



PUBLIC NOTICE

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DA No. 15-759

Report No. SCL-00164

Friday June 26, 2015

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.

These applications have been coordinated with the Department of State and other 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, paras. 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://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>.

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.

SCL-T/C-20150202-00004

E

Pacnet Services (USA) Inc.

Transfer of Control

Grant of Authority

Date of Action: 06/22/2015

Current Licensee: Pacnet Services (USA) Inc.

FROM: Pacnet International Limited

TO: Telstra Incorporated

Application filed for consent to the transfer of control of the cable landing license for the Unity Cable System, SCL-LIC-20080516-00010, held by Pacnet Services USA Inc. (Pacnet Services), from Pacnet International Limited (Pacnet International) to Telstra Holdings Pty Limited (Telstra Holdings). The Unity Cable System is a non-common carrier fiber-optic cable system connecting the continental United States and Japan. Pacnet Services holds a 40% participation, equity and voting interest in the portions of the Unity Cable System located in U.S. territorial waters, including the U.S. cable landing station.

Pacnet Services, a Delaware corporation, is a direct, wholly-owned subsidiary of Pacnet International, a Bermuda holding company. See SCL-T/C-20150415-00009.

Pacnet International and Telstra Holdings entered into a Merger Agreement, dated December 22, 2014, whereby Telstra would acquire control of more than 50 entities controlled by Pacnet International in numerous countries from Bermuda to the Asia-Pacific region. Pacnet Services is the only subsidiary of Pacnet International for which Commission consent for the transfer of control is required. On April 15, 2015, all of the entities, with the exception of Pacnet Services, were transferred to Telstra Holdings. See Supplement, filed April 29, 2015.

Pacnet Global Corporation (S) Pte (Pacnet Global), a Singapore company and now an indirect wholly-owned subsidiary of Telstra Holdings, will purchase 100 percent ownership of Pacnet Services from Pacnet International. As a result, Pacnet Services will become a direct wholly-owned subsidiary of Pacnet Global and an indirect wholly-owned subsidiary of Telstra Holdings.

Telstra Holdings, an Australia holding company, is a direct, wholly-owned subsidiary of Telstra Corp., a publicly-traded Australia company. The following companies hold ten percent or greater ownership interests in Pacnet Services through Telstra Corp.: (1) HSBC Custody Nominees (Australia) Limited, an Australia asset management company (15.48% ownership interest and 15.48% voting interest), (2) J.P. Morgan Nominees Australia Ltd., an Australia asset management company (12.26% ownership interest and 12.26% voting interest), and (3) National Nominees Limited, an Australia asset management company (11.96% ownership interest and 11.96% voting interest). No other individual or entity will have a ten percent or greater equity or voting interest in Pacnet Services.

Applicants agree to abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).

Applicants request that the Commission condition approval of this application on Pacnet Services' compliance with the provisions of a November 29, 2001 Agreement by and between Reach Ltd., Telstra Corporation Limited, and Pacific Century CyberWorks Limited, on the one hand, and the Federal Bureau of Investigation and the U.S. Department of Justice on the other hand (November 29, 2001 Agreement) and the January 8, 2007 amendment making the Department of Homeland Security a party to the November 29, 2001 Agreement (January 8, 2007 Amendment). Copies of the November 29, 2001 Agreement and the January 8, 2007 Amendment are publicly available in the record of this proceeding and may be viewed on the FCC web-site through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20150202-00004 and accessing the "Attachment Menu" from the Document Viewing area.

Applicants also note that the Unity Cable System has an agreement, dated September 21, 2009, between GU Holding, one of the U.S. licensees and U.S. cable station operator on the Unity Cable System, and the Department of Homeland Security (DHS) (Unity Cable Security Agreement). The Commission granted the cable landing license on the condition that GU Holdings abide by the commitments contained in the Unity Cable Security Agreement. See SCL-LIC-20080516-00010, DA 09-2188, 24 FCC Rcd 12489 (Int'l Bur. 2009).

SCL-T/C-20150415-00009

E

Pacnet Services (USA) Inc.

Transfer of Control

Grant of Authority

Date of Action: 06/22/2015

Current Licensee: Pacnet Services (USA) Inc.

FROM: Pacnet Global Corporation (S) Pte. Ltd.

TO: Pacnet International Limited

Notification filed April 15, 2015, of the pro forma transfer of control of the cable landing license for the Unity Cable System, SCL-LIC-20080516-00010, held by Pacnet Services (USA) Inc. (Pacnet Services), from Pacnet Global Corporation (S) Pte. Ltd. (Pacnet Global) to Pacnet International Limited (Pacnet International). The Unity Cable System is a non-common carrier fiber-optic cable system connecting the continental United States and Japan. Pacnet Services holds a 40% participation, equity and voting interest in the Unity Cable System located in the U.S. territorial waters, including the U.S. cable landing station.

Prior to the transaction, Pacnet Services, a Delaware corporation, was a direct wholly-owned subsidiary of Pacnet Global, a Singapore company, which is an indirect, wholly-owned subsidiary of Pacnet Ltd., a Bermuda company, which in turn is subsidiary of and controlled by Pacnet International. Specifically, Pacnet International, a Bermuda company, holds an equity and voting share of 90.164% in Pacnet Ltd., and thus indirectly controlled Pacnet Services. In a corporate reorganization, control of Pacnet Services was transferred to Pacnet International. As a result of the transfer, Pacnet Services is now a direct, wholly-owned subsidiary of Pacnet International.
