



PUBLIC NOTICE

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Report No. SCL-00069

DA No. 08-1679
Thursday July 17, 2008

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.

Modification

Grant of Authority

Date of Action: 07/16/2008

Acceptability for Filing Public Notice: The Application was placed on Public Notice on April 11, 2008. See MCI International, Inc. Application to modify the cable landing license for the Trans-Pacific Express Cable Network (TPE), SCL-LIC-20070222-00002, to add AT&T Corp. as a licensee, File No. SCL-MOD-20080321-00003, Streamlined Submarine Cable Landing License Applications Accepted for Filing Public Notice, Report No. SCL-00060S (PD/IB, April 11, 2008). 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.htm>.

Actions Taken: Grant of modification of the Cable Landing License for the Trans-Pacific Express Cable Network, SCL-LIC-20070222-00002, to add AT&T Corp. as a licensee.

Licensee Information: AT&T Corp. (ATTC) will acquire a 9.43% interest in the international waters segments of the TPE cable, and become a member of the TPE Consortium along with MCI International, Inc., China Network Communications Group Corporation, China Telecommunications Corporation, China United Telecommunications Corporation, Chunghwa Telecom Co. Ltd., and KT Corporation. The ownership in the international waters segments of the other TPE consortium members will be reduced from 16.66% to 15.09%. The addition of ATTC as a licensee/owner will not affect ownership in any of the landing stations or portions of the cable that connect the landing stations to international waters.

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 TPE destination markets -- South Korea and Taiwan -- but it states that neither affiliate has market power in the destination market.

Cable Design and Capacity: The TPE Network will directly link mainland China, South Korea, Taiwan and the United States. See File No. SCL-LIC-20070222-00002, 23 FCC Rcd 227 (PD/IB 2008).

Regulatory Status of Cable: The TPE Network will be operated on a non-common carrier basis. See File No. SCL-LIC-20070222-00002, 23 FCC Rcd 227 (PD/IB 2008).

Conditions and Requirements: ATTC shall comply with the routine conditions set out in section 1.767(g)(1)-(14) of the Commission's rules, 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).

Grant of this modification application is conditioned on the continued compliance of Verizon Business Global LLC and its affiliates and subsidiaries, including MCI International, Inc., with the commitments and undertakings contained in the December 20, 2007 Agreement with the Department of Justice, Department of Homeland Security, and the Department of Defense. A copy of the December 20, 2007 Agreement is publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-LIC-20070222-00002 and accessing "Other filings related to this application" from the Document Viewing area.