



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. SCL-00036NS**

**Wednesday July 25, 2007**

## **NON-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. These applications are not subject to the streamlined processing procedures set forth in Section 1.767 of the Commission's rules, 47 C.F.R. § 1.767.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below.

Unless otherwise specified, 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.

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. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). 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.

## Submarine Cable Landing License

Application filed by Telstra Incorporated (Telstra USA) and AT&T Corp. (ATTC, together with Telstra USA, "Applicants") for authority to land and operate a high capacity fiber optic cable system between Sydney, Australia and Keawaula, Oahu, Hawaii (Sydney-Hawaii Cable System). From Hawaii the cable system will interconnect with other cable systems providing direct access to the U.S. mainland.

The Sydney-Hawaii Cable System will span 5,600 miles (9,000 kilometers), linking an existing cable station in Sydney to an existing cable station in Keawaula. The system will be a high capacity digital fiber optic system with a design capacity of 640 Gigabits/sec per fiber pair on two fiber pairs (a total of 1280 Gbps). The system will provide an initial capacity of 80 Gigabits/sec.

Telstra USA will own and control the portion of the cable system located in territory subject to the jurisdiction of the United States, including U.S. territorial waters. Telstra Corporation Limited (Telstra Corporation), the indirect parent of Telstra USA, will own and control the cable from the landing point in Sydney to the point where Telstra USA's ownership begins in U.S. territorial waters, and owns the cable landing station in Sydney. ATTC owns and operates the cable landing station in Keawaula, but does not have any voting or ownership in any other part of the cable system.

Applicants state Telstra USA and ATTC will maintain de jure and de facto control over the entire U.S. portion of the Sydney-Hawaii Cable System, including over matters such as operations, maintenance, upgrades and decommissioning of the cable system.

Telstra USA proposes to operate the cable system on a private, non-common carrier basis. Telstra USA states that there is sufficient existing or planned facilities on the route or on alternative routes to prevent it from exercising market power in offering services. It also states that capacity will not be sold indifferently to the user public, but will be assigned pursuant to individualized decisions and tailored arrangements based on the needs of the individual capacity purchaser.

ATTC is a direct, wholly-owned subsidiary of AT&T Inc. AT&T Inc. is a publicly traded corporation whose stock is widely held with no person or entity holding a ten percent or greater ownership interest.

Telstra USA is a wholly-owned subsidiary of Telstra Holdings Pty Limited, which in turn is a wholly-owned subsidiary of Telstra Corporation, a corporation organized under the laws of Australia. Telstra Corporation is a publicly traded company. The Future Fund Board of Guardians, an Australian Commonwealth Government entity, holds approximately 17% of Telstra Corporation's shares. No other person or entity holds a ten percent or greater ownership interest in Telstra Corporation.

Telstra USA is classified as a dominant carrier on the U.S.-Australia route pursuant to section 63.10 of the Commission's rules, 47 C.F.R. § 63.10. Telstra USA 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 USA agrees to abide by 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). A copy of the November 29, 2001 Agreement is 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-LIC-20070621-00009 and accessing the "Attachment Menu" from the Document Viewing area.

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**REMINDER:**

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 47 C.F.R. §§ 1.2001–2003.

An updated version of Section 1.767 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>