



PUBLIC NOTICE

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ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

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))

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 applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. 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 each 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.

The Commission most recently amended its rules applicable to submarine cable landing licenses 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), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.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.

Submarine Cable Landing License

Grant of Authority

Date of Action: 07/02/2008

Acceptability for Filing Public Notice: The Application was placed on Public Notice on October 11, 2007. See AT&T Corp. Application for Authority to Construct, Land and Operate a Non-Common Carrier High Capacity Fiber-Optic Submarine Cable System linking Malaysia, Singapore, Thailand, Brunei Darussalam, Vietnam, Hong Kong SAR, Philippines and the United States, File No. SCL-LIC-20070824-00015, Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing Public Notice, Report No. SCL-00040NS (Int'l Bur., Oct. 11, 2007). No oppositions or other comments were filed in response to the Public Notice.

The Application has been coordinated with the Department of State and other relevant Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R. § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at <http://www.state.gov/r/pa/prs/ps/2001/6951.html>. The Department of Homeland Security and the Department of Justice filed a Petition to Adopt Conditions to Authorizations and Licenses on June 11, 2008.

On May 16, 2008, the International Bureau granted Special Temporary Authority (STA) to AT&T Corp. to begin construction and testing on certain limited portions of the United States portion of the Asia America Gateway Cable Network. Specifically, the STA allows AT&T to begin construction and testing of (1) the two Hawaiian shore end segments, and (2) the cable segment connecting the Philippines to Guam. The action was taken without prejudice to Commission action on the application and revocable by the Commission upon its own motion without a hearing. See SCL-STA-20080509-00213.

Actions Taken: Grant of Cable Landing License to the parties of the Asia America Gateway Consortium ("AAG Consortium") for the purpose of landing and operating a non-common carrier, high capacity fiber-optic submarine cable system linking Malaysia, Singapore, Thailand, Brunei Darussalam, Vietnam, Hong Kong SAR, Philippines and the United States (the "AAG" system).

Licensee Information: The AAG system will be owned by a consortium that is presently comprised of 18 members, all of whom are parties to the AAG Construction and Maintenance Agreement. Each party has a varying degree of voting rights and ownership in the cable corresponding to its level of investment in the AAG System. Ten consortium members have a 5 percent or greater ownership interest in the AAG system (individually or through their wholly-owned affiliates) and thus are applicants for the landing license: (1) AT&T Corp.; (2) Bharti Airtel Limited; (3) CAT Telecom Public Company Limited; (4) Datastream Technology Sdn Bhd, Telekom Brunei Berhad, and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam represented by the Ministry of Communications; (5) Philippine Long Distance Telephone Company; (6) PT Telekomunikasi Indonesia, Tbk.; (7) StarHub Ltd.; (8) Telekom Malaysia Berhad; (9) Telstra Corporation Limited; and (10) Vietnam Posts and Telecommunications Group.

AT&T Corp. ("ATTC") is a direct, wholly-owned subsidiary of AT&T Inc., a publicly traded corporation in which no person or entity holds a ten percent or greater interest. ATTC is affiliated with carriers in two of the AAG destination markets -- Hong Kong and Singapore -- but it states that neither affiliate has market power in the destination markets.

Bharti Airtel Limited ("Bharti Airtel") is organized under the laws of India. Bharti Telecom Limited, an Indian company, has a 45.36% equity and voting interest and exercises managerial control over Bharti Airtel. Pastel Limited, a Mauritian company, holds a 15.59% equity and voting interest in Bharti Airtel. Bharti Airtel is affiliated with a carrier in Singapore, a World Trade Organization (WTO) Member country, and agrees to accept and abide by the reporting requirements in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l).

CAT Telecom Public Company Limited ("CAT"), organized under the laws of Thailand, is wholly owned by the Thailand Ministry of Finance. CAT is a foreign carrier in Thailand, a WTO Member country, and agrees to accept and abide by the reporting requirements in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l).

Datastream Technology Sdn Bhd ("DST") and Telekom Brunei Berhad ("TelBru"), are owned and controlled by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, which is represented by the Ministry of Communications ("Brunei Darussalam" or "Government"). DST and TelBru are the proposed shareholders for a special purpose vehicle ("SPV") currently being incorporated by Brunei Darussalam to assume the Government's role in the AAG project. The SPV will be incorporated as a private limited company under the Companies Act of Brunei Darussalam. DST and TelBru are foreign carriers in Brunei Darussalam, a WTO Member country, and agree to accept and abide by the reporting requirements in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l).

Philippine Long Distance Telephone Company ("PLDT") is organized under the laws of the Philippines. According to the Application, based on available information, PLDT's largest shareholders include NTT Communications Corporation, NTT DoCoMo, Inc., and First Pacific Group, through various intermediate holding companies, including Philippine Telecommunications Investment Corporation, Metro Pacific Resources, Submarine Cable Landing License Inc., Metro Pacific Assets Holdings Inc., and Metro Pacific Holdings, Inc. PLDT is a foreign carrier in the Philippines, a WTO Member country, and agrees to accept and abide by the reporting requirements in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l).

PT Telekomunikasi Indonesia, Tbk. ("TELKOM") is organized and established under the laws of the Republic of Indonesia. The Government of the Republic of Indonesia owns 51% of TELKOM and controls TELKOM. The remaining 49% is publicly traded, with no person or entity holding a 10 percent or greater direct or indirect interest. TELKOM is a foreign carrier in Indonesia and is affiliated with another carrier in Indonesia, but it states that neither TELKOM nor its affiliate has market power in the destination market.

StarHub Ltd. ("StarHub") is organized under the laws of Singapore. Asia Mobile Holdings Pte Ltd. holds a 49.42% direct interest in StarHub, and NTT Communications Corporation holds a 10.09% direct interest in StarHub. The following entities hold a 10 percent or greater indirect interest in StarHub: Asia Mobile Holding Company Pte. Ltd. (49.42%); STT Communications Ltd (49.42%); Singapore Technologies Telemedia Pte Ltd (49.42%); Temasek Holdings (Private) Limited (57%); Qtel Investment Holdings B.S.C. (12.35%); Qatar Telecom (Qtel) Q.S.C. (12.35%); and, Ninnon Telegraph and Telephone Corporation (10.09%). Temasek Holdings is wholly owned by the Minister of Finance. Inc. a corporation

Support Telegraph and Telephone Corporation (STTC)), Telekom Holdings is wholly owned by the Minister of Finance, Inc., a corporation created by the Minister for Finance (Incorporation) Act to engage in certain commercial activities on behalf of the Government of Singapore. Minister of Finance, Inc. is controlled by the Minister of Finance of the Government of Singapore. StarHub is a foreign carrier in Singapore, a WTO Member country, and agrees to accept and abide by the reporting requirements in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l).

Telekom Malaysia Berhad ("TM") is organized under the laws of Malaysia. Khazanah Nasional Berhad, the strategic investment arm of the Government of Malaysia, holds a 34.85% equity and voting interest in TM. The Employees Provident Fund Board holds a 12.71% equity and voting interest in TM. TM is a foreign carrier in Malaysia, a WTO Member country, and agrees to accept and abide by the reporting requirements in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l).

Telstra Corporation Limited ("Telstra"), a corporation organized under the laws of the Commonwealth of Australia, is a publicly traded company. The Future Fund Board of Guardians holds a 17% equity and voting interest in Telstra. No other person or entity has a direct or indirect 10 percent or greater equity or voting interest in Telstra. Telstra is affiliated with carriers in Hong Kong and Singapore, but it states that none of its affiliates has market power in the destination markets.

Vietnam Posts and Telecommunications Group ("VNPT"), organized under the laws of the Socialist Republic of Vietnam, is wholly owned by the government of the Socialist Republic of Vietnam. VNPT is a foreign carrier in Vietnam, a WTO Member country, and agrees to accept and abide by the reporting requirements in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l).

Cable Design and Capacity: The AAG system will be approximately 19,000 kilometers in length, with spans of 2 to 3 fiber pairs, depending upon the segment. The AAG has a design capacity of 1.92 terabits per second ("Tbps") for 2-fiber pair segments, and a maximum of 2.88 Tbps for 3-fiber pair segments. The United States terminal points will initially operate at 540 gigabits per second ("Gbps"). The cable system will employ a Dense Wavelength Division Multiplexing Erbium Doped Fiber amplifier system, which will provide 96 wavelengths of 10 Gbps on each fiber pair.

The main AAG trunk cable is a linear transpacific cable consisting of five primary segments that will run from California to Malaysia, with intermediate landings in Hawaii, Guam, Philippines, and Hong Kong. The Hong Kong-to-Malaysia segment will have an additional four branching units that will extend the AAG to landings in Vietnam, Brunei Darussalam, Singapore, and Thailand. The system can interconnect with existing submarine cables that serve the Asia-Pacific region, and also is designed to allow future extensions to Australia, India, Indonesia, Africa, and Europe.

Cable Landing Point Arrangements: The AAG will have ten landing stations, one each in seven foreign countries (Malaysia, Singapore, Brunei Darussalam, Thailand, Vietnam, Hong Kong, and Philippines) and three locations in the United States and its territories (Guam, Hawaii, and the mainland United States). The AAG parties will jointly own landing station equipment, including submarine line terminal equipment, add/drop multiplexer equipment and Optical Distribution Frames, which collectively provides the interface between the submersible cable and each party's terrestrial network. Each landing party will own the building housing the landing station, its own network protection equipment and digital cross connects, and its share of the jointly-owned facilities. AT&T Corp. owns the landing stations in the mainland United States (San Luis Obispo, California) and Hawaii (Keawaula), and AT&T Transoceanic Communications LLC, a wholly-owned and controlled subsidiary of AT&T Corp., owns the Guam landing station. Telekom Malaysia Berhad will own and operate the landing station at Mersing, Malaysia. StarHub Ltd. will own and operate the landing station at Changi, Singapore. Datastream Technology Sdn Bhd, Telekom Brunei Berhad, and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam represented by the Ministry of Communications, through an indirect wholly-owned special purpose entity created for this purpose, will own and operate the landing station at Tungku, Brunei Darussalam. CAT Telecom Public Company Limited will own and operate the landing station at Sri Racha, Thailand. Vietnam Posts and Telecommunications Group will own and operate the landing station at Vung Tau, Vietnam. REACH Networks Hong Kong, Limited ("Reach") will own and operate the landing station at Hong Kong SAR under a landing party agreement between the AAG Consortium and REACH. The Philippine Long Distance Telephone Company will own and operate the landing station at La Union, Philippines.

Regulatory Status of Cable: The AAG Consortium will operate the AAG System on a non-common carrier basis. Applicants state that there are sufficient existing or planned facilities on the route or on alternative routes to prevent it from exercising market power. They also state that capacity will not be sold indifferently to the user public, but will be used by consortium members and offered to other carriers on terms tailored to their particular needs.

Applicants have provided information and demonstrated that the proposed operation of the cable on a non-common carrier basis satisfies the requirements set forth in National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630, 642 (D.C. Cir 1976) (NARUC I), cert. denied, 425 U.S. 992 (1976). See also Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22202-22203, 69-70; Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking 15 FCC Rcd 20789, at 20815-20818, 62-67.

Conditions and Requirements: Applicants shall comply with the routine conditions set out in section 1.767(g)(1)-(14) of the Commission's rules. See 47 C.F.R. § 1.767(g)(1)-(14), and with the requirements of section 1.768 of the Commission's rules, 47 C.F.R. § 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier).

Applicants "shall at all times comply with any requirements of United States government authorities regarding the location and concealment of the cable facilities, buildings, and apparatus for the purpose of protecting and safeguarding the cables from injury or destruction by enemies of the United States of America." 47 C.F.R. § 1.767(g)(3). The International Bureau will inform the licensees of specific requirements in connection with this condition.

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition) filed in this proceeding on June 11, 2008 by the Department of Homeland Security and Department of Justice. Accordingly, we condition grant of this application on AT&T Corp. abiding by the commitments and undertakings contained in the Agreement between AT&T Corp. and the Department of Homeland Security dated June 10, 2008. A copy of the Petition and the Agreement are publicly available and may be viewed on the FCC web-site through the International Bureau Filing System (IBFS) by searching for SCL-LIC-20070824-00015 and accessing "Other filings related to this application" from the Document Viewing area.

Bharti Airtel Limited shall abide by the reporting requirements set out in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l), for the

—U.S.-Singapore route. —

CAT Telecom Public Company Limited shall abide by the reporting requirements set out in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l), for the U.S.-Thailand route.

Datastream Technology Sdn Bhd and Telekom Brunei Berhad shall abide by the reporting requirements set out in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l), for the U.S.- Brunei Darussalam route.

Philippine Long Distance Telephone Company shall abide by the reporting requirements set out in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l), for the U.S.- Philippines route.

StarHub Ltd. shall abide by the reporting requirements set out in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l), for the U.S.-Singapore route.

Telekom Malaysia Berhad shall abide by the reporting requirements set out in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l), for the U.S.-Malaysia route.

Vietnam Posts and Telecommunications Group shall abide by the reporting requirements set out in section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l), for the U.S.-Vietnam route.
