

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the Matter of

Application of BP Exploration  
& Production Inc.,  
Assignor,

and

Tampnet Inc.,  
Assignee,

Application for Authority to Assign  
A Submarine Cable Landing License

File No. SCL-ASG-2020-\_\_\_\_\_

**APPLICATION FOR CONSENT TO ASSIGN A SUBMARINE  
CABLE LANDING LICENSE  
STREAMLINED PROCESSING REQUESTED**

Pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States (“Cable Landing License Act”),<sup>1</sup> Section 1.767 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,<sup>2</sup> and Executive Order No. 10530, BP Exploration & Production Inc. (“BP”) and Tampnet Inc. (“Tampnet”) (collectively, “Applicants”) hereby request approval to assign the submarine cable landing license held by BP for a Gulf of Mexico fiber optic network (File No. SCL-LIC-20061115-00010) (the “Cable Landing License”)<sup>3</sup> to Tampnet.

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<sup>1</sup> 47 U.S.C. §§ 34-39.

<sup>2</sup> 47 C.F.R. § 1.767.

<sup>3</sup> *Actions Taken Under Cable Landing License Act*, Public Notice, 22 FCC Rcd. 2454 (Int’l Bur. 2007), FCC File No. SCL-LIC-20061115-00010.

Pursuant to a Purchase and Sale Agreement entered into by Applicants, Tampnet has agreed to purchase and BP has agreed to assign the Cable Landing License, among other BP assets, subject to Commission approval and other closing conditions and termination rights (the “Proposed Transaction”). The Proposed Transaction is in the public interest because Tampnet will be able upon close to provide to a broader class of potential consumers the network capabilities and capacity of the Gulf of Mexico fiber optic network originally deployed by BP (the “Gulf Fiber Network”). That, in turn, will allow Tampnet to expand its suite of services and capabilities to better serve the critical infrastructure industries that make up the majority of its customers in the Gulf of Mexico, thereby enhancing network resiliency and increasing customer access. The Proposed Transaction is also in the public interest because it will allow for the continued provision of reliable offshore communications services to the Gulf Fiber Network’s existing customers, who rely on the Gulf Fiber Network to support the safe and efficient operation of their oil and gas production activities. Over the long term, Tampnet also plans to invest in the Gulf Fiber Network to maintain and improve its lifecycle, to support new and existing customers, and to manage technology evolution and obsolescence. Moreover, consummation of the Proposed Transaction will not result in any new foreign-carrier affiliates for Tampnet nor create new combinations that would adversely affect competition in any geographic region for submarine cable capacity.

Indeed, this Application qualifies for presumptive streamlined processing under Sections 1.767(k)(2) and 1.767(k)(4) of the Commission’s rules<sup>4</sup> because Tampnet is not a foreign carrier and is not affiliated with any foreign carriers with market power in any destination market served by the Gulf Fiber Network (as the Gulf Fiber Network does not serve any foreign country

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<sup>4</sup> 47 C.F.R. §§ 1.767(k)(2) & (4).

destination markets) and because the Application does not seek authority for any new or modified submarine cable construction.

To allow Applicants to timely consummate the Proposed Transaction in accordance with the terms and conditions of the Purchase and Sale Agreement, Applicants respectfully request that the Commission issue an order approving the assignment of the Cable Landing License from BP to Tampnet no later than October 31, 2020. This will allow Applicants and the public to realize the public interest and economic benefits represented by the Proposed Transaction and allow for the orderly transition of critical communications services that will continue to be provided to oil and gas production facilities in the Gulf of Mexico using the Gulf Fiber Network.

## **I. BACKGROUND**

### **A. Description of the Proposed Transaction**

BP currently owns and operates the Gulf Fiber Network, which consists of an undersea, non-common carrier fiber-optic cable extending from Freeport, Texas, to Pascagoula, Mississippi, and is used to support BP's oil and gas drilling and production platforms in the Gulf of Mexico and to support other assets, including other oil and gas production operators. The Gulf Fiber Network is operated pursuant to BP's Cable Landing License, issued pursuant to FCC File Number SCL-LIC-20061115-00010.<sup>5</sup>

BP and Tampnet have entered into a Purchase and Sale Agreement pursuant to which Tampnet has agreed to purchase and BP has agreed to assign, among other BP assets, the Cable Landing License, subject to Commission approval and other closing conditions and termination rights. Upon consummation of the Proposed Transaction, the Gulf Fiber Network and the Cable Landing License will be wholly owned by Tampnet.

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<sup>5</sup> See *supra* note 3.

## **B. Parties to the Proposed Transaction**

### **1. BP Exploration & Production Inc.**

BP is a Delaware corporation with an office at 501 Westlake Park Boulevard, Houston, Texas 77079. BP is indirectly 100-percent owned by BP plc, a United Kingdom corporation, through a series of wholly owned, intermediate subsidiaries. There are no ten percent or greater shareholders of BP plc.<sup>6</sup> BP owns and controls the Gulf Fiber Network and holds the Cable Landing License. The Gulf Fiber Network, which has landing station locations in Freeport, Texas, and Pascagoula, Mississippi, is a digital fiber-optic system with two fiber pairs, each of which has a design capacity of 320 Gbps and each of which is capable of carrying 32 wavelengths of traffic.<sup>7</sup> The Gulf Fiber Network is utilized to support BP's own drilling and production platforms in the Gulf of Mexico and to support other assets, including other oil and gas production facilities operated by other oil and gas production companies. The Gulf Fiber Network also offers capacity to select users on indefeasible right-of-use or leased-capacity bases on terms that are tailored to each customer's particular needs.<sup>8</sup>

### **2. Tampnet Inc.**

Tampnet is a Delaware corporation with an office at 24275 Katy Freeway, Suite 525, Katy, Texas 77494. Tampnet currently operates a 4G LTE wireless broadband network and a deep-water fiber broadband network in the Gulf of Mexico. These networks serve as a platform for Tampnet's provision of communications services in the Gulf of Mexico to customers involved in oil and gas

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<sup>6</sup> See *Actions Taken Under Cable Landing License Act*, Public Notice, 22 FCC Rcd. 2454 (Int'l Bur. 2007) (citing BP's Cable Landing License Application at 3, Exh. B).

<sup>7</sup> The Gulf Fiber Network's fiber pairs are each capable of supporting approximately 20 branching units ("BUs"). Currently, there are a total of 21 BUs installed between the two fiber pairs.

<sup>8</sup> For example, Tampnet currently has an agreement with BP to access and use the Gulf Fiber Network to provide backhaul to its LTE base stations located on deep water platforms, which are used by customers that contract with Tampnet for offshore LTE service.

exploration and production and other entities in the maritime industry. Tampnet also uses these network facilities to provide roaming service to major Tier 1 mobile providers, thereby ensuring mobile providers are able to expand their network and offer offshore service to customers in the Gulf and offshore destinations.

Tampnet is not a foreign carrier<sup>9</sup> but is affiliated with five foreign companies that hold licenses to provide telecommunications services in Brazil, Canada, the Netherlands, Sweden, and the United Kingdom, and an additional affiliate that provides communications services in Brazil and Canada and in the territorial waters of Denmark, Germany, the Netherlands, Norway, and the United Kingdom.<sup>10</sup> Each of these affiliates has less than 50 percent market share in the international transport and local access market in its respective geographic territories,<sup>11</sup> and none of these affiliates has any market power in any destination market served by the Gulf Fiber Network as the Gulf Fiber Network does not serve any foreign country destination markets. Tampnet is owned and controlled by Colombo US Bidco Inc., which is ultimately and indirectly controlled by 3i Group plc.

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<sup>9</sup> *See infra* note 31.

<sup>10</sup> Tampnet AS, a Norway corporation, is authorized to provide communications services in Brazil and Canada and in the territorial waters of Denmark, Germany, the Netherlands, Norway, and the United Kingdom. Tampnet AS has also applied for a license to provide telecommunications services in Trinidad and Tobago, but the license has not yet been issued.

<sup>11</sup> Tampnet's foreign carrier affiliates are: (1) Tampnet Serviços de Telecomunicação Ltda, which provides telecommunications services in Brazil; (2) Tampnet Canada Inc., which provides telecommunication services in Canada; (3) Tampnet Netherlands B.V., which provides telecommunications services in the Netherlands; (4) Tampnet Sweden AB, which provides telecommunications services in Sweden; and (5) Tampnet UK Ltd., which provides telecommunications services in the United Kingdom.

## II. THE PROPOSED TRANSACTION WILL SERVE THE PUBLIC INTEREST AND WILL NOT HARM COMPETITION

### A. Standard of Review

While the Cable Landing License Act does not contain a public interest standard, the Commission has asserted that it must determine whether a proposed assignment or transfer of control of a submarine cable landing license is consistent with the public interest, convenience, and necessity.<sup>12</sup> Under this approach, the Commission first assesses “whether the proposed transaction complies with the specific provisions of the [Cable Landing License] Act, other applicable statutes, and the Commission’s rules.”<sup>13</sup> Second, if a proposed transaction would not violate the Cable Landing License Act, any other applicable statute, or any of the Commission’s rules, the Commission then considers whether a proposed transaction “could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the [Communications] Act or related statutes.”<sup>14</sup> Third, the Commission employs a balancing test “weighing any potential public interest harms of the proposed transaction against any potential

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<sup>12</sup> See, e.g., *Applications Filed by Global Crossing Ltd. and Level 3 Commc’ns, Inc. for Consent to Transfer Control*, Mem. Opinion and Order and Declaratory Ruling, 26 FCC Rcd. 14056, 14061 ¶ 10 (WC & Int’l Burs. 2011). See also, e.g., *Applications of AT&T Inc. and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations*, Mem. Opinion and Order, 30 FCC Rcd. 9131, 9139-40 ¶ 18 (2015) (“*AT&T-DIRECTV Order*”); *Applications of XO Holdings and Verizon Commc’ns, Inc. for Consent to Transfer Control of Licenses and Authorizations*, Mem. Opinion and Order, 31 FCC Rcd. 12501, 12504-05 ¶ 7 (WC, Int’l, and Wireless Burs. 2016) (“*XO-Verizon Order*”).

<sup>13</sup> See *AT&T-DIRECTV Order*, 30 FCC Rcd. At 9139-40 ¶ 18 (citations omitted); *XO-Verizon Order*, 31 FCC Rcd. at 12504 ¶ 7; *Applications of SoftBank Corp., Starburst II, Inc., Sprint Nextel Corp., and Clearwire Corp.*, Mem. Opinion and Order, Declaratory Ruling, and Order on Reconsideration, 28 FCC Rcd. 9642, 9650 ¶ 23 (2013) (“*SoftBank-Sprint-Clearwire Order*”); *Applications Filed by Qwest Commc’ns Int’l Inc. and CenturyTel, Inc. for Consent to Transfer Control*, Mem. Opinion and Order, 26 FCC Rcd. 4194, 4198-99 ¶ 7 (2011) (“*Qwest-CenturyLink Order*”); *AT&T Inc. and BellSouth Corp. Application for Transfer of Control*, Mem. Opinion and Order, 22 FCC Rcd. 5662, 5672 ¶ 19 (2007) (“*AT&T-BellSouth Order*”).

<sup>14</sup> See *AT&T-DIRECTV Order*, 30 FCC Rcd. At 9140 ¶ 18; *XO-Verizon Order*, 31 FCC Rcd. At 12505 ¶ 7; *SoftBank-Sprint-Clearwire Order*, 28 FCC Rcd. At 9651 ¶ 23; *Qwest-CenturyLink Order*, 26 FCC Rcd. At 4199 ¶ 7; *AT&T-BellSouth Order*, 22 FCC Rcd. At 5672 ¶ 19.

public interest benefits.”<sup>15</sup> The Commission has previously determined that applicants bear the burden of proving by a preponderance of the evidence that, on balance, a proposed transaction serves the public interest.<sup>16</sup> If the Commission is unable to find that a proposed transaction would serve the public interest or presents a substantial and material question of fact, it will designate the application for hearing pursuant to 47 U.S.C. § 309(e).<sup>17</sup>

## **B. The Proposed Transaction Will Serve the Public Interest**

The Proposed Transaction will not violate any provision of the Cable Landing License Act, any other statute, nor any Commission rule. It also will not substantially frustrate or impair the Commission’s implementation or enforcement of the Cable Landing License Act nor interfere with the objectives of the Cable Landing License Act or other statutes. To the contrary, the Proposed Transaction will offer substantial public interest benefits without any material countervailing harms.

Tampnet provides superior terrestrial-based telecommunications services in the offshore environment via its 4G LTE network supported by cellular, AWS, and microwave spectrum and submarine and terrestrial fiber.<sup>18</sup> Specifically, Tampnet provides low-latency, high capacity

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<sup>15</sup> See *AT&T-DIRECTV Order*, 30 FCC Rcd. At 9140 ¶ 18; *XO-Verizon Order*, 31 FCC Rcd. At 12505 ¶ 7; *SoftBank-Sprint-Clearwire Order*, 28 FCC Rcd. At 9651 ¶ 23; *Qwest-CenturyLink Order*, 26 FCC Rcd. At 4199 ¶ 7; *AT&T-BellSouth Order*, 22 FCC Rcd. At 5672 ¶ 19.

<sup>16</sup> See *AT&T-DIRECTV Order*, 30 FCC Rcd. At 9140 ¶ 18; *XO-Verizon Order*, 31 FCC Rcd. At 12504-05 ¶ 7; *General Motors Corp. and Hughes Electronics Corp., Transferors, and the News Corp. Ltd., Transferee, for Authority to Transfer Control*, Mem. Opinion and Order, 19 FCC Rcd. 473, 483 ¶ 15 (2004).

<sup>17</sup> See *AT&T-DIRECTV Order*, 30 FCC Rcd. At 9140 ¶ 18; *XO-Verizon Order*, 31 FCC Rcd. At 12504 ¶ 7; *Applications of Comcast Corp., Gen. Electric Co., and NBC Universal Inc. for Consent to Assign Licenses and Transfer Control of Licenses*, Mem. Opinion and Order, 26 FCC Rcd. 4238, 4248 ¶ 22; *Application of EchoStar Commc’ns Corp., Gen. Motors Corp., and Hughes Electronics Corp. (Transferors) and EchoStar Commc’ns Corp. (Transferee)*, Hearing Designation Order, 17 FCC Rcd. 20559, 20574 ¶ 25 (2002).

<sup>18</sup> As noted above, Tampnet currently has an agreement with BP to access and use the Gulf Fiber Network to provide backhaul to its LTE base stations located on deep water platforms. See *supra* note 8. Tampnet does not otherwise currently have access to, nor does it or any of its affiliates otherwise own, any submarine fiber under the Commission’s regulation. Tampnet also uses terrestrial fiber to provide backhaul from its onshore microwave spectrum to data centers.

connectivity between customers' offshore operations and shore-based locations. This includes oil production platforms and drilling rigs and vessels. Tampnet markets and sells its telecommunications services directly to corporate customers; it also markets and sells its services increasingly through partners and resellers that specialize in fully managed communications services offerings that are Layer 3 and above. For its partners and resellers, Tampnet's 4G LTE connectivity provides a transparent and robust connection from an offshore location to the provider's point of presence and offers a low-latency alternative to other providers' conventional Very Small Aperture Terminal ("VSAT") connections. Additionally, Tampnet has roaming agreements with some of the major Tier 1 mobile providers that allow these providers to expand their network reach and offer offshore service to their end user customers.

Currently, Tampnet's 4G LTE offering enables a range of connectivity solutions, including (but not limited to): (1) the use of industry standard handheld devices in the offshore environment; (2) machine-to-machine monitoring; (3) environmental monitoring and oil spill detection and control; (4) real-time collection of weather data; (5) oil and maritime crew welfare internet solutions; (6) connections of short-term service containers; (7) Unmanned Aerial Vehicle ("UAV") connectivity; and (8) cruise ship and fishing fleet connectivity.

By acquiring the Gulf Fiber Network, Tampnet will be able to increase its reach into the Gulf of Mexico and offshore environment with additional capacity and add a further layer of redundancy, resiliency, and reliability to its network. Thus, through its acquisition of the Gulf Fiber Network, Tampnet will be able to provide its existing customers with enhanced services and provide service to new customers that may not currently have service, and make the full capacity of the Gulf Fiber Network available to the broader community of customers in this region. This will allow for the continued provision of reliable offshore communications services to the Gulf



Fiber Network's existing customers that rely on the Gulf Fiber Network to support the safe and efficient operation of their oil and gas production activities in the Gulf of Mexico.

Expanding access to the network in this way will offer numerous competitive and public interest benefits. For example, expanding access to the Gulf Fiber Network will offer additional route diversity to communications providers who may seek to use the fiber to add further capacity and resiliency between their own network hubs, where the Gulf Fiber Network will be offered as an alternate route to protect against fiber breaks along U.S. Interstate 10 (which is exposed to frequent floods, hurricanes, and landslides). In addition, Tampnet's acquisition of these network facilities will enable AT&T (one of Tampnet's customers) to enhance the coverage and reach of the FirstNet network to the offshore Gulf of Mexico region. Tampnet's plan to expand access to the Gulf Fiber Network (and Tampnet's existing 4G LTE network in the Gulf) allows FirstNet, AT&T, and Tampnet to expand and enhance access to this new dedicated public safety network, which will help first responders more quickly and efficiently respond to offshore incidents.

Moreover, Tampnet's acquisition will also ensure that access to the Gulf Fiber Network is expanded to include new entities that would otherwise not have access to the fiber but for the transaction. Indeed, Tampnet's network engineers and operational team estimate that following certain upgrades, capacity on the Gulf Fiber Network can be increased (at considerable cost) by 10 to 20 percent of current capacity, which would expand available network capacity to the data-intensive businesses operating in the Gulf. By bringing to market the high-capacity network capabilities offered by the Gulf Fiber Network, Tampnet will enhance competitive offerings and expand available network capacity overall in the Gulf. Over the long term, Tampnet also plans to invest to maintain and improve the lifecycle of the Gulf Fiber Network to support new and existing customers and manage technology evolution and obsolescence.

**C. Both the FCC and National Security Agencies Have Extensively and Recently Reviewed Tampnet’s Existing Gulf of Mexico Operations**

Tampnet has been operating in the Gulf since 2014, following its purchase of AirTap Communications, LLC. Further investment in this region led to Tampnet’s purchase of Broadpoint LLC (and its spectrum licenses) in 2016, at which time Tampnet acquired wireless spectrum licenses that the company has utilized by investing in and deploying thirty-four (34) LTE base stations in and around the Gulf of Mexico. Through both of these acquisitions, Tampnet provides communications services to oil and gas production companies operating critical energy infrastructure as well as other customers in the Gulf.

Prior to Tampnet’s acquisition of Broadpoint LLC and its spectrum licenses, Tampnet underwent an extensive and thorough review of that transaction by both the Commission and the Team Telecom reviewing agencies, including the Department of Justice (“DOJ”), the Department of Defense, the Department of Homeland Security, and other agencies. The Commission and the Team Telecom reviewing agencies conducted a lengthy and detailed review and analysis of Tampnet’s planned operations in the Gulf, its network and operational security procedures, and related issues of import to the national security community. Indeed, during that process Tampnet submitted responses to two separate sets of triage questions regarding Tampnet’s proposed network and operational procedures, services, facilities, and personnel. Tampnet cooperated with the Commission and Team Telecom throughout this process. The Team Telecom agencies ultimately requested that Tampnet enter into a letter agreement with the DOJ, which the company promptly implemented. Following these lengthy and deliberative processes, both the Commission

and Team Telecom concluded that it was in the public interest for Tampnet to acquire Broadpoint LLC and its spectrum licenses and operate in the Gulf.<sup>19</sup>

Subsequently, in 2019 the Commission approved the transfer of control of Tampnet to Colombo Topco Limited and its ultimate parent, 3i Group plc, which have continued to oversee and direct Tampnet's network expansion and enhanced competitive service offerings in the Gulf.<sup>20</sup> Pursuant to this transaction, Tampnet again went through a detailed, lengthy, and rigorous Commission and Team Telecom review process, providing detailed responses to Team Telecom's triage questions for a second time and entering into a new letter agreement with DOJ. As with Tampnet's 2016 transaction, both the Commission and Team Telecom concluded Tampnet's foreign affiliates, ownership structure, and network and operational practices presented no national security concerns and that Tampnet's continued operation in the Gulf under its new ownership structure would be in the public interest.

Thus, the Commission has repeatedly reviewed and approved Tampnet's acquisition of network facilities and its service in the Gulf, under the direction and control of two different foreign ownership groups, the latter of which continues to the present. Accordingly, both the Commission's and Team Telecom's previous approval of this ownership structure and Tampnet's continued operations in the Gulf should be relied upon by the Commission and others to

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<sup>19</sup> See *In re Applications of AT&T Mobility Spectrum LLC et al. for Consent to Assign Licenses and Approval of Long-Term De Facto Transfer Spectrum Leasing Arrangement*, Mem. Opinion and Order and Declaratory Ruling, 31 FCC Rcd. 7890 ¶ 32 (Wireless Telecomms. & Int'l Burs. 2016).

<sup>20</sup> See *Section 214 Applications*, Public Notice, 2019 WL 857619 (Feb. 21, 2019); *Actions Taken*, Public Notice, 2019 WL 857558 (Int'l Bur. Feb. 20, 2019); *Domestic Section 214 Application Granted for the Transfer of Control of Tampnet Inc. to Colombo Topco Limited*, Public Notice, 2019 WL 762265 (WCB Feb. 15, 2019).

expeditiously review this Application and conclude that Tampnet's acquisition of the Gulf Fiber Network presents no concerns and should be deemed to be in the public interest.<sup>21</sup>

**D. The Proposed Transaction Will Not Harm Competition**

The Proposed Transaction will not adversely affect competition in any geographic market for submarine cable capacity. Tampnet is not now and as a result of the Proposed Transaction will not be affiliated with any foreign carrier that has market power in their respective destination markets, as the Gulf Fiber Network does not land in a foreign destination market. Further, Tampnet does not now nor will it as a result of the Proposed Transaction control or be affiliated with any other operators of submarine cables licensed by the Commission. As a result, Tampnet will not gain from the Proposed Transaction an ability to control cable routes between the United States and any foreign market (and thus will not be able to discriminate against unaffiliated U.S. carriers trying to reach a foreign market), nor will it result in the concentration of domestic submarine cables or existing submarine cable landing licenses.

Indeed, Tampnet's acquisition of the Gulf Fiber Network will, in effect, create an additional submarine cable and retail services competitor, as BP's use of the Gulf Fiber Network was largely limited to the provision of services to its own affiliated entities. Tampnet will be using the Gulf Fiber Network to provide its customers, strategic partners and resellers, and Tier 1 carriers with enhanced service offerings and to expand Tampnet's own service offerings to the general public, rather than for its own internal use. As a result, acquisition of this asset will allow Tampnet to expand access to the Gulf Fiber Network to serve the public and commercial sectors when it comes to Gulf of Mexico and offshore connectivity.

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<sup>21</sup> Notably, the Gulf Fiber Network system was designed, built, and installed predominantly by U.S. companies, and all of the transmission equipment, fiber cable, repeaters, and branching units used to build and to operate the system were sourced solely from US manufacturers.

Moreover, existing competition with respect to the types of services provided by Tampnet will remain just as robust as ever as there are numerous existing communications providers in the Gulf of Mexico that provide similar services to the region's dynamic customer base. For example, the nation's largest mobile carriers, including AT&T, Verizon, and T-Mobile/Sprint, offer wireless and IoT connectivity services to customers in the Gulf and its offshore destinations, and these services will be unaffected by the Proposed Transaction.

Furthermore, offshore oil and gas exploration and production facilities and other maritime businesses will continue to rely on other specialized communications providers, including RigNet, Blackhawk DataCom, Global Data Systems, Elite Communications, and many other providers that offer similar services. For example, RigNet holds itself out as the "world's leading networking provider for connecting and securing sites and operational assets in industries that rely on remote operations," including in the Gulf region.<sup>22</sup> Satellite providers also remain a key player in the Gulf, with entities that include Inmarsat, Marlink, ITC Global, Speedcast, SES/03b, Global Eagle, and Bluetide, all of which, to Tampnet's best knowledge and belief, provide services and connectivity to offshore locations. Thus, given the number of providers operating in the Gulf, Tampnet's acquisition of the Gulf Fiber Network will not have any adverse impact on competition. To the contrary, by expanding its service offerings and the reach of the Gulf Fiber Network, the Proposed Transaction will further enhance competition.

Accordingly, the Proposed Transaction will not harm submarine cable competition. Rather, by affirming the Proposed Transaction, the Commission will be authorizing the entry of a new submarine cable investor that will enhance the development of commercial service offerings

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<sup>22</sup> See RIGNET, *available at* <https://www.rig.net/markets>.

in the Gulf of Mexico. Accordingly, the Proposed Transaction meets the Commission’s public interest standard and is consistent with the public interest, convenience, and necessity.

**III. INFORMATION REQUIRED BY 47 C.F.R § 1.767(a)(11)(i)**

Pursuant to 47 C.F.R. § 1.767(a)(11)(i), Applicants provide the following information in support of their request for Commission approval to assign the Cable Landing License from BP to Tampnet.

**(1)-(2) Applicant Identification Information**

In Table 1 below, Applicants provide their names, addresses, telephone numbers, places of organization, and FCC Registration Numbers.

**Table 1**

| Names, Address and Telephone #   | Place of Organization | FRN        | Transaction Role |
|--|-----------------------|------------|------------------|
| BP Exploration & Production, Inc.<br>501 Westlake Park Boulevard<br>Houston, Texas 77079<br>Tel.: (281) 546-4734 | Delaware              | 0018844068 | Assignor         |
| Tampnet Inc.<br>24275 Katy Freeway, Suite 525<br>Katy, Texas 77494<br>Tel.: (866) 621-5290                       | Delaware              | 0023627375 | Assignee         |

**(3) Contact Information**

Questions or inquiries concerning this Application may be directed to the individuals identified below.

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**(4)-(7) Not Applicable**

**(8)(i) Certification Regarding Ownership, Place of Organization, Principal Business, and Interlocking Directorates<sup>23</sup>**

Ownership Information

Following consummation of the Proposed Transaction, Tampnet certifies that the following entities will hold a ten percent or greater direct or indirect equity interest in Tampnet:

Name: Colombo US Bidco Inc.  
Address: Corporation Trust Center  
1209 Orange Street  
Wilmington, Delaware 19801  
Citizenship: Delaware  
Principle Business: Holding Company  
Ownership Interest: Colombo US Bidco Inc. holds a 100 percent voting and equity interest in Tampnet.

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<sup>23</sup> 47 C.F.R. §§ 1.767(a)(8)(i), 63.18(h), (o).

Name: Colombo Bidco Limited  
Address: 16 Palace Street  
London, SW1E 5JD, United Kingdom  
Citizenship: United Kingdom  
Principal Business: Holding Company  
Ownership Interest: Colombo Bidco Limited holds a 100 percent voting and equity interest in Colombo US Bidco Inc.

Name: Colombo Holdco Limited  
Address: 16 Palace Street  
London, SW1E 5JD, United Kingdom  
Citizenship: United Kingdom  
Principal Business: Holding Company  
Ownership Interest: Colombo Holdco Limited holds a 100 percent voting and equity interest in Colombo Bidco Limited.

Name: Colombo Investment Holdings Limited  
Address: 16 Palace Street  
London, SW1E 5JD, United Kingdom  
Citizenship: United Kingdom  
Principal Business: Holding Company  
Ownership Interest: Colombo Investment Holdings Limited holds a 100 percent voting and equity interest in Colombo Holdco Limited.

Name: Colombo Topco Limited  
Address: 16 Palace Street  
London, SW1E 5JD, United Kingdom  
Citizenship: United Kingdom  
Principal Business: Holding Company  
Ownership Interest: Colombo Topco Limited holds a 90 percent voting and equity interest in Colombo Investment Holdings Limited.<sup>24</sup>

Name: Arbejdsmarkedets Tillaegspension (“ATP”)  
Address: Kongens Vænge 8  
3400 Hillerød, Denmark  
Citizenship: Denmark  
Principal Business: Pension Fund  
Ownership Interest: ATP holds a 50 percent voting and equity interest in Colombo Topco Limited. Through this investment, ATP indirectly holds an approximate 42.5 percent voting and 43.6 percent equity interest in Tampnet Inc.

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<sup>24</sup> The remaining ten percent voting and equity interest in Colombo Investment Holdings Limited is held by certain managers and executives of the Tampnet companies. Through this investment, the managers and executives of the Tampnet companies indirectly hold an approximate 15 percent voting and 12.8 percent equity interest in Tampnet Inc. No individual manager or executive holds a direct or indirect voting or equity interest in Colombo Investment Holdings Limited or Tampnet Inc. of ten percent or more.



Name: 3i Tampnet Holdings Limited  
Address: 16 Palace Street  
London, SW1E 5JD, United Kingdom  
Citizenship: United Kingdom  
Principal Business: Holding Company  
Ownership Interest: 3i Tampnet Holdings Limited holds a 50 percent voting and equity interest in Colombo Topco Limited. Through this investment, 3i Tampnet Holdings Limited indirectly holds an approximate 42.5 percent voting and 43.6 percent equity interest in Tampnet Inc.

Name: 3i Infrastructure plc (“3i Infrastructure”)<sup>25</sup>  
Address: 12 Castle Street  
Saint Helier, Jersey JE2 3RT  
Citizenship: Jersey (Channel Islands)  
Principal Business: Investment Company  
Ownership Interest: 3i Infrastructure holds a 100 percent voting and equity interest in 3i Tampnet Holdings Limited.

Name: 3i Investments plc (“3i Investments”)  
Address: 16 Palace Street  
London, SW1E 5JD, United Kingdom  
Citizenship: United Kingdom  
Principal Business: Investment Management Company  
Ownership Interest: 3i Investments currently is the exclusive investment manager to 3i Infrastructure and ATP with respect to their respective indirect investments in Tampnet. As a result, 3i Investments has sole, indirect control over the day-to-day management of Tampnet.

Name: 3i plc  
Address: 16 Palace Street  
London, SW1E 5JD, United Kingdom  
Citizenship: United Kingdom  
Principal Business: Holding Company  
Ownership Interest: 3i plc holds a 100 percent voting and equity interest in 3i Investments.

Name: 3i Holding plc  
Address: 16 Palace Street  
London, SW1E 5JD, United Kingdom  
Citizenship: United Kingdom  
Principal Business: Holding Company  
Ownership Interest: 3i Holding plc holds a 100 percent voting and equity interest in 3i plc.

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<sup>25</sup> 3i Infrastructure is publicly listed on the London Stock Exchange (Ticker: 3IN).

Name: 3i Group plc<sup>26</sup>  
 Address: 16 Palace Street  
 London, SW1E 5JD, United Kingdom  
 Citizenship: United Kingdom  
 Principal Business: Investment Company  
 Ownership Interest: 3i Group plc holds an approximate 30 percent equity interest in 3i Infrastructure.<sup>27</sup> In addition, as the ultimate parent company of 3i Investments, 3i Group plc holds indirect control of Tampnet.

No other person or entity holds a direct or indirect ten percent or greater equity interest in Tampnet. All direct and indirect interest holders are organized in member countries of the World Trade Organization (“WTO”).<sup>28</sup> For ease of review, the ownership information set forth above is also included in **Exhibit 1**, attached hereto.

Section 63.18(h) – Interlocking Directorates

Tampnet currently has the following interlocking directorates:

**Per Helge Svensson, President, Tampnet Inc.**

| Foreign Carriers  | Countries in Which Carrier is Authorized to Provide Telecommunications Services to the Public | Position         |
|-------------------|---|------------------|
| Tampnet AS        | Norway  | Director and CEO |
| Tampnet UK Ltd.   | United Kingdom  | Director         |
| Tampnet Sweden AB | Sweden  | Director         |

<sup>26</sup> 3i Group plc is publicly listed on the London Stock Exchange (Ticker: III).

<sup>27</sup> Other than 3i Group plc, no other individual or entity holds a direct or indirect voting or equity interest in 3i Infrastructure of ten percent or more. The remaining shares of 3i Infrastructure are publicly held and widely dispersed. Artemis Investment Management, LLP (“Artemis”), a privately held limited liability partnership organized under the laws of the United Kingdom, holds a 5.4 percent voting and equity interest in 3i Group plc. The address of Artemis is Cassini House, 57 St. James’s Street, London SW1A 1LD, United Kingdom.

<sup>28</sup> See [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm#collapseD](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm#collapseD).

**Christian Grinde, Secretary, Tampnet Inc.**

| Foreign Carriers       | Countries in Which Carrier is Authorized to Provide Telecommunications Services to the Public | Position |
|------------------------|---|----------|
| Tampnet UK Ltd.        | United Kingdom  | Director |
| Tampnet Sweden AB      | Sweden  | Director |
| Tampnet Netherlands BV | Netherlands   | Director |
| Tampnet Canada Inc.    | Canada  | Director |

Section 63.18(o) – Anti-Drug Abuse Certification

As evidenced by the signature of Tampnet’s representative to this Application and the certification appended hereto, Tampnet certifies pursuant to Sections 1.2001 through 1.2002 of the Commission’s rules<sup>29</sup> that it is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.<sup>30</sup>

**(8)(ii) Certification Regarding Foreign Carrier Status and Foreign Affiliation**

Tampnet certifies that it: (A) is not a foreign carrier in any foreign country;<sup>31</sup> (B) does not own or control a cable station in any foreign country; and (C) is affiliated with foreign carriers only as summarized in Table 2 below. While Tampnet is not a foreign carrier, its affiliate, Tampnet AS, provides communications services in Brazil and Canada and in the territorial waters of Denmark, Germany, the Netherlands, Norway, and the United Kingdom. Tampnet AS and the other affiliates summarized in Table 2 below each have less than 50 percent market share in the

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<sup>29</sup> 47 C.F.R. §§ 1.2001-1.2002.

<sup>30</sup> 21 U.S.C. § 862.

<sup>31</sup> To be deemed a “foreign carrier” under the Commission’s rules, the applicant must be “authorized within a foreign country to engage in the provision of international telecommunications services offered to the public in that country” or be “authorized to engage in the provision of domestic telecommunications services ... [and] have the ability to originate or terminate telecommunications services to or from points outside [the foreign] country.” 47 C.F.R. § 63.09(d). Tampnet is not authorized to provide international telecommunications services in any foreign country, nor is it authorized to provide domestic telecommunications services in any foreign country. Accordingly, Tampnet certifies that it is not a “foreign carrier” under the Commission’s applicable rules.

international transport and local access market in their respective geographic territories, and none of these affiliates has any market power in any destination market served by the Gulf Fiber Network as the Gulf Fiber Network does not serve any foreign country destination markets.

**Table 2**

| Name of Affiliated Carrier               | Countries in Which Carrier is Authorized to Provide Telecommunications Services to the Public |
|--|---|
| Tampnet Serviços de Telecomunicação Ltda | Brazil  |
| Tampnet Canada Inc.                      | Canada  |
| Tampnet Netherlands B.V.                 | Netherlands   |
| Tampnet Sweden AB                        | Sweden  |
| Tampnet UK Ltd.                          | United Kingdom  |

**(8)(iii) Certification Regarding Destination Markets**

The Gulf Fiber Network is a U.S. domestic submarine cable system and does not land in any foreign country. Consequently, Tampnet certifies that it does not seek via this Application to land and operate a submarine cable connecting to any foreign country, including any foreign country in which: (A) Tampnet is a foreign carrier; (B) Tampnet controls a foreign carrier; (C) there exists any entity that owns more than 25 percent of Tampnet, or controls Tampnet, or controls a foreign carrier in such country; or (D) a grouping of two or more foreign carriers in such a country (or parties that control foreign carriers in such a country) that own, in aggregate, more than 25 percent of Tampnet and are parties to or beneficiaries of a contractual relation affecting the provision or marketing of arrangement for the terms of acquisition, sale, lease, transfer, and use of capacity.

**(8)(iv) Certification Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets**

No response is required because Tampnet did not identify any non-WTO markets in response to Section 1.767(a)(8)(iii) of the Commission's rules,<sup>32</sup> *supra*.

**(9) Routine Conditions Specified in Section 1.767(g) of the Commission's Rules**

As evidenced by the signature of Tampnet's representative to this Application and the certification appended hereto, Tampnet certifies that it accepts and will abide by the routine conditions specified in Section 1.767(g) of the Commission's rules.<sup>33</sup>

**(10) Other Information**

The Proposed Transaction underlying this Application does not require the filing of a foreign carrier affiliation notification pursuant to Section 1.768 of the Commission's rules<sup>34</sup> because the Gulf Fiber Network does not land in a foreign destination market. Therefore, it is not possible for Tampnet to be affiliated with a foreign carrier that services a foreign destination market served by the Gulf Fiber Network.

**IV. STREAMLINED PROCESSING REQUEST AND REQUEST FOR AN ORDER BY OCTOBER 31, 2020**

Applicants request streamlined processing of this Application pursuant to Sections 1.767(k)(2) and 1.767(k)(4) of the Commission's rules.<sup>35</sup> Applicants certify that the Gulf Fiber Network does not land in any foreign country destination market. Thus, it is not possible for either Applicant to have any affiliation with a foreign carrier in a Gulf Fiber Network foreign destination market. Additionally, Tampnet is not a foreign carrier. Because the Application does not seek

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<sup>32</sup> 47 C.F.R. § 1.767(a)(8)(iii).

<sup>33</sup> *Id.* § 1.767(g).

<sup>34</sup> *Id.* § 1.768.

<sup>35</sup> *Id.* §§ 1.767(k)(2), (k)(4).

authority for any new or modified submarine cable construction, no certification is required with respect to the Coastal Zone Management Act.<sup>36</sup>

For Applicants to timely consummate the Proposed Transaction in accordance with the terms and conditions of the Purchase and Sale Agreement, Applicants respectfully request that the Commission issue an order approving the assignment of the Cable Landing License from BP to Tampnet no later than October 31, 2020. This will allow Applicants and the public to realize the public interest and economic benefits represented by the Proposed Transaction and allow for the orderly transition of critical communications services that will continue to serve oil and gas production facilities in the Gulf of Mexico.

#### **V. CERTIFICATION REGARDING SERVICE TO EXECUTIVE BRANCH AGENCIES**

Pursuant to Section 1.767(j) of the Commission's rules,<sup>37</sup> Applicants have served a complete copy of this Application on the U.S. Departments of State, Commerce, and Defense, and certified such service in the attached certificate of service.

#### **VI. CONCLUSION**

For the reasons presented herein, Applicants submit that the public interest, convenience, and necessity would be served by a grant of this Application for assignment of the Cable Landing License to Tampnet and respectfully request that this Application be granted. Applicants further request that an order granting the Application be issued by October 31, 2020, so that Applicants can timely close the Proposed Transaction in accordance with the terms and conditions of their Purchase and Sale Agreement.

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<sup>36</sup> See *id.* § 1.767(k)(4).

<sup>37</sup> *Id.* § 1.767(j).

Respectfully submitted,

**By: BP Exploration & Production Inc.**

/s/William J. Lutz

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*Counsel to BP Exploration & Production Inc.*

**By: Tampnet Inc.**

/s/David Heximer

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*Counsel to Tampnet Inc.*

**Dated:** August 5, 2020

## **CERTIFICATION**

I am authorized to enter this certification on behalf of Tampnet Inc. All of the information contained in this Application is true and correct to the best of my knowledge.

Dated: August 5, 2020



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Per Helge Svensson  
Chief Executive Officer  
Tampnet AS  
Hinna Park, Stadionblokk C  
Jattavagavein 7  
N-4020 Stavanger, Norway





**CERTIFICATE OF SERVICE**

I, Emil J. Barth, hereby certify that, consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing Application for Consent to Assign a Submarine Cable Landing License and all exhibits thereto by First Class Mail this 5th day of August, 2020, to the following:

Robert L. Strayer  
U.S. Coordinator and Deputy Assistant  
Secretary of State (Acting)  
Cyber & International Communications &  
Information Policy  
Bureau of Economic and Business Affairs  
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/s/Emil J. Barth

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Emil J. Barth