



PUBLIC NOTICE

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Friday May 20, 2011

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.

The Commission most recently amended its rules applicable to submarine cable landing licenses 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), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.pdf for a March 13, 2002 Public Notice; http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf for the December 14, 2001 Report and Order.

Submarine Cable Landing License

Grant of Authority

Date of Action: 05/19/2011

Acceptability for Filing Public Notice: The Application was placed on Public Notice on April 14, 2011. See AT&T Corp., Application for a License to Construct, Land and Operate a Non-Common Carrier Fiber-Optic Submarine Cable System, the GOKI Cable Network, directly linking Tumon Bay, Guam, Okinawa, Japan, and Kyushu, Japan, File No. SCL-LIC-20110329-00009, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00116S (Int'l Bur., rel. April 14, 2011). No comments or oppositions were filed in response to the Public Notice.

Coordination with the Department of State and other Executive Branch agencies has been accomplished pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R. § 1.767(b), and procedures established with the State Department. 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 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, Media Note (Revised) (rel. Dec. 20, 2001) available at <http://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>

Action Taken: Grant of the Cable Landing License to AT&T Corp. ("ATTC") for the purpose of landing and operating a non-common carrier fiber-optic submarine cable system, the GOKI Cable Network, directly linking Tumon Bay, Guam, Okinawa, Japan, and Kyushu, Japan.

Licensee Information: ATTC, a New York corporation, is a direct wholly-owned subsidiary of AT&T Inc., a telecommunications holding company incorporated under the laws of Delaware. AT&T Inc. is a publicly traded corporation whose stock is widely held and no person or entity holds a ten percent or greater ownership interest in AT&T Inc.

Cable Design and Capacity: The proposed GOKI Cable Network will be a non-common carrier fiber-optic submarine cable system directly linking Tumon Bay, Guam, Okinawa, Japan, and Kyushu, Japan. From Guam, the GOKI Cable Network will interconnect with other cable systems providing direct access to the U.S. mainland.

The GOKI Cable Network will be a high-capacity digital fiber-optic system with a design capacity of 40 Gigabits per second (Gbps) per fiber pair on two fiber pairs, which equates to four, 10 Gbps wavelengths of traffic per fiber pair. The system will provide an initial capacity of 20 Gbps, which equates to an initial configuration of two, 10 Gbps wavelengths of traffic per fiber pair. The GOKI Cable Network will re-use some of the facilities of the former TPC-5 cable system, which was retired from service on June 30, 2010. In the future the cable may be extended to Incheon, Korea.

Ownership of the Cable System and Landing Points: ATTC will own and operate all portions of the cable system linking Guam with Japan. ATTC will also own and operate the existing cable station in Tumon Bay, Guam. In Japan, the landing points will be an existing cable station in Okinawa, Japan, which is owned and operated by KDDI Corporation, and a new cable station in Kyushu, Japan, which will also be owned and operated by KDDI.

Regulatory Status of Cable: ATTC proposes to operate the cable system on a non-common carrier basis. ATTC states that the Asia-Pacific region is presently served by many other cable systems, so there are numerous alternative facilities in the region. ATTC further states that it will not offer capacity to the public indifferently, but rather the available capacity will be used by ATTC and offered to other carriers on terms tailored to their particular needs.

Applicants have provided information and demonstrated that the proposed operation of the cable on a non-common carrier basis satisfies the requirements set forth in National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630, 642 (D.C. Cir 1976) (NARUC I), cert. denied, 425 U.S. 992 (1976). See also Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22202-22203, paras. 69-70; Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking 15 FCC Rcd 20789, 20815-20818, paras. 62-67.

Conditions and Requirements: ATTC shall comply with the routine conditions set out in section 1.767(g)(1)-(14) of the Commission's rules, 47 C.F.R. § 1.767(g)(1)-(14).