

Federal Communications Commission (FCC)

In accordance with the Cable Landing Licensing Act of 1921, only *laying* of submarine cables which are:

1. owned and operated in the U.S.,
2. connectivity of submarine cables which connect to Alaska, Hawaii and U.S. Territories,
3. and U.S. submarine cables to foreign countries (with end point in international waters)

would mandate request for permission from Clean Ocean to the Federal Communications Commission (herein, "FCC"). Moreover, once the FCC grants submarine cable landing license for installation and operation of any submarine cable in the United States, U.S. territories or with end point in international waters, the U.S. Army Corps of Engineers (herein "ACOE") must authorize the installation of any submarine cable in U.S. waters pursuant to the Rivers and Harbor Act of 1899, as well as any submarine cable in an estuary pursuant to the Clean Water Act.

Clean Ocean has communicated with several FCC locations: Licensing Division in Pennsylvania, Media Cable & Licensing in Washington D.C. and San Juan, PR bureaus to inform of operation in removing the decommissioned cables in the Caribbean ocean floors. Additionally, Clean Ocean utilized the FCC's web-based Cable Operations & Licensing System (COALS) to conduct and corroborate researched data to further determine the identified decommissioned submarine cables laying in the Caribbean ocean floors no longer possess an active license and thus no longer fall under the jurisdiction of the FCC. Furthermore, the design of the submarine cables limits its active lifespan to 20-25 years.

As to protecting the active cables the FCC has authority as it relates to any active licensed submarine cable landing on American shores. The Convention for the Protection of Submarine Cables of 1884 and 1888 respectively, are the governing authority for damage of submarine cables. The 1884/88 convention is the standard used in the U.S. for protection of Submarine cables. The Convention is recognized by the US Federal Agencies; NOAA, FCC and BOMA. The Convention states, "The owner of a cable who, on laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II of the present convention." This convention pertains to Clean Ocean's operation, if Clean Ocean damages another live cable during its operation Clean Ocean will be responsible for the damage.

Clean Ocean Initiative, Inc. will implement and adopt the following procedures to protect the active cables.

- Assign an employee of record to designate cable crossings, maintain records of potential crossings, have on record contact personnel of all active cable owners, quarterly training of all Clean Ocean vessel personnel of procedures in the unlikely event of a live cable damage, follow FCC reporting guidelines of damaged cables including immediate notification to the cable owner and constant compliance with any applicable public or private guidelines as set forth.
- All cable crossings will be identified and recorded by Clean Ocean's work class ROV prior to any cable retrieval process commencement.

- Clean Ocean will follow the guidelines set forth by The International Submarine Cable Protection Organization to protect the active cables during the retrieval process.
- Clean Ocean will carry an insurance policy naming the cable owner's and other necessary agencies additionally insured.