

Partner

## Kent D. Bressie

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## PRACTICES

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Telecom

Foreign Investment,  
National Security and  
Trade

Undersea Cables

Security Agreements /  
Team Telecom

Transactions

International

## EDUCATION

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University of Chicago  
Law School, J.D.

Stanford University,  
B.A., with distinction

Rhodes Academy of  
Oceans Law and Policy,  
Diploma

## ADMISSIONS

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District of Columbia

Kent Bressie is chair of HWG's international practice and a recognized leader in telecommunications, international trade and investment, and national security regulation law.

Kent represents communications and technology companies and investors in a wide variety of cross-border and domestic regulatory and commercial matters.

**Undersea Cables.** Kent works extensively in the undersea cable sector and represents operators, suppliers, and investors to address the critical issues they face, including: national security and foreign investment; telecoms licensing; corporate and commercial agreements for construction and maintenance, capacity sales, system supply, landings, and financing; environmental permit ting; market access; and the law of the sea.

**Foreign Investment, National Security, and Cybersecurity.** Kent represents investors and business owners in a wide range of defense and critical infrastructure businesses to obtain foreign investment approvals from the Committee on Foreign Investment in the United States ( CFIUS ) under the Defense Production Act and, with respect to FCC-regulated business, the Team Telecom agencies. He has negotiated dozens of security mitigation arrangements with CFIUS and Team Telecom. He advises network and data center operators on cybersecurity, wiretapping, surveillance, and related policy issues under the Communications Assistance for Law Enforcement Act ( CALEA ), the Foreign Intelligence Surveillance Act ( FISA ), and the USA PATRIOT Act. He represents companies to obtain and maintain security clearances for work on classified contracts and negotiates agreements with the Defense Security Service to mitigate foreign ownership, control, or influence ( FOCI ).

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**Supply Chain Security, Data Security and Internet of Things (“IoT”).** Kent advises equipment manufacturers, technology companies, and service providers to address supply chain security requirements imposed through the FCC’s Covered List, statutory government procurement restrictions, IoT cybersecurity, and restrictions on exports of personal data from the United States.

**Communications Regulation, Licensing, and Transactions.** Kent represents network operators, service providers, and software and equipment manufacturers in policy, licensing, and environmental matters before a variety of regulators and policymakers including the FCC; the Departments of State, Commerce, and Defense; state and territorial regulators; the International Telecommunication Union; and numerous foreign regulators (particularly in the Pacific and Caribbean regions) to enable new network infrastructure, emerging technologies, mergers and acquisitions, and financing arrangements.

**Export Controls and Economic Sanctions.** Kent counsels companies regarding compliance with U.S. and multilateral economic sanctions and export controls, and represents them before the Departments of the Treasury (OFAC), Commerce (BIS), State (DDTC), and Defense to obtain licenses necessary to consummate investment, financial, and export transactions.

**Trade Policy and Market Access.** Kent represents companies before the U.S. Trade Representative and foreign governments in World Trade Organization (WTO) matters, market access disputes (including disputes over goods, services, investment, and government procurement), and bilateral and regional trade negotiations.

**Public International Law, Law of the Sea, and Maritime Law.** Kent represents ICPC and companies in a variety of public international law and treaty matters, particularly those involving jurisdictional disputes among sovereign states and the law of the sea. He has long represented undersea cable operators regarding treaty protections, environmental regulation, and cable damage disputes, and mobile carriers regarding the provision of international roaming and cruise ship-based services.

Kent is a member of the District of Columbia and New York Bars, the International Law Association (Member of the Committee on Submarine Cables and Pipelines), the American Society of International Law (Assistant Treasurer, 2003-2006), and the Federal Communications Bar Association (Co-Chair, International Communications Committee, 2017-2018, and Co-Chair, Global Telecommunications Development Committee, 2000-2003).

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## EXPERIENCE

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### Undersea Cables

- His recent representations before the U.S. Federal Communications Commission ( FCC ) and Team Telecom agencies (the U.S. Departments of Justice, Defense, and Homeland Security) to obtain licenses and national security approvals include:
  - Facebook for Hong Kong-Americas, Bay-to-Bay Express, and Pacific Light Communications Network;
  - NTT and Facebook for their U.S.-Japan-Taiwan JUPITER system;
  - RTI for its Japan-Guam JGA North system;
  - Deep Blue for its pan-Caribbean network;
  - Aqua Comms, Facebook and Bulk Infrastructure for their U.S.-Denmark-Ireland-Norway Havfrue system;
  - Microsoft, Facebook, and Telxius for their U.S.-Spain Marea system;
  - Telxius for its U.S.-Brazil BRUSA system;
  - DOCOMO Pacific for its Guam-Northern Marianas Atisa system;
  - Microsoft, China Mobile, China Telecom, China Unicom, Chunghwa, and KT for their U.S.-Japan-Korea-Taiwan-China New Cross Pacific Cable;
  - Globe Telecom, GTA, Hawaiian Telcom, RTI, and Telkom Indonesia with their Indonesia-Philippines-U.S. SEA-US system; and
  - Seaborn Networks for its U.S.-Brazil Seabras-1 system.
- He negotiated the supply contracts for DOCOMO Pacific s Atisa system and Bluesky s Moana system.
- He negotiated the U.S. landing party agreements for Angola Cables in the Monet system and for Emerald Networks (now Aquacomms) with the U.S.-Ireland AE Connect system.
- He has led various industry-wide regulatory-reform and cable-protection initiatives and has long served as counsel to the North American Submarine Cable Association.

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- From 2013-2016, he chaired the first-ever submarine cable working group of the Communications Security, Reliability, and Interoperability Council, leading the development for the FCC Chairman of three landmark reports on submarine cable protection.
- From 2013-2018, he chaired the Legal Committee of the UNESCO/International Telecommunication Union/World Meteorological Organization Joint Task Force regarding the use of marine data sensors on undersea cables for disaster warning and climate-change monitoring.

## Foreign Investment, National Security, and Cybersecurity

- His recent representations before the CFIUS and Team Telecom include:
  - TPG Telecom in its merger with Vodafone Australia;
  - Partners Group in its acquisitions of utility locate provider USIC and On Target;
  - Antin Infrastructure Partners in its acquisition of FirstLight;
  - Euronext NV in its acquisition of currency trading business FastMatch;
  - Telefónica in the sale of a stake in its Telxius infrastructure business to KKR;
  - Amper and Bluesky in the sale of South Pacific telecom group Bluesky to Fiji incumbent ATH;
  - Apax Partners S.A. in its acquisition of satellite services provider Marlink from Airbus;
  - Level 3 Communications in its acquisition of Global Crossing and its sale to CenturyLink;
  - TE Connectivity in its acquisitions of Measurement Specialties, the SEACON Group, and the Deutsch Group;
  - Centerbridge Partners in the recapitalization of satellite operator LightSquared L.P. (now Ligado); and
  - Clearwire in its acquisition by SoftBank and Sprint.
- He represented Ericsson subsidiary iconectiv (formerly Telcordia Technologies) in national security-related aspects of its transition to serve as the U.S. Local Number Portability Administrator.

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## Supply Chain Security, Data Security, and Internet of Things

His recent experience includes:

- Advising telecommunications providers regarding compliance with the FCC's Covered List, implementation of rip and replace requirements, and reimbursement for replacement equipment and software
- Advising a major passenger vehicle manufacturer on U.S. federal and state data security and privacy requirements for connected vehicles
- Advising a cellular module manufacturer regarding FCC certification,
- Advising technology companies and manufacturers on the implementation of Executive Order 14117 regarding exports of bulk data from the United States

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## Communications Regulation, Licensing, and Transactions

- His recent representations before the FCC include:
  - TPG Telecom in its merger with Vodafone Australia;
  - Antin Infrastructure Partners in its acquisition of FirstLight;
  - Telefónica in the sale of a stake in its Telxius infrastructure unit to KKR;
  - Amper and Bluesky in its sale of Bluesky to ATH;
  - Level 3 Communications in its sale to CenturyLink;
  - Bluesky in its acquisition of Club 42 spectrum;
  - National Rural Utilities Cooperative Finance Corporation ( CFC ) in its sale of the Innovative Group's fixed, mobile, cable television, and ISP businesses in the Caribbean to ATN International (including additional representations before governments of the U.S. and British Virgin Islands, France, and St. Maarten), having previously represented CFC before those regulators and a U.S. bankruptcy court to acquire those businesses in 2009-2010;
  - Apax Partners for its acquisition of satellite services provider Marlink from Airbus;
  - Centerbridge Partners for its investment in the reorganized LightSquared (now Ligado); and
  - Level 3 Communications for its acquisitions of tw telecom, Global Crossing, Broadwing, TelCove, WilTel, Looking Glass Networks, Progress Telecom, ICG, and Genuity, and for its sales of network assets to CenturyLink, DG Fast Channel, IDT, Pioneer, and Reach.
- He served as an expert witness testifying in federal court on U.S. and Japanese telecommunications regulation in the Asia Global Crossing bankruptcy.

## Export Controls and Economic Sanctions

- He led a strategic review of operations under the Export Administration Regulations and the International Traffic in Arms Regulations for the board of directors of a significant satellite network operator.

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- He represented T-Mobile and the Competitive Carriers Association to limit the impact of BIS restrictions on exports to Chinese equipment supplier ZTE Corporation on U.S. consumers.
- He advised the board of directors of a satellite operator in a strategic review of operations under U.S. export controls.
- He has represented numerous telecommunications carriers, equipment suppliers, and NGOs to obtain favorable State Department guidance and OFAC and BIS licenses for transactions in Cuba, Iran, Libya, Myanmar, North Korea, Sudan, and Syria.
- He worked extensively with U.S. Government agencies to develop their regulations for Cuba-related telecommunications transactions.

## Trade Policy and Market Access

- He has represented telecommunications companies seeking to reduce India's security, technical, and local-content requirements for telecommunications equipment and to promote joint U.S.-India cybersecurity initiatives.
- He has represented undersea cable interests to ensure access in Indonesia for foreign-flagged vessels installing and repairing undersea cables.
- He has represented DIRECTV to combat satellite signal piracy in Latin America under bilateral and regional trade agreements.
- He served as a consultant to the World Bank, analyzing the impact on economic development of WTO commitments to liberalize trade in basic telecommunications services and investment.

## Public International Law, Law of the Sea, and Maritime Law

- He represents ICPC in negotiations at the United Nations on a new oceans law treaty for marine biodiversity beyond national jurisdiction and before the International Seabed Authority to protect submarine cables from deep seabed mining.
- He represented submarine cable supplier TE SubCom to settle favorably a dispute over damage to the Hawk system between Cyprus and Egypt.
- He represents OPT French Polynesia before the International Seabed Authority to protect its Honotua submarine cable from deep seabed mining activities in the Pacific Ocean.

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- He represented cable ship operators and the North American Submarine Cable Association to limit the impact of the Jones Act, U.S. Coast Guard regulations, and other cabotage restrictions.