



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. SCL-00040NS**

**Thursday October 11, 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 members of the Asia America Gateway Consortium ("AAG Consortium") for authority to 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 (the "AAG" system).

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. 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.

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.

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 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.

All of the members of the consortium may unconditionally use the AAG circuits and any member may transfer its right to use capacity to any of its subsidiaries or affiliates. In addition, there are no restrictions on the resale of capacity, which means that any member may sell private IRUs to any properly licensed non-member (either individually or through collaborative agreements). Thus, according to the Application, third parties will be able to obtain transiting to, from, or through any country in which the AAG lands through the purchase of IRUs.

The AAG Consortium proposes to operate the cable system on a non-common carrier basis. It states that there are sufficient existing or planned facilities on the route or on alternative routes to prevent it from exercising market power. It also states 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.

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 market.

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, but it states that its affiliate does not have market power in the destination market.

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 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).

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,

—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 TELKPM. 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 Telemidia 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, Nippon Telegraph and Telephone Corporation (10.09%). 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 have market power in the destination market.

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).

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

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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>