filing..." In this case, the new rules were adopted November 8, 2001, although they will not become effective until March 15, 2002. Even if the FCC decides that Section 1.113 only applies once new rules become "effective," instead of "adopted," in all likelihood Global Crossing's application will be pending on March 15<sup>th</sup>. This is because the FCC has established a streamlined 45-day processing procedure for submarine cable applications. As part of this process, the FCC has agreed to give the State Department a minimum of 30 days to review cable landing license applications. Therefore, even if the FCC processes the application immediately at the end of this 30-day time period, by the time Global Crossing's application is processed the new rules will have become effective.<sup>5</sup> Accordingly, Global Crossing submits that good cause exists to waive the necessity for submitting filing fees now, even with this petition, when it is clear that Global Crossing should be entitled under the FCC's rules to a refund of those fees anyway.

Finally, at a minimum, a reduction in the amount of the filing fees is appropriate due to the nature of the filing. The FCC's filing fees are established as a means of reimbursing the FCC for the cost of processing an application. The fees are supposed to represent the average cost to the FCC of processing the applications.<sup>6</sup> In this case, the FCC's burdens are minimal in processing Global Crossing's application. Global Crossing has filed only one application that covers all of its subsidiaries. Because it is a *pro forma* assignment, the FCC does not need to draft a public notice or seek public comment. Further, the FCC does not even need to draft an order to grant the application. Instead, the FCC is able to grant it through a grant stamp process. Therefore, there is no rational basis for the FCC to require \$6,520 in filing fees for this application. Accordingly, the public interest would be served by granting a waiver of this filing fee, or at a minimum greatly reducing it.

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<sup>5</sup> Global Crossing notes that pursuant to paragraph 63 of the Cable Landing License Order, Global Crossing intends to notify the FCC when the new rules go into effect that it wishes to have its cable licenses modified to allow Global Crossing to take advantage of the new *pro forma* filing rules. See *id.* at para. 63.

<sup>6</sup> See *Establishment of a Fee Collection Program*, 3 FCC Rcd 5987 (1988).

*February 14, 2002*

*Page 4*

In conclusion, Global Crossing respectfully requests a waiver of the FCC application processing fees as described above. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Jean L. Kiddoo  
Helen E. Disenhaus  
Troy F. Tanner

Special Counsel to Global Crossing, Ltd.  
(Debtor-in-Possession)

cc: Paul Kouroupas  
Michael Shortley

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

In the Matter of )

GLOBAL CROSSING LTD. )  
and Certain of its Subsidiaries )

File No. SCL-ASG-2002 \_\_\_\_\_

Application for Authority for a *Pro Forma* )  
Assignment of Cable Landing Licenses )

APPLICATION

Global Crossing Ltd. and certain of its subsidiaries<sup>1</sup> (collectively "Global Crossing"), by its undersigned counsel and pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (1994), Section 1.767 of the Commission's Rules, 47 C.F.R. § 1.767 (1999), and Executive Order No. 10530, hereby requests approval for the *pro forma* assignment of the cable landing licenses held by those subsidiaries to those subsidiaries as Debtors-in-Possession.<sup>2</sup> Global Crossing Ltd. will separately notify the Commission of the *pro forma* assignment of the wireless and international Section 214 authorizations held by various of its subsidiaries. The Common Carrier Bureau has advised that no notice is required in connection with the domestic Section 214 authority held by subsidiaries of Global Crossing Ltd.

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<sup>1</sup> These subsidiaries are GT Landing Corp., Global Crossing Telecommunications, Inc., MAC Landing Corp., PAC Landing Corp., Global Crossing Latin America & Caribbean Co., GC Pacific Landing Corp., and GT Landing II Corp.

<sup>2</sup> As Debtors-in-Possession, Global Crossing and its subsidiaries will retain possession of their property and businesses during the reorganization process. There has been no change in the directors, officers, management, or shareholders of Global Crossing or its subsidiaries as a result of the Chapter 11 petitions, and Global Crossing intends to continue its operations during the reorganization. Therefore, Global Crossing does not believe that a transfer of control or assignment has occurred within the meaning of the Commission's Rules dealing with submarine cable licensing. Thus, it is Global Crossing's position that no filing or approval is required in connection with the company's Chapter 11 petition. However, after discussions with International Bureau staff, Global Crossing files this application without prejudice to its legal position.

Concurrent with this application, Global Crossing is filing a request for a waiver of the filing fees that would normally be required with an application for assignment of a cable landing license. As detailed in the waiver request, Global Crossing believes that, due to the circumstances of this filing, the public interest would be greatly disserved by requiring Global Crossing to submit filing fees with this application. Therefore, Global Crossing requests that the Commission expeditiously process this application in its present form, without requiring the payment of filing fees.

On January 28, 2002, Global Crossing Ltd. and certain of its subsidiaries, including those holding U.S. cable landing licenses,<sup>3</sup> filed voluntary petitions under Chapter 11 of the United States Bankruptcy Code to reorganize their business and financial structure. *In re Global Crossing Ltd., et al*, Chap. 11 Case Nos. 02-40187 - 02-40241 (Bankr. S.D.N.Y.). Global Crossing advised the Commission of the Chapter 11 filings in a January 28, 2002, letter to Chairman Powell.

As a result of the critical importance of maintaining the confidentiality of Global Crossing's impending Chapter 11 filing and the rapid unfolding of events leading up to the bankruptcy filing, Global Crossing could not seek prior approval of the instant *pro forma* assignment. Global Crossing therefore requests that the Commission grant it a waiver of the conditions of its cable landing licenses to the extent, if any, that those conditions require it to obtain prior approval for a *pro forma* assignment. Because this transaction is *pro forma* in nature, Global Crossing requests that the FCC grant this application pursuant to its grant stamp procedure.

Below are listed the subsidiaries of Global Crossing Ltd. that hold cable landing licenses and the original file numbers of their licenses. Global Crossing certifies that any transfer of control or assignment that has occurred as a result of the Chapter 11 petitions is *pro forma* pursuant to 47 C.F.R. § 63.24(a) and that the Chapter 11 petitions do not change the ultimate control of Global Crossing or its subsidiaries.

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<sup>3</sup> One of Global Crossing's indirect subsidiaries, PC Landing Corp. ("PC Landing"), also holds a cable landing license (SCL-98-006). Unlike Global Crossing's other direct subsidiaries that hold licenses, PC Landing is owned by Global Crossing's subsidiary Asia Global Crossing Ltd. ("AGC"). Neither AGC nor PC Landing are parties to Global Crossing's Chapter 11 filing.

In accordance with Section 1.767 of the Commission's Rules, Global Crossing submits the following information with respect to each Global Crossing subsidiary that has made a Chapter 11 filing and holds a U.S. cable landing license:

(1) Name, address, and telephone numbers:

SCL-ASG-19981207-00028

Assignor and  
Licensee: GT Landing Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: GT Landing Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

SCL-LIC-19981117-00025<sup>4</sup>

Assignor and  
Licensee: Global Crossing Telecommunications, Inc.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: Global Crossing Telecommunications, Inc. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

SCL-LIC-19981030-00023

Assignor and  
Licensee: MAC Landing Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

---

<sup>4</sup> Originally granted to Frontier Communications Services Inc. ("FCSI") and International Exchange Networks, Ltd. ("IXNet") for their interests in the Japan-US Cable System. Control of FCSI was transferred to Global Crossing Ltd. pursuant to FCC File Nos. SCL-TAO-19990914-00018 and SCL-T/C-19990914-00020. FCSI's name was later changed to Global Crossing Telecommunications, Inc. ("GCTI"). Control of IXNet was transferred to Global Crossing Ltd. pursuant to FCC File No. SCL-T/C-20000719-00029, and IXNet's interest later assigned on a *pro forma* basis to GCTI pursuant to FCC File No. SCL-ASG-20011212-00024.

Assignee: MAC Landing Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

**SCL-LIC-19981103-00022**

Assignor and  
Licensee: PAC Landing Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: PAC Landing Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

**SCL-LIC-19990823-00015**

Assignor and  
Licensee: Global Crossing Latin America & Caribbean Co.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: Global Crossing Latin America & Caribbean Co.  
(Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

**SCL-95-013, SCL-95-005, SCL-95-006, SCL-95-004, SCL-94-003,  
SCL-95-010, SCL-95-011<sup>5</sup>**

Assignor and  
Licensee: GC Pacific Landing Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

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<sup>5</sup> These cable landing licenses were assigned/transferred to GC Pacific Landing in FCC File Nos. SCL-ASG-19981204-00029 and SCL-T/C-19981204-00030.

Assignee: GC Pacific Landing Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

SCL-LIC-19990913-00019<sup>6</sup>

Assignor and  
Licensee: GT Landing II Corp.  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

Assignee: GT Landing II Corp. (Debtor-in-Possession)  
180 South Clinton Avenue  
Rochester, NY 14646  
Tel.: (716) 777-1028

(2) Assignors and  
Licensees: GT Landing Corp. is a corporation organized under the laws of the  
State of Delaware.

Global Crossing Telecommunications, Inc. is a corporation  
organized under the laws of the State of Michigan.

MAC Landing Corp. is a corporation organized under the laws of  
the State of Delaware.

PAC Landing Corp. is a corporation organized under the laws of  
the State of Delaware.

Global Crossing Latin America & Caribbean Co. is a corporation  
organized under the laws of the State of Delaware.

GC Pacific Landing Corp. is a corporation organized under the  
laws of the State of Delaware.

GT Landing II Corp. is a corporation organized under the laws of  
the State of Delaware.

Assignees: GT Landing Corp. (Debtor-in-Possession) is a corporation  
organized under the laws of the State of Delaware.

Global Crossing Telecommunications, Inc. (Debtor-in-Possession)  
is a corporation organized under the laws of the State of Michigan.

MAC Landing Corp. (Debtor-in-Possession) is a corporation

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<sup>6</sup> This cable landing license was modified to add GT Landing II Corp. as a landing party in FCC File No. SCL-MOD-20000511-00018. Global Crossing seeks the assignment only of its interest in the license.

organized under the laws of the State of Delaware.

PAC Landing Corp. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

Global Crossing Latin America & Caribbean Co. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

GC Pacific Landing Corp. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

GT Landing II Corp. (Debtor-in-Possession) is a corporation organized under the laws of the State of Delaware.

- (3) Correspondence concerning this application should be sent to:

Jean L. Kiddoo  
Troy F. Tanner  
Paul O. Gagnier  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
(202) 424-7500 (Tel.)  
(202) 295-8478 (Fax)

- (4) Descriptions of the cable networks identified above are already on file with the Commission in the original license files and are incorporated by reference herein.
- (5) A general description of the cable landing locations identified above are already on file with the Commission in the original license files and are incorporated by reference herein.
- (6) These cables are operated on a non-common carrier basis.
- (7) On January 28, 2002, Global Crossing Ltd. and its subsidiaries identified above filed for protection under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York. Global Crossing and its subsidiaries continue in possession of their property and management of their businesses as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code. The voting and ownership interests in the cables identified above have not changed as a result of such filings.
- (8) The foreign carrier affiliations of Global Crossing Ltd. and its subsidiaries have not changed as a result of such filing.

- (9) Global Crossing understands that the Commission generally treats bankruptcy filings as involuntary transactions (regardless of whether they are initiated by the licensee or its creditors) that qualify for *pro forma* treatment.<sup>7</sup> Although prior Commission approval generally is required for *pro forma* assignments of cable landing licenses, Global Crossing was precluded from submitting an application prior to its Chapter 11 filing because of the critical importance of maintaining the confidentiality of Global Crossing's impending Chapter 11 filing and the rapid unfolding of events leading up to the bankruptcy filing. There is ample Commission precedent recognizing that *nunc pro tunc* approval is appropriate for involuntary assignment applications filed within thirty (30) days of the filing of a bankruptcy petition.<sup>8</sup>

To the extent that the Commission believes that prior approval is required even for involuntary assignments of cable landing licenses in a Chapter 11 context, Global Crossing requests a waiver of the prior approval requirement. Waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than would strict adherence to the general rule.<sup>9</sup> The circumstances of the present filing, namely the recent filing by Global Crossing of petitions under Chapter 11, present special circumstances warranting a waiver. Moreover, there are no specific procedures for bankruptcy filings for cable landing licenses. In fact, Global Crossing's international Section 214 authorizations are subject to simple after-the-fact notifications (and the Common Carrier Bureau has advised that no action is required in connection with Global Crossing's domestic Section 214 authorizations). Finally, when the Commission's new cable landing licensing rules go into effect next month, prior approval will not be required for *pro forma* assignments or transfers of control of cable landing licenses. Grant of a waiver of the prior approval requirement under these circumstances would be in the public interest and would not undermine the policy objectives of the International Bureau because Global Crossing promptly notified the Commission staff of its Chapter 11 filing.

- (10) Global Crossing Ltd. and its subsidiaries certify that they are not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

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<sup>7</sup> See Application for *Pro Forma* Transfer of Control of Cable Landing Licenses of Viatel Inc. to Viatel Inc. as Debtor-in-Possession, File No. SCL-T/C-20010507-00015 (granted June 15, 2001).

<sup>8</sup> See, e.g., *Padre Serra Communications, Inc.*, 14 FCC Rcd 9695 (1999).

<sup>9</sup> *Northeast Cellular Tel. Co. L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

**CONCLUSION**

For the reasons stated above, Global Crossing Ltd. and the subsidiaries listed herein respectfully submit that the public interest, convenience and necessity would be furthered by a grant of this application for *pro forma* assignment of the cable landing licenses held by Global Crossing's subsidiaries.

Respectfully submitted,



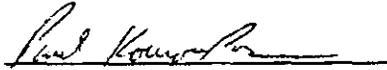
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(202) 295-8478 (Fax)

Special Counsel to Global Crossing Ltd.  
(Debtor-in-Possession)

Dated: February 14, 2002

**CERTIFICATION OF GLOBAL CROSSING LTD. (Debtor-in-Possession)**

On behalf of Global Crossing Ltd. (Debtor-in-Possession) and certain of its subsidiaries, I hereby certify that the statements in the foregoing Application for Authority to assign the Cable Landing Licenses held by Global Crossing's subsidiaries are true, complete, and correct to the best of my knowledge and are made in good faith.

By: 

Name: Paul Kouroupas

Title: Senior Counsel

Date: February 14, 2002

**From:** "Tanner, Troy" <TFTanner@SWIDLAW.com>  
**To:** "cpride@fcc.gov" <cpride@fcc.gov>, "afishel@fcc.gov" <afishel@fcc.gov>  
**Date:** 2/15/02 11:37AM  
**Subject:** Fee Waiver Petition for Global Crossing

Attached for your convenience is a PDF version of a fee waiver petition and underlying application we filed yesterday on behalf of Global Crossing. This petition seeks a waiver of the filing fees (up to \$6,520) that Global Crossing normally would be required to submit with its application for the pro forma assignment of its subsidiaries' cable landing licenses to themselves as debtors-in-possession. As detailed in the petition, Global Crossing recently filed a Chapter 11 petition, and now must seek court approval to issue a check for the filing fees. However, FCC staff has instructed Global Crossing to file these applications as soon as possible, making it difficult to get court approval for such an expenditure in a timely manner. Further, the rule section requiring Global Crossing to seek approval for the pro forma assignment has been changed in a rulemaking proceeding last year, and becomes effective next month. Therefore, in all likelihood, Global Crossing's application will be pending when the new rule goes into effect. Therefore, pursuant to Section 1.1113 of the Commission's Rules, Global Crossing should be entitled to a refund of the filing fees. Therefore, good cause exists to waive the fee requirement.

If you have any questions, please do not hesitate to call me.

Regards,  
Troy Tanner

<<GCL Waiver Petition.pdf>>

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**CC:** "Gagnier, Paul" <POGagnier@SWIDLAW.com>, "Disenhaus, Helen" <HEDisenhaus@SWIDLAW.com>, "Kiddoo, Jean" <JLKiddoo@SWIDLAW.com>

Attached for your convenience is a PDF version of a fee waiver petition and underlying application we filed yesterday on behalf of Global Crossing. This petition seeks a waiver of the filing fees (up to \$6,520) that Global Crossing normally would be required to submit with its application for the *pro forma* assignment of its subsidiaries' cable landing licenses to themselves as debtors-in-possession. As detailed in the petition, Global Crossing recently filed a Chapter 11 petition, and now must seek court approval to issue a check for the filing fees. However, FCC staff has instructed Global Crossing to file these applications as soon as possible, making it difficult to get court approval for such an expenditure in a timely manner. Further, the rule section requiring Global Crossing to seek approval for the *pro forma* assignment has been changed in a rulemaking proceeding last year, and becomes effective next month. Therefore, in all likelihood, Global Crossing's application will be pending when the new rule goes into effect. Therefore, pursuant to Section 1.1113 of the Commission's Rules, Global Crossing should be entitled to a refund of the filing fees. Therefore, good cause exists to waive the fee requirement.

If you have any questions, please do not hesitate to call me.

Regards,  
Troy Tanner

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