



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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Released: January 24, 2006

## ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

### INTERNATIONAL AUTHORIZATION GRANTED

#### **Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))**

#### **Section 214 Application (47 C.F.R. § 63.18)**

#### **By the Chief, Policy Division, International Bureau:**

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 *reprinted as amended in* 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following application IS GRANTED. This grant of authority is taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon release of this public notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

THIS PUBLIC NOTICE SERVES AS THE CABLE LANDING LICENSEE'S CABLE LANDING LICENSE, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

THIS PUBLIC NOTICE ALSO SERVES AS THE CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

A current version of sections 1.767 and 1.768 of the rules is available on the FCC web site at: <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-332 (rel. Dec. 14, 2001), 67 Fed. Reg. 1615 (Jan. 14, 2002) available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-01-332A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf).

A current version of Sections 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

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IB Docket No. 05-348  
ITC-T/C-20051213-00503  
SCL-T/C-20051213-00030

Teleglobe America Inc.

Transfer of Control  
Grant of Authority

Date of Action: January 23, 2006

**Current Licensee:** Teleglobe America Inc.

**FROM:** Teleglobe International Holdings Ltd.

**TO:** VSNL Telecommunications (Bermuda) Ltd.

Action Taken:

Grant of authority to transfer control of ten international section 214 authorizations (listed below) and six submarine cable landing licenses (listed below) held by Teleglobe America Inc. (“TAI”) from its parent company Teleglobe International Holdings Ltd. (“TIHL”) to VSNL Bermuda Telecommunications (Bermuda) Ltd. (“VSNL Bermuda Telco”).

**File No. ITC-T/C-20051213-00503**

ITC-214-19950805-00017  
ITC-214-19950805-00018  
ITC-214-19950805-00019  
ITC-214-19960118-00005  
ITC-214-19960723-00334  
ITC-214-19960723-00335  
ITC-214-19960723-00336  
ITC-214-19960806-00371  
ITC-214-19980430-00023  
ITC-214-19980527-00346

**File No. SCL-T/C-20051213-00030**

SCL-LIC-19930503-00004 (CANUS-1)  
SCL-LIC-19980309-00005 (China-U.S.)  
SCL-LIC-19980430-00006 (Americas II)  
SCL-LIC-19980527-00007 (Columbus III)  
SCL-LIC-19981117-00025 ((Japan-U.S.)  
SCL-LIC-19990303-00004 ((TAT-14)

Licensee Information:

TAI is an indirect wholly-owned subsidiary of TIHL, a Bermuda company headquartered in Hamilton, Bermuda. VSNL Bermuda Telco is a newly-formed Bermuda company that was created to amalgamate

with TIHL. VSNL Bermuda Telco does not have any telecommunications operations or assets in the United States. Videsh Sanchar Nigam Limited (“VSNL”), the parent company of VSNL Bermuda Telco, is a limited company organized under the laws of India. VSNL is the principal provider of public international telecommunications services and a major provider of Internet, wireless and other telecommunications services in India through satellite, terrestrial and undersea cable links. VSNL provides undersea cable facilities in India, North America, Europe and Southeast Asia through its subsidiaries. In the U.S., VSNL provides IP Virtual Private Network services, international private line services, and international wholesale voice termination services through its VSNL America, Inc. subsidiary (“VAI”). VSNL operates the TGN Atlantic and TGN Pacific non-common carrier cable systems through its subsidiary VSNL telecommunications (US) Inc. (“VSNL US”).

Under the terms of the Agreement and Plan of Amalgamation, dated July 25, 2005, entered into by TIHL, VSNL, and VSNL Bermuda Telco, TIHL and VSNL Bermuda Telco will amalgamate, and TIHL will cease to exist as a separate publicly held company. The combined company, VSNL Bermuda Telco, will be a privately held, direct wholly-owned subsidiary of VSNL. As a result of the amalgamation, VSNL Bermuda Telco will have an indirect controlling interest in TAI.

#### Regulatory Status of Cables:

TAI is authorized to operate the Americas II and Columbus III cable systems on a common carrier basis. TAI is authorized to operate the CANUS -1, China-U.S., Japan-U.S. and TAT-14 cable systems on a non-common carrier basis.

#### **Americas II cable system**

**SCL-LIC-19980430-00006:** *See AT&T Corp et al. Joint Application for a License to Land and Operate a Digital Submarine Cable System Among Florida, Puerto Rico, the U.S. Virgin Islands, Martinique, Curacao, Trinidad, Venezuela, French Guiana and Brazil, the AMERICAS-II Cable System, File Nos. SCL-98-003, SCL-98-003A, Cable Landing License, DA 98-2295, 13 FCC Rcd. 22541, 22541-42, paras. 1, 3 (Int’l Bur. 1998) (Americas II Cable Landing License). See also AT&T Corp et al. Joint Application for Authorization Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Construct, Acquire, and Operate Capacity in a Digital Submarine Cable System, the AMERICAS-II Cable System, ITC-214-19980430-00023 (formerly, File Nos. ITC-98-342, ITC-98-342A), Memorandum Opinion, Order and Authorization, DA 98-2294, 13 FCC Rcd. 22535 (Int’l Bur. 1998) (Americas II Section 214 Authorization).*

#### **CANUS-1 cable system**

**SCL-LIC-19930503-00004:** *See Optel Communications, Inc. Application for a License to Land and Operate in the United States a Submarine Cable Extending Between Canada and the United States, File No. SCL-92-004, Conditional Cable Landing License, FCC 93-137, 8 FCC Rcd. 2267, 2267-69, paras. 1, 8-12 (1993) (CANUS-1 Conditional Cable Landing License); Optel Communications, Inc., Application for a Modification to License to Land and Operate a Fiber Optic Cable between the United States and Canada, File No. SCL-95-004(M), Cable Landing License Modification, DA 96-956, 11 FCC Rcd. 7121, 7121, para. 1 (Int’l Bur. 1996) (adding Bermuda landing point) (CANUS-1 Cable Landing License Modification).*

#### **Columbus III cable system**

**SCL-LIC-19980527-00007:** *See AT&T Corp et al. Joint Application for a License to Land and Operate a Digital Submarine Cable System between the United States, Italy, Spain, and Portugal, the COLUMBUS-III Cable System, File No. SCL-98-005, Cable Landing License, DA 99-1636, 14 FCC Rcd. 13428, 13429-31, paras. 2, 7 (Int’l Bur. 1999) (Columbus III Cable Landing License). See also AT&T*

*Corp et al. Joint Application for Authorization Pursuant to Section 214 of the Communications Act of 1934, as amended, to Construct, Acquire, and Operate Capacity in a Digital Submarine Cable System, the COLUMBUS-III Cable System, File No. ITC-98-437, Memorandum Opinion, Order and Authorization, DA 99-1637, 14 FCC Rcd. 13436 (Int'l Bur. 1999) (Columbus III Section 214 Authorization).*

**China-U.S. cable system**

**SCL-LIC-19980309-00005:** *See AT&T Corp et al. Joint Application for a License to Land and Operate in the United States a Digital Submarine Cable System Extending Between the United States, China, Taiwan, Japan, South Korea, and Guam, File No. SCL-98-002, Cable Landing License, DA 98-1711, 13 FCC Rcd. 16232, 16232-38, paras. 1, 2, 7-17 (Int'l Bur. 1998) (China-U.S. Cable Landing License).*

**Japan-U.S. cable system**

**SCL-LIC-19981117-00025:** *See AT&T Corp et al. Joint Application for a License to Land and Operate a Submarine Cable Network Between the United States and Japan, File No. SCL-LIC-19981117-00025, Cable Landing License, FCC 99-167, 14 FCC Rcd. 13066, 13067, 13079-81, paras. 1, 37-42 (1999) (Japan-U.S. Cable Landing License).*

**TAT-14 cable system**

**SCL-LIC-19990303-00004:** *See AT&T Corp et al. Joint Application for a License to Land and Operate in the United States a Submarine Cable System Extending Between the United States, Denmark, Germany, the Netherlands, France, and the United Kingdom, File No. SCL-LIC-19990303-00004, Cable Landing License, DA 99-2042, paras. 2, 11 (Int'l Bur. rel. Oct. 1, 1999) (TAT-14 Cable Landing License).*

Conditions and Requirements:

Grant of the applications is subject to the following conditions:

**Americas II cable system**

**SCL-LIC-19980430-00006:** *See AMERICAS-II Cable Landing License, 13 FCC Rcd. at 22545-47, para. 14.*

**ITC-214-19980430-00023:** *See AMERICAS-II Section 214 Authorization, 13 FCC Rcd. at 22538-39, paras. 10-15.*

**CANUS-1 Cable System**

**SCL-LIC-19930503-00004:** *See CANUS-1 Conditional Cable Landing License, 8 FCC Rcd. at 2272-73, paras. 28-29; Optel Communications, Inc. Application for a License to Land and Operate in the United States a Submarine Cable Extending Between Canada and the United States, File No. SCL-92-004, Final Cable Landing License, DA 94-1182, 9 FCC Rcd. 6153, 6153-54, para. 6 (Int'l Bur. 1994) (CANUS-1 Final Cable Landing License), recon. denied 11 FCC Rcd 1878 (1996); CANUS-1 Cable Landing License Modification, 11 FCC Rcd 7121, 7127-29, para. 21; Optel Telecommunications, Inc., Teleglobe Inc., Application for Authority to Transfer Control of the CANUS-1 Submarine Cable Landing License, File No. SCL-92-004-TC, Order and Authorization, DA 98-873, 13 FCC Rcd. 9461, 9466, para. 15 (Int'l Bur. 1998) (CANUS-1 Transfer of Control to Teleglobe).*

**ITC-214-19960723-00334** (formerly, ITC-96-411): *Teleglobe USA Inc., Order, Authorization and Certificate, DA 97-1063 (Int'l Bur., rel. May 22, 1997) (authority to acquire and operate facilities for the provision of services between the United States and international points other than Canada using the CANUS-1 cable system), see CANUS-1 Transfer of Control to Teleglobe, 13 FCC Rcd. at 9462, para. 4, n.12.*

**Columbus III cable system**

**SCL-LIC-19980527-00007:** *See Columbus III Cable Landing License*, 14 FCC Rcd. at 13432-33, para. 13.

**ITC-214-19980527-00346:** *See Columbus III Section 214 Authorization*, 14 FCC Rcd. at 13442-43, paras. 18-24.

**China-U.S. cable system**

**SCL-LIC-19980309-00005:** *See China-U.S. Cable Landing License*, 13 FCC Rcd. 16232, 16240-42 para. 24 (Int'l Bur. 1998);

**Japan-U.S. cable system**

**SCL-LIC-19981117-00025:** *See Japan-U.S. Cable Landing License*, 14 FCC Rcd. at 13082-84, para. 45.

**TAT-14 cable system**

**SCL-LIC-19990303-00004:** *See TAT-14 Cable Landing License*, DA 99-2042, para. 16.

Licensee shall comply with the requirements of Section 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier), 47 C.F.R. § 1.768. *See Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-332, 16 RCC Rcd 22167 (2001).

VSNL America, Inc., VSNL Telecommunications (U.S.), Inc., and Videsh Sanchar Nigam Limited have entered into a national security agreement with the U.S. Department of Justice, including the Federal Bureau of Investigation, the U.S. Department of Homeland Security, and the U.S. Department of Defense (collectively the "Executive Branch Agencies").<sup>1</sup> Under the agreement the Executive Branch Agencies have no objection to the Commission granting approval of these applications provided the Commission conditions its grant on compliance with the April 7, 2005 national security agreement among the parties, as revised by an amendment dated December 12, 2005. The Applicants do not object to placing this condition on the grant of the applications.<sup>2</sup> We have determined that grant of this application, subject to compliance with the national security agreement, as revised, serves the public interest.<sup>3</sup>

In addition, pursuant to Commission rule section 63.10 VSNL is classified as a dominant carrier on the U.S.-India route, and TAI has agreed to be classified as a dominant carrier on that route.<sup>4</sup>

Cable Design and Capacity:

**Americas II cable system**

**SCL-LIC-19980430-00006:** *See AMERICAS-II Cable Landing License*, 13 FCC Rcd. at 22542-44, paras. 3-8.

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<sup>1</sup> Applicants filed a copy of the revised national security agreement with their applications.

<sup>2</sup> Section 214 Application at 7; Submarine Cable Application at 7.

<sup>3</sup> A copy of the revised national security agreement is available in the record of this proceeding (IB Docket No. 05-348) on the FCC web-site through the Electronic Comment Filing System (ECFS).

<sup>4</sup> Section 214 Application at 7, 13.

**CANUS-1 cable system**

**SCL-LIC-19930503-00004:** *See CANUS-1 Conditional Cable Landing License*, 8 FCC Rcd. at 2267, paras. 3-4; *CANUS-1 Cable Landing License Modification*, 11 FCC Rcd. at 7122, para. 3 (adding Bermuda landing point).

**China-U.S. cable system**

**SCL-LIC-19980309-00005:** *See China-U.S. Cable Landing License*, 13 FCC Rcd. 16232, 16233, 16239 paras. 4, 21 (Int'l Bur. 1998);

**Columbus III cable system**

**SCL-LIC-19980527-00007:** *See Columbus III Cable Landing License*, 14 FCC Rcd. at 13429-30, paras. 4-5.

**Japan-U.S. cable system**

**SCL-LIC-19981117-00025:** *See Japan-U.S. Cable Landing License*, 14 FCC Rcd. at 13069-70, paras. 6-7.

**TAT-14 cable system**

**SCL-LIC-19990303-00004:** *See TAT-14 Cable Landing License*, DA 99-2042, paras. 3-5, 13, Appendix A.