

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

In the Matter of)

GLOBAL CROSSING LTD.)
(Debtor-in-Possession),)

Transferor,)

and)

GC ACQUISITION LIMITED,)

Transferee,)

Application for Consent to Transfer)
Control and Petition for Declaratory Ruling)

IB Docket No. 02-286

OPPOSITION TO PETITION FOR RECONSIDERATION

Global Crossing Ltd. (“GCL”) and GC Acquisition Limited (“New GX” and, together with GCL, “Applicants”), by their undersigned counsel, submit this Opposition to the Petition for Reconsideration (the “Petition”) filed by PC Landing Corp. (“PC Landing” or “Petitioner”).¹ Petitioner asks the Commission to modify its Order and Authorization in this proceeding² to remove PC Landing as an FCC-Licensed Subsidiary. For the reasons discussed below, that request should be denied.

Pursuant to section 1.106(b)(1) of the Commission’s Rules, 47 C.F.R. § 1.106(b)(1), a non-party seeking reconsideration of a Commission order must show how it has been adversely affected by the Commission’s action and must demonstrate why it could not participate in the

¹ *In re Global Crossing Ltd.*, IB Docket 02-286, Petition for Opposition (Nov. 7, 2003) (“Petition”).

² *In re Global Crossing Ltd.*, IB Docket 02-286, Order and Authorization, DA 03-3121 (rel. Oct. 8, 2003) (“Order”).

earlier stages of the proceeding. Petitioner meets neither of these requirements; therefore, the Petition must be denied.

PC Landing does not, and can not, allege that the Order has caused it any harm. The Order accurately describes GCL's current indirect ownership interest in PC Landing and notes PC Landing's proposed sale of its assets to Pivotal Telecom LLC ("Pivotal").³ The Order also recognizes that "consummation of the PC Landing bankruptcy reorganization is expected to divest the Applicants of any interest" in PC Landing.⁴ Finally, the first ordering clause of the Order makes clear that the applications are granted "to the extent specified in this Order and Authorization."⁵ That qualifying language incorporates the factual representations noted above. Thus, the Order does no more than authorize GCL to transfer its existing equity interest in PC Landing to New GX until such time as that interest is extinguished. Petitioner fails to show how the transfer of that interest to New GX would adversely affect its proposed transaction with Pivotal or otherwise cause it harm.⁶

Petitioner also fails to explain why it did not make its concerns about its inclusion as an FCC-Licensed Subsidiary of GCL known prior to the release of the Order. PC Landing was included as an FCC-Licensed Subsidiary in the initial applications filed by Applicants in August 2002. Petitioner thus had ample opportunity to make its views known in the 13 months between

³ Order at § nn. 21 and 61. As the Commission is aware, PC Landing has filed an application to assign its cable landing license to Pivotal. *Id.* at n. 61; Petition at 3-4. Applicants have not opposed that application.

⁴ Order at n. 157.

⁵ Order at 59. Petitioner implies that Applicants misled the Commission regarding the relief that they sought with respect to PC Landing. Petition at 4-5. In fact, Applicants expressly asked that the Commission's decision address the impact of the Asia Global Crossing Ltd. and PC Landing bankruptcy cases on GCL's interest in PC Landing. *See, e.g., In re Global Crossing Ltd.*, IB Docket 02-286, Reply Comments of Global Crossing Ltd. and GC Acquisition Limited (July 3, 2003), at 4-5; *In re Global Crossing Ltd.*, IB Docket 02-286, Letter from Paul Gagnier to Marlene H. Dortch, dated August 18, 2003, at 3.

⁶ To the extent PC Landing believes that the Order subjects PC Landing to the Applicants' agreement with the Executive Branch, such an interpretation is belied by the agreement's plain language. In any event, it is outside the Commission's purview to interpret the agreement. Applicants suggest that the main goal of the Petition may be to advance PC Landing's position in ongoing discussions between GCL and PC Landing regarding ownership of certain property associated with the cable landing station for the Pacific Crossing 1 cable. The Commission should disallow any attempt to use its processes to advance a party's position in unrelated commercial matters.

the filing of the applications and the release of the Order. Even if the Commission accepts Petitioner's argument that PC Landing ceased to be an FCC-Licensed Subsidiary only upon the conversion of Asia Global Crossing Ltd.'s Chapter 11 bankruptcy case to a Chapter 7 case in June 2003, PC Landing still had four months to advise the Commission of its position. Petitioner's unexplained failure to intervene in a timely fashion should not be rewarded, especially where the Commission's action has not resulted in any harm.

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For the foregoing reasons, Applicants request that the Commission deny the Petition for Reconsideration.

Respectfully submitted,



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Dated: November 17, 2003

CERTIFICATE OF SERVICE

I, Ivonne Diaz, hereby certify that on this 17th day of November 2003, I caused a true and correct copy of the foregoing Opposition to Petition for Reconsideration to be served upon the following parties in the manner indicated:

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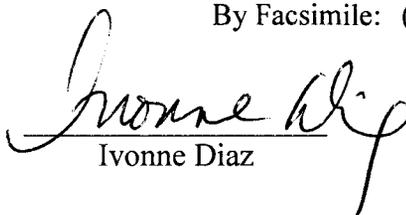
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