



PUBLIC NOTICE

Federal Communications Commission
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STREAMLINED SUBMARINE CABLE LANDING LICENSE APPLICATIONS ACCEPTED FOR FILING

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing license; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision in *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001) and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless the Commission has informed the applicant in writing that the application, upon further examination, has been deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. Filings relating to this application must be received within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street, SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

SCL-ASG-20050304-00003

Applicants: Tyco Telecommunications (US) Inc., Assignor and VSNL Telecommunications (US) Inc., Assignee

Application for consent to: (1) assign the Tyco Atlantic submarine cable landing license, SCL-LIC-20000308-00007, held by Tyco Telecommunications (US) Inc. to VSNL Telecommunications (US) Inc.; and (2) assign to VSNL Telecommunications (US) Inc. the interests held by Tyco Telecommunications (US) Inc. in the Tyco Pacific submarine cable landing license, SCL-LIC-20000717-00026, as modified in File No. SCL-MOD-20050304-00004. The cable landing license for the Tyco Pacific submarine cable is held jointly by Tyco Telecommunications (US) Inc. and Tyco Networks (Guam) L.L.C., both of which are wholly-owned, indirect subsidiaries of Tyco International Ltd.

SCL-T/C-20050304-00005

Applicants: Tyco International Ltd., Transferor, VSNL Telecommunications (US) Inc., Transferee, and Tyco Networks (Guam) L.L.C., Licensee

Application for consent to transfer control of Tyco Networks (Guam) L.L.C., which jointly holds the cable landing license for the Tyco Pacific submarine cable, SCL-LIC-20000717-00026, from Tyco International Ltd. to VSNL Telecommunications (US) Inc.

SCL-MOD-20050304-00004

Applicants: Tyco Telecommunications (US) Inc. and Tyco Networks (Guam) L.L.C.

Application filed by Tyco Telecommunications (US) Inc. and Tyco Networks (Guam) L.L.C., joint licensees, to modify the cable landing license for the Tyco Pacific submarine cable, SCL-LIC-20000717-00026, to remove from the license the authority to construct, land and operate the original southern segment of the cable (California-Hawaii-Guam) (unbuilt with the exception of a six-mile-long stub extending from the Hermosa Beach, CA, beach landing) and to issue a separate cable landing license for that segment. Applicants state that, prior to closing the transactions described in File Nos. SCL-ASG-20050304-00003 and SCL-T/C-20050304-00005, Tyco Networks (Guam) L.L.C. will assign to Tyco Telecommunications (US) Inc., on a *pro forma* basis, its entire ownership interest in the original southern segment (California-Hawaii-Guam), including any new cable landing license issued for that segment.

Subsidiaries of Tyco International Ltd. ("Tyco International") have entered into a stock and asset purchase agreement whereby the subsidiaries, among other things, will sell to VSNL Telecommunications (US) Inc. ("VSNL USA") or affiliated entities substantially all of the assets of the Tyco Atlantic and Tyco Pacific submarine cable systems. Tyco Atlantic and Tyco Pacific are two of five submarine cable systems (along with Tyco Northern Europe, Tyco Western Europe, and Tyco Pan-Asia) collectively known as the Tyco Global Network. Pursuant to the November 1, 2004 purchase agreement, Videsh Sanchar Nigam Ltd. ("VSNL") and various subsidiaries will acquire the Tyco Global Network as well as a terrestrial network of leased capacity and dark fiber within the United States.

VSNL USA is a newly-created Delaware corporation wholly owned by VSNL Nederlands B.V. (“VSNL Nederlands”), itself a subsidiary of VSNL Singapore Pte. Limited (“VSNL Singapore”), which in turn is wholly owned by VSNL, the incumbent provider of international telecommunications services in India. The Tata Group, an India commercial conglomerate, holds an aggregate 46.6% ownership interest, and exercises a controlling ownership and managerial interest, in VSNL. The Government of India holds an approximate 26% ownership interest in VSNL.

Tyco Atlantic is a non-common carrier cable extending between the United States and the United Kingdom. Tyco Telecommunications (US) Inc. (“Tyco Telecom”), an indirect, wholly-owned subsidiary of Tyco International, is the successor-in-interest to TyCom Atlantic (US) Inc., the original licensee of Tyco Atlantic. Grant of the above-referenced assignment application (File No. SCL-ASG-20050304-00003) would authorize VSNL USA to acquire from Tyco Telecom the New Jersey cable station, the portions of Tyco Atlantic extending between the New Jersey cable station and the twelve-nautical-mile limit of the U.S. territorial sea, and the Tyco Atlantic cable landing license. VSNL Bermuda Limited (“VSNL Bermuda”), a wholly-owned subsidiary of VSNL Singapore, would own the subsea portions of Tyco Atlantic located in international waters, and VSNL Telecommunications (UK) Limited, a wholly-owned subsidiary of VSNL Nederlands, would own the cable station in the United Kingdom.

Tyco Pacific is a non-common carrier cable extending from the continental United States to Japan, with a link from Japan to Guam. Tyco Telecom, the successor-in-interest to TyCom Networks (US) Inc., an original licensee of Tyco Pacific, and Tyco Networks (Guam) L.L.C. (“Tyco Guam”) (formerly, Tycom Networks (Guam) L.L.C.) are the joint U.S. licensees of Tyco Pacific. The assignment application (File No. SCL-ASG-20050304-00003) seeks approval for VSNL USA to acquire from Tyco Telecom the California and Oregon cable stations, the portions of Tyco Pacific extending between the California and Oregon cable stations and between each station and the twelve-nautical-mile limit of the U.S. territorial sea, and Tyco Telecom’s interest in the Tyco Pacific cable landing license. VSNL Bermuda would own the subsea portions of Tyco Pacific located in international waters, and VSNL Japan K.K., also a wholly-owned subsidiary of VSNL Singapore, would own the cable station in Japan.

As noted, Tyco Guam, a wholly-owned subsidiary of Tyco International, is joint licensee with Tyco Telecom in the Tyco Pacific submarine cable system. The above-referenced transfer of control application (File No. SCL-T/C-20050304-00005) seeks consent to transfer control of Tyco Guam, including its joint interest in the Tyco Pacific cable landing license, from Tyco International to VSNL USA. Tyco Guam owns and operates the portion of Tyco Pacific located in the territory of Guam, including the cable station and the portion of Tyco Pacific extending between the cable station and one-half nautical mile beyond the twelve-nautical-mile limit of the U.S. territorial sea.

The Tyco Pacific submarine cable landing license (File No. SCL-LIC-20000717-00026), as originally approved by the Commission, included a southern segment extending between California, Hawaii and Guam. Southern Segment A consisted of the whole of the submarine cable system between and including the system interface at the Piti, Guam cable station to be built and owned or controlled by TyCom Networks (Guam) LLC, now Tyco Guam, and the system interface at a new cable station to be built and owned or controlled by TyCom Networks (US) Inc. (“TyCom US”), the predecessor-in-interest to Tyco Telecom, in Honolulu, Hawaii.

Southern Segment B consisted of the whole of the submarine cable system between and including the system interface at the Hawaii cable station and the system interface in Los Angeles, California to be built and owned or controlled by TyCom US.

In November, 2002, the Commission granted an amendment to the submarine cable landing license (File No. SCL-MOD-20020826-00079). The modification approved the construction of a new southern segment between Nedonna Beach/Hillsboro, Oregon and Toyohashi, Japan, which subsequently was constructed and placed into operation. The modification also specified that the licensees would defer construction of the previously-planned California-Hawaii-Guam southern segment, except for an already-constructed six-mile stub extending from Hermosa Beach, California. The licensees have not built the remainder of the California-Hawaii-Guam southern segment.

Grant of the above-referenced modification application (File No. SCL-MOD-20050304-00004) filed by Tyco Telecom and Tyco Guam will remove the California-Hawaii-Guam southern segment, currently unbuilt except for the 6-mile-long stub, from the Tyco Pacific cable landing license. Applicants state that, prior to closing the transactions described in File Nos. SCL-ASG-20050304-00003 and SCL-T/C-20050304-00005, Tyco Guam will assign to Tyco Telecom, on a *pro forma* basis, its entire ownership interest in the original southern segment (California-Hawaii-Guam), including any new cable landing license issued for that segment. (See File No. SCL-MOD-20020412-00027, amending the Tyco Pacific cable landing license to permit the filing of post-transaction notifications of *pro forma* transfers or assignments.) Thus, at the time of closing, Tyco Guam will have no interest in the unbuilt southern segment, the cable stub, or any separate cable landing license issued for the unbuilt segment and cable stub. The 6-mile-long stub currently does not connect the Hermosa Beach beach landing with any U.S. or foreign point and is not capable of being operational absent further construction.

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See C.F.R. §§ 1.2001-1.2003.

The Commission most recently amended its rules applicable to submarine cable landing licensees in IB Docket No. 00-106, *Review of Commission Consideration of Applications under the Cable Landing License Act*, FCC 01-332, 16 FCC Rcd 22167 (2001), 67 Fed. Reg. 1615 (Jan. 14, 2001). An updated version of section 1.767 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edoc_public/attachmatch/DA-02-5981A1.pdf for a March 13, 2002 Public Notice; http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf for the December 14, 2001 Report and Order.

By this notice, we inform the public that submarine cable landing license applications and international section 214 applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve “extraordinary circumstances” as referenced in *Review of Commission Consideration of Applications under the Cable Landing License Act*, Report and Order, 16 FCC Rcd 22167 (2001) and *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, Report and Order and Order on Reconsideration, 12 FCC

Red 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Red 18158 (2000). Additionally, these extraordinary circumstances may result where Executive Branch agencies petition the Commission to defer decision on certain transactions pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses and international section 214 applications. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.
