



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET S.W.  
WASHINGTON D.C. 20554

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News media information 202-418-0500  
Fax-On-Demand 202-418-2830; Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)  
TTY (202) 418-2555

**Report No. SCL-00064NS**

**Monday June 2, 2008**

## **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 PPC 1 Limited and PPC 1 (US) Inc. (collectively, "Applicants"), for authority to land and operate a non-common carrier fiber-optic submarine cable system, the PPC 1 System, connecting Sydney, Australia, Piti, Guam, and Madang, Papua New Guinea.

The Application states that the PPC 1 System will consist of two segments of digital fiber-optic cable. The first segment will connect Sydney, Australia, with Guam ("Australia-Guam Trunk"). The second segment ("PNG Spur") will connect Madang, Papua New Guinea, with a branching unit located on the Australia-Guam Trunk. There will be an additional branching unit allowing for a future connection to Popondetta, Papua New Guinea.

The Australia-Guam Trunk will consist of two optical fiber pairs, with a design capacity of 96 wavelengths (10 Gbps) on each fiber pair, for a total design capacity of 1.92 Tbps. The initial configuration of the Australia-Guam Trunk will provide a total of 140 Gbps of capacity. The initial configuration of the PNG Spur will provide a total of 20 Gbps of capacity, 10 Gbps on the Papua New Guinea-Guam route and 10 Gbps on the Papua New Guinea-Australia route.

PPC 1 (US), Inc. will construct, own, and operate the wet-link and shore-end portions of the Australia-Guam Trunk in the United States, including in U.S. territorial waters. PIPE International (Australia) Pty. Ltd. will construct, own, and operate the wet-link and shore-end portions of the Australia-Guam Trunk in Australia, including in Australian territorial waters, and will own the cable station at Cromer, New South Wales. PPC 1 Limited will construct, own, and operate the wet-link portions of the Australia-Guam Trunk outside the territorial waters of the United States and Australia, and will construct, own, and operate the wet-link and shore-end portions of the PNG Spur in Papua New Guinea, including in Papua New Guinea territorial waters. Telkom PNG Limited will own the cable station in Madang, Papua New Guinea.

The PPC 1 System will use the existing cable station at Piti, Guam, which is owned by VSNL International (Guam) Inc. ("VSNL Guam"). Applicants request a waiver of section 1.767(h)(1) which requires that "any entity that controls a cable landing station in the United States" shall be "applicants for, and licensees on, a cable landing license." 47 C.F.R. § 1.767(h)(1). (See Letter from Kent D. Bressie, counsel for PPC 1 Limited and PPC 1 (US), Inc., to Marlene H. Dortch, Secretary, FCC, dated May 9, 2008, at 1). According to the Applicants, VSNL Guam will not be able to affect significantly the operation of the PPC 1 cable system, and it is not necessary for VSNL Guam to be a licensee to ensure compliance with the Cable Landing License Act, the Commission's rules or the terms of the cable landing license. Id. at 2. The Applicants state that PPC 1 (US) Inc. will enter into an agreement with VSNL Guam giving PPC 1 (US) Inc. a long-term lease in VSNL Guam's ducts and conduits connecting the PPC 1 system's Guam beach landing with the Piti cable station and a long-term lease in the collocation space in the Piti cable station building. PPC 1 (US) Inc. will have exclusive control over and access to PPC 1 System terminal equipment. Equipment for the PPC 1 System will be separately caged and controlled exclusively by the Applicants from their network operations center in the Cromer cable station in Sydney, Australia. The Applicants will retain operational authority over PPC 1 System facilities and provide direction to VSNL Guam in all matters relating to the PPC 1 System. Pursuant to a collocation agreement between the Applicants and VSNL Guam, VSNL might; but only at the Applicant's request, perform certain limited "remote hands" maintenance services on the Applicants' equipment. Id. at 2-3.

The Applicants propose to operate the cable system on a non-common carrier basis. They state they will make capacity on the PPC 1 system available to other carriers, Internet service providers, and large end users on an indefeasible right-of-use (IRU) or leased-capacity basis. The 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. Applicants also contend that there is sufficient existing or planned facilities on the routes or on alternative routes to prevent it from exercising market power in offering services.

PPC 1 (US) Inc. is a corporation organized under the laws of the State of Delaware and is a direct, wholly-owned subsidiary of PPC 1 Limited. PPC 1 Limited is a limited-liability company organized under the laws of Bermuda and is a direct, wholly-owned subsidiary of PIPE International Pty Ltd. ("PIPE International"), an Australian company. PIPE International is a direct, wholly-owned subsidiary of PIPE Networks Limited ("PIPE Networks"), a widely-held, publicly traded Australian company. Stephen Ross Baxter and Bevan Slattery, both Australian citizens, hold 18% and 14% of the ordinary shares of PIPE Network respectively. There are no other ten percent or greater direct or indirect owners of PIPE Networks, PPC 1 Limited or PPC 1 (US) Inc.

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>