



PUBLIC NOTICE

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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 and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing licensee; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision 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) and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless the Commission has informed the applicant in writing that the application, upon further examination, has been deemed ineligible for streamlined processing.

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. Filings relating to this application must be received within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (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 DOCOMO Pacific, Inc. (DOCOMO Pacific) for a license to construct, land and operate within the United States, a non-common carrier fiber-optic submarine cable system connecting Guam with Saipan, Rota, and Tinian in the Commonwealth of the Northern Mariana Islands (CNMI) (the Atisa system).

The Atisa system will have a total length (trunks plus spurs) of approximately 279 kilometers. The system will be a high capacity digital fiber-optic system comprised of six fiber pairs, with three fiber pairs connecting Guam-Saipan express route. Two fiber pairs will connect Guam, Tinian, and Saipan, and the remaining fiber pair will connect Guam, Rota, Tinian, and Saipan. Atisa will have an initial capacity of 100 gigabits per second (Gbps) on the Guam-Saipan express route and 10 Gbps on the other local routes (Guam-Rota, Guam-Tinian, Rota-Tinian, Rota-Saipan, and Tinian-Saipan). The Atisa system will have a design capacity of 4.8 terabits per second (Tbps) and DOCOMO Pacific intends to commence commercial operation of the Atisa system in the second calendar quarter of 2017.

The Atisa system will consist of five segments. The Atisa system, along with associated cable landing stations, will consist of the following: (1) Segment 1 will connect the existing cable landing station at Piti, Guam, to the Rota branching unit, located off the coast of Rota, (2) Segment 2 will connect the Rota branching unit with a cable landing station located at Sasanlagu, Rota, (3) Segment 3 will connect the Rota branching unit to the Tinian branching unit, located off the coast of Tinian, (4) Segment 4 will connect the Tinian branching unit to a cable landing station located at Tachognya Beach, Tinian, and (5) Segment 5 will connect the Tinian branching unit to a cable landing station located at Sugar Dock South, Saipan. Segment 5, with Segments 1 and 3, will form the trunk between Guam and Saipan.

The owners and operators of each of the cable stations are as follows: (1) Tata Communications (America) Inc. (Tata) will own and operate the cable landing station located at Piti, Guam, and Tata will have no ability to affect significantly the operation of Atisa, (2) DOCOMO Pacific will enter into a long term lease with H.S. Lee Construction Company for control of the existing H.S. Lee Building, and will control and operate the cable landing station located at Sugar Dock South Saipan. (3) DOCOMO Pacific will enter into a long term lease with the CNMI Government for control of the existing Songsong Building, and will control and operate the own cable landing station located at Sasanlagu, Rota, and (4) DOCOMO Pacific is in the process of acquiring the EMO Tower from the CNMI Government, and will control and operate the cable landing station located at Tachognya Beach, Tinian. The H.S. Lee Building, the Songsong Building, and the EMO Tower do not currently operate as cable landing stations.

DOCOMO Pacific requests a waiver of section 1.767(h)(1) of the Commission's rules, 47 CFR § 1.767(h)(1), so that it does not need to add Tata as a joint applicant. Section 1.767(h)(1) requires that "any entity that owns or controls a cable landing station in the United States" shall be "applicants for, and licensees on, a cable landing license." 47 CFR § 1.767(h)(1). According to DOCOMO Pacific, Tata will not have the ability to affect significantly Atisa's operation, and it is not necessary for Tata to be a licensee to ensure compliance by DOCOMO Pacific with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license. Id. DOCOMO Pacific states that it will enter into an agreement with Tata granting DOCOMO Pacific an IRU for Tata's beach manhole at Santos Park, Piti, and for conduit connecting the beach manhole with Tata's Piti, Guam cable landing station. Tata will also grant DOCOMO Pacific a long-term lease for collocation space in Tata's cable landing station for which DOCOMO Pacific will have exclusive control over and access to Atisa terminal equipment. Id. at 15. DOCOMO Pacific will retain operational authority over its Atisa facilities and provide direction to Tata in all matters relating to Atisa. Id.

DOCOMO Pacific proposes to operate the Atisa system on a non-common carrier basis. DOCOMO Pacific states that Atisa will provide redundancy, geographic diversity, and greater reliability on the Guam-CNMI route, ensuring greater network resilience in the event of a natural disaster. Applicant further states that routing the cable directly between Guam and Saipan through deeper waters will provide greater security from cable cuts, create a redundancy option for customers, and minimize the chances of another catastrophic communications outage in the CNMI. Further, DOCOMO Pacific states Atisa will provide much needed competition on the Guam-CNMI route, and support the launch of access to bandwidth intensive services, support new economic activity in the CNMI economy, and provide more competitively priced, high speed connectivity that will benefit consumers. DOCOMO Pacific states that it will not sell capacity indifferently to the public, but rather will sell capacity to retail, enterprise, and government customers in Guam and the CNMI pursuant to individually negotiated IRUs and capacity leases on terms tailored to their particular needs.

DOCOMO Pacific is a Guam corporation, and is a direct, wholly-owned subsidiary of DOCOMO Guam Holdings, Inc. (DMGH), a Guam holding company, which, in turn, is 100% directly owned by NTT DOCOMO, Inc. (DOCOMO), a Japan telecommunications company. Nippon Telegraph and Telephone Corporation (NTT), a Japan corporation, holds a 63.32% direct ownership interest and a 66.65% direct voting interest in DOCOMO, and the Japanese Ministry of Finance, which owns 35.21% of NTT's shares, holds a 35.21% indirect equity interest and a 35.21% indirect voting interest in DOCOMO Pacific. The remainder of NTT's shares are publicly traded on the Tokyo Stock Exchange. No other person or entity holds a ten percent or greater ownership interest in DOCOMO Pacific.

Applicant agrees to accept and abide by the routine conditions specified in section 1.767(g)(1)-(14) of the Commission's rules, 47 C.F.R. §1.767(g)(1)-(14).

REMINDERS:

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 C.F.R. §§ 1.2001-1.2003.

By this notice, we inform the public that submarine cable landing license applications and international section 214 applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, these extraordinary circumstances may result where Executive Branch agencies petition the Commission to defer decision on certain transactions pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses and international section 214 applications. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.