

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Application for a License to Land and
Operate a Private Fiber Optic Cable System
Linking the United States and Japan, and
Request for Streamlined Treatment

Guam-Okinawa-Kyushu-Incheon (GOKI)
Cable Network

File No. SCL-LIC-2011 _____

**APPLICATION FOR CABLE LANDING LICENSE AND
REQUEST FOR STREAMLINED TREATMENT**

AT&T Corp. ("ATTC"), pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (the "Cable Landing License Act"), Executive Order 10,530, and Section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, hereby applies for a license to construct, land, and operate a fiber-optic submarine cable system directly linking Tumon Bay, Guam, Okinawa, Japan, and Kyushu, Japan. ATTC seeks streamlined review of this Application consistent with Section 1.767(k) of the Commission's rules, 47 C.F.R. § 1.767(k).

I. BACKGROUND

The Guam-Okinawa-Kyushu-Incheon (GOKI) Cable Network will be a private, non-common carrier fiber optic cable directly linking Guam and Japan. In the future, the cable may be extended to Incheon, Korea.¹ The system will span 4244 kilometers (2546 miles), linking an existing cable station in Tumon Bay, Guam, which is owned by an affiliate of ATTC, to an existing cable station in Okinawa, Japan, which is owned and operated by KDDI Corporation ("KDDI"), and a new cable station in Kyushu, Japan, which will also be owned and operated by

¹ Any such extension will be addressed in an appropriate application to the Commission if this is required at the time.

KDDI. The cable system will provide transmission capacity of up to 80 gigabits per second between Guam and Japan. From Guam, the cable system will interconnect with other cable systems providing direct access to the U.S. mainland.

ATTC is a direct, wholly-owned subsidiary of AT&T Inc. ("AT&T"). AT&T, through its affiliates, serves millions of customers around the globe, including residential, small-business, wholesale, enterprise, global and government customers, and delivers a portfolio of traditional and IP-based voice, broadband Internet, data transport, wireless and video services. AT&T operates an advanced global backbone network, carrying more than 18.7 petabytes of total IP and data traffic on an average business day.

Grant of this application will advance the public interest. The GOKI Cable Network will increase and improve international connectivity and reliability on the US-Japan route. This new cable system will provide extra capacity for the increasing amount of international traffic required by the growing number of home and business broadband users and provide further redundancy to telecommunications networks linking the United States and Japan.

In support of this Application, ATTC submits the following information:

II. INFORMATION REQUIRED BY SECTION 1.767

1. The name, address and telephone number of the Applicant:

AT&T Corp. ("ATTC")
One AT&T Way
Bedminster
New Jersey 07921
USA
(908) 532-1971

2. The Government, State or Territory under the laws of which each corporate or partnership applicant is organized:

ATTC is a New York corporation.

3. The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed:

John Langhauser
Senior Vice President & General Counsel
AT&T Corp.
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(908) 234-3001

With copies to:

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4. A description of the submarine cable, including the type and number of channels and the capacity thereof:

The cable system will be a high capacity digital fiber-optic system with a design capacity of 40 Gigabits/sec per fiber pair on two fiber pairs, which equates to four, 10 Gigabits/sec wavelengths of traffic per fiber pair. This system will provide an initial capacity of 20 Gigabits/sec, which equates to an initial configuration of two, 10 Gigabit/sec wavelengths. The system will re-use some of the facilities of the former TPC-5 cable system, which was retired from service on June 30, 2011.

The US landing point will be ATTC's existing cable landing station at Tumon Bay, Guam. In Japan, the landing points will be an existing cable station in Okinawa owned and operated by KDDI, and a new cable station to be constructed in Kyushu, which will also be owned and operated by KDDI. As noted above, AT&T may in the future extend the cable system to Korea.

5. A specific description of the cable landing stations on the shore of the United States and in foreign countries where the cable will land:

a. United States: Tumon Bay Cable Landing Station Information

The Tumon Bay Cable Station is located on the Northwest coast of Guam. The address of the cable landing station is: 1169 North Marine Corps Drive, Tamuning, Guam, USA 96913.

The map attached as Exhibit A shows the location of the cable station and beach manhole with coordinates.

b. Japan:

(1) Okinawa cable Landing Station Information

The Okinawa Cable Station is located on the south east coast of Okinawa, Japan. The address of the cable station is: 1850, Gushichan, Yaese-Cho, Shimajiri-Gun, Okinawa 901-0512, Japan.

The map attached as Exhibit B shows the location of the cable station and beach manhole with coordinates.

(2) Kyushu Cable Landing Station Information

The Kyushu Cable Station is located on the north east coast of Kyushu, Japan. The address of the cable station is: 1-14-18, Miyajihama, Fukutsu-Shi, Fukuota 811-3311, Japan.

The map attached as Exhibit C shows the location of the cable station and beach manhole with coordinates.

6. A statement as to whether the cable will be operated on a common carrier or non-common carrier basis:

The GOKI Cable Network will be operated as a private, non-common carrier cable.

Private carriage is fully consistent with established Commission policy and will advance the public interest. In determining whether a submarine cable qualifies to be operated on a non-common carrier basis, the Commission follows the two-part test established in *NARUC*.² Under

² *Nat'l Ass'n of Regulatory Util. Comm'ners v. FCC*, 525 F.2d 630, 642 (D.C. Cir. 1976) ("*NARUC*"), *cert. denied*, 425 U.S. 992 (1976).

this test, a submarine cable may be operated on a non-common carrier basis if: (1) there is no legal compulsion to serve the public indifferently; and (2) there are no reasons implicit in the nature of the operations to expect that the applicant would make capacity available to the public indifferently and indiscriminately.³

The GOKI Cable Network satisfies both prongs of this two-part test. First, the Commission has previously held that there is no legal compulsion to serve the public indifferently where there is no public interest reason to require facilities to be offered on a common carrier basis,⁴ and the Commission has focused this public interest analysis on whether an applicant will be able to exercise market power because of the lack of alternative facilities.⁵ Because the Asia-Pacific region presently is served by many other cable systems, there is no lack of alternative facilities under the first factor.⁶ Accordingly, there is no reason to compel the GOKI Cable Network to offer service on a common carrier basis.

³ See Cable & Wireless Order, 12 FCC Rcd. 8516, 8520-23, ¶¶ 11-17 (1997); see also *Optel Communications, Inc., Application for a license to land and operate in the United States a submarine cable extending between Canada and the United States*, File No. SCL-92-004, Conditional Cable Landing License, 8 FCC Rcd. 2267 (1993); *National Association of Regulatory Utility Commissioners v. FCC*, 525 F.2d 630, 642 (D.C. Cir.) (NARUC I), cert. denied, 425 U.S. 992 (1976).

⁴ See, e.g., Cable & Wireless Order, 12 FCC Rcd. at 8522, ¶¶ 14-15.

⁵ *Id.*

⁶ The existing cables that extend to the countries, other than the United States, in which GOKI will land include: (1) Australia-Japan Cable (“AJC”) serves Australia, Guam and Japan; (2) China-US Cable Network (“China-US”) serves the United States, China, Taiwan, Japan, Korea, and Guam; (3) Japan-US Cable Network (“Japan-US”) serves the United States and Japan; (4) Pacific Crossing (“PC-1”) serves the United States and Japan; (5) Tycom Pacific Cable System (“TGN-Pacific”) serves the United States, Guam and Japan; (6) Asia Pacific Cable Network (“APCN”) serves Thailand, Malaysia, Singapore, Indonesia, Hong Kong, Philippines, Taiwan, Korea, and Japan; (7) Asia Pacific Cable Network 2 (“APCN-2”) serves China, Hong Kong, Japan, Korea, Malaysia, Philippines, Singapore, and Taiwan; (8) City-To-City (“C2C”) North Ring serves Hong Kong, Philippines, Taiwan, China, Korea, and Japan; (9) East Asia Crossing (“EAC”) serves Singapore, Hong Kong, Taiwan, Philippines, Korea, and Japan; (10) FLAG/REACH North Asia Loop (“FNAL” or “RNAL”) serves Hong Kong, Taiwan, Korea, and Japan; (11) South East Asia – Middle East – Western Europe (“SMW-3”) serves 39 landing points in Southeast Asia, the Middle East, and Western Europe.

Second, the GOKI Cable Network does not hold itself out as a common carrier, and it will not offer capacity to the public indifferently. Rather, as with other private, non-common carrier cable systems, the available capacity will be used by ATTC and offered to other carriers on terms tailored to their particular needs. Accordingly, the GOKI Cable Network will not be operated on a common carrier basis.

7. Cable Ownership Information

ATTC or its affiliates own or will own all portions of the cable system linking Guam with Japan. Both cable landing stations in Japan are or will be owned by KDDI, which will have no voting or ownership interest in any other part of the cable system.

8. Corporate Control and Affiliate Information

ATTC submits the following information specified in Sections 63.18(h) through (k) and Section 63.18(o) of the Commission's rules:

a. Certification Regarding Ownership, Citizenship, Principal Businesses, and Interlocking Directorates

ATTC is a direct, wholly-owned subsidiary of AT&T Inc., which is a publicly traded corporation whose stock is widely held by the public. The address of AT&T Inc. is 208 S. Akard St., Dallas, Texas 75202. AT&T Inc. is a telecommunications holding company incorporated under the laws of Delaware. No person or entity holds a ten percent or greater ownership interest in AT&T Inc.

ATTC has interlocking directorates with AT&T Global Network Services International Inc., which is a carrier in Israel, New Zealand, and Pakistan; AT&T Global Network Services Norge LLC, which is a carrier in Norway; AT&T Global Network Services Venezuela LLC, which is a carrier in Venezuela; AT&T Japan LLC, which is a carrier in Japan; and BellSouth Long Distance, Inc., which is a carrier in Canada. Richard P. Resnick, Senior Vice President –

Service Management of ATTC, is President of BellSouth Long Distance, Inc. George B. Goeke, Treasurer of ATTC, is a director and Treasurer of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, and AT&T Global Network Services Venezuela LLC. Mr. Goeke is also Vice President and Treasurer of BellSouth Long Distance, Inc. Tod A. Clarno, Vice President - Taxes of ATTC, is a director of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, and AT&T Global Network Services Venezuela LLC. Ellen Spano, Vice President and Assistant Secretary of ATTC, is Vice President of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, AT&T Global Network Services Venezuela LLC, and AT&T Japan LLC. Jeffrey Tutnauer, Vice President – Property Tax of ATTC, is Assistant Secretary of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, AT&T Global Network Services Venezuela LLC. and BellSouth Long Distance, Inc. Karen Diorio, Director – Taxes of ATTC, is Assistant Secretary of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, and AT&T Global Network Services Venezuela LLC. Additionally, Jeston Dumas and Elaine Lou, who are Assistant Treasurers of ATTC, hold the same positions with AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, AT&T Global Network Services Venezuela LLC, and BellSouth Long Distance, Inc.

b. Certification Regarding Foreign Carrier Status and Foreign Affiliation

ATTC certifies that it is not a foreign carrier. ATTC is affiliated with the following foreign carriers authorized to provide telecommunications services to the public in the countries listed below.

<u>Affiliate Name</u>	<u>Country</u>
AT&T Communications Services Argentina S.R.L.	Argentina
AT&T Global Network Services Australia Pty. Ltd.	Australia
AT&T Global Network Services Austria GmbH	Austria
AT&T Global Network Services Belgium Luxembourg S.P.R.L.	Belgium
AT&T Global Network Services Brazil Ltda.	Brazil
AT&T Global Network Services Bulgaria Ltd.	Bulgaria
AT&T Global Services Canada Co.	Canada
AT&T Enterprises Canada Co.	Canada
BellSouth Long Distance, Inc.	Canada
AT&T Chile SA	Chile
AT&T Red Global Telecommunications Ltda.	Chile
AT&T Global Network Services Colombia (Ltda.)	Colombia
AT&T Global Network Services Hrvatska d.o.o.	Croatia
AT&T Global Network Services Czech Republic s.r.o.	Czech Republic
AT&T Global Network Services Ltd.	Cyprus
AT&T Global Network Services Danmark ApS	Denmark
AT&T Global Network Services Ecuador Cia. Ltda.	Ecuador
AT&T Global Network Services Estonia Ou	Estonia
AT&T Global Network Services Finland Oy	Finland
AT&T Global Network Services France SAS	France
AT&T Global Network Services Deutschland GmbH	Germany
AT&T Global Network Services (Hellas) E.P.E. (Limited)	Greece
AT&T Servicios de Comunicaciones de Guatemala SA	Guatemala
AT&T Global Network Services Hong Kong Limited	Hong Kong
AT&T Global Network Services Hungary Kft	Hungary
AT&T Global Network Services Private Limited	India
AT&T Global Network Services Ireland Limited	Ireland
AT&T Global Network Services International Inc.	Israel
AT&T Global Network Services Italia S.p.A.	Italy
AT&T Japan Ltd.	Japan
AT&T Japan KK	Japan
AT&T Communications Services (Japan) Ltd.	Japan
AT&T Japan LLC	Japan
AT&T GNS Korea Limited (Yuhan Hoesa)	Korea
AT&T Global Network Services Latvia SIA	Latvia
UAB AT&T Lietuva (Lithuania)	Lithuania
AT&T Global Network Services Belgium Luxembourg S.P.R.L. (Branch Office)	Luxembourg
AT&T Worldwide Network Services (Malaysia) Sdn. Bhd.	Malaysia
Alestra, S. de R.L. de C.V.	Mexico
AT&T Global Network Services Morocco sarl au	Morocco
AT&T Global Network Services Nederland B.V.	Netherlands
AT&T Global Network Services International Inc.	New Zealand

AT&T Global Network Services Norge LLC	Norway
AT&T Global Network Services International Inc.	Pakistan
AT&T Communications Services de Panama S. de R.L.	Panama
AT&T Global Network Services del Peru S.R.L.	Peru
AT&T Global Network Services Polska Sp. z.o.o.	Poland
AT&T Serviços de Telecomunicações, Sociedade Unipessoal, Lda.	Portugal
AT&T Global Network Services Romania S.R.L.	Romania
AT&T Global Network Services OOO	Russia
AT&T Worldwide Telecommunications Services Singapore Pte Ltd.	Singapore
AT&T Global Network Services Slovakia s.r.o.	Slovakia
AT&T Globalne Omrezne Storitve d.o.o.	Slovenia
AT&T South Africa (Proprietary) Limited	South Africa
AT&T Global Network Services Espana, S.L.	Spain
AT&T Global Network Services Sweden AB	Sweden
AT&T Global Network Services Switzerland GmbH	Switzerland
AT&T Global Network Services Taiwan Ltd.	Taiwan
AT&T Global Iletism Servisleri Limited Sirteki Ltd. STI	Turkey
AT&T Global Network Services (UK) B.V.	United Kingdom
AT&T Global Network Services Venezuela LLC	Venezuela

c. Telecommunications Services to Destination Countries

ATTC holds Section 214 global authority to provide all facilities-based and resale services, including to Japan. *See, e.g.*, ITC-214-19960830-00414 (Previous File Number ITC-96-487) (global facilities-based services); ITC-95-298 (resale of international voice services between the United States and overseas points). ATTC controls the following foreign carriers in Japan: AT&T Japan Ltd., AT&T Japan KK, AT&T Communications Services (Japan) Ltd., and AT&T Japan LLC.

d. Certification Regarding WTO Status, Market Power, and the Effective Competitive Opportunities Test

Japan is a Member of the WTO.

e. Certification Regarding the Anti-Drug Abuse Act of 1988

ATTC certifies pursuant to sections 1.2001 through 1.2003 of the Commission's rules that it is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

f. Certification Regarding Routine Conditions Set Forth in Section 1.767(g) of the Commission's rules

ATTC certifies that it accepts and will abide by the routine conditions specified in Section 1.767(g) of the Commission's rules.

g. Certification Regarding Service to U.S. Coordinator, Department of State; NTIA, and Defense Information Systems Agency

Pursuant to Section 1.767(j) of the Commission's rules, a complete copy of this Application has been sent to the U.S. Department of State, the U.S. Department of Commerce, and the Defense Information Systems Agency.

III. REQUEST FOR STREAMLINED TREATMENT

ATTC requests streamlined processing of the Application under Sections 1.767(j) and (k) of the Commission's rules, 47 C.F.R. §§ 1.767(j)-(k). Pursuant to Section 1.767 (k)(3), 47 C.F.R. § 1.767 (k)(3), ATTC certifies that Japan is a Member of the WTO.

Pursuant to Section 1.767 (k)(2) of the Commission's rules, 47 C.F.R. § 1.767 (k)(2), ATTC demonstrates as follows pursuant to Sections 63.10 and 63.12 of the Commission's rules, 47 C.F.R. Sects. 63.10 & 63.12, that its foreign affiliates in Japan lack market power. Pursuant to Section 63.12 (c)(1)(ii), ATTC qualifies for a presumption of nondominance on the route between the U.S. and Japan under Section 63.10 (a)(3) because its foreign affiliates in Japan have no market power on the foreign end of this route. The Commission has previously found that AT&T Japan Ltd. (previously identified as AT&T Japan KK), AT&T Japan KK (formerly

AT&T Global Network Services Japan KK), and AT&T Communications Services (Japan) Ltd. lack market power. *SBC Communications Inc. and AT&T Corp. Applications for Transfer of Control*, 20 FCC Rcd. 18290, ¶¶ 168-170 (2006). AT&T Japan LLC has market shares under 50 percent in all relevant markets on the foreign end of the U.S.-Japan route, including the international transport and local access markets in Japan, and is not listed on the Commission's List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets. See Public Notice, *The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Jan. 26, 2007, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-07-233A1.pdf.

CONCLUSION

As demonstrated above, the public interest, convenience and necessity will be served by a grant of this application to construct, land, and operate a fiber-optic submarine cable system directly linking Japan with the United States. ATTC respectfully requests that the Commission grant this application.

Respectfully submitted,

AT&T Corp.

Of Counsel:

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(202) 736-8058

By: James Talbot
James Talbot
General Attorney
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Suite 1000
Washington, D.C. 20036
(202) 457-3048
jjtalbot@att.com
Its Attorney

Dated: March 28, 2011

Certification

I am authorized to enter this Certification on behalf of AT&T Corp.

All of the information contained in the foregoing Application is true and correct to the best of my knowledge and belief.

I hereby certify for AT&T Corp. that AT&T Corp. is aware of the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. Sect. 1456 (CZMA), and will abide by the CZMA and the National Oceanic and Atmospheric Administration (NOAA) rules implementing the CZMA, 15 C.F.R. part 930.

By: 

John J. Langhauser
Senior Vice President & General Counsel
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One AT&T Way
Bedminster
New Jersey 07921
USA
(908) 234-3001

For and on behalf of AT&T Corp.

Dated: March 28, 2011

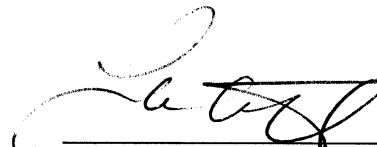
CERTIFICATE OF SERVICE

I hereby certify that the foregoing application was served on the following by first-class mail on March 28, 2011:

U.S. Coordinator, EB/CIP
U.S. Department of State
2201 C Street, NW
Washington, DC 20520-5818

Office of Chief Counsel/NTIA
U.S. Department of Commerce
14th St., NW and Constitution Ave., NW
Washington, DC 20230

Defense Information Systems Agency
Code RCG
701 S. Courthouse Road
Arlington, VA 22204



Loretta Hill

EXHIBIT A —

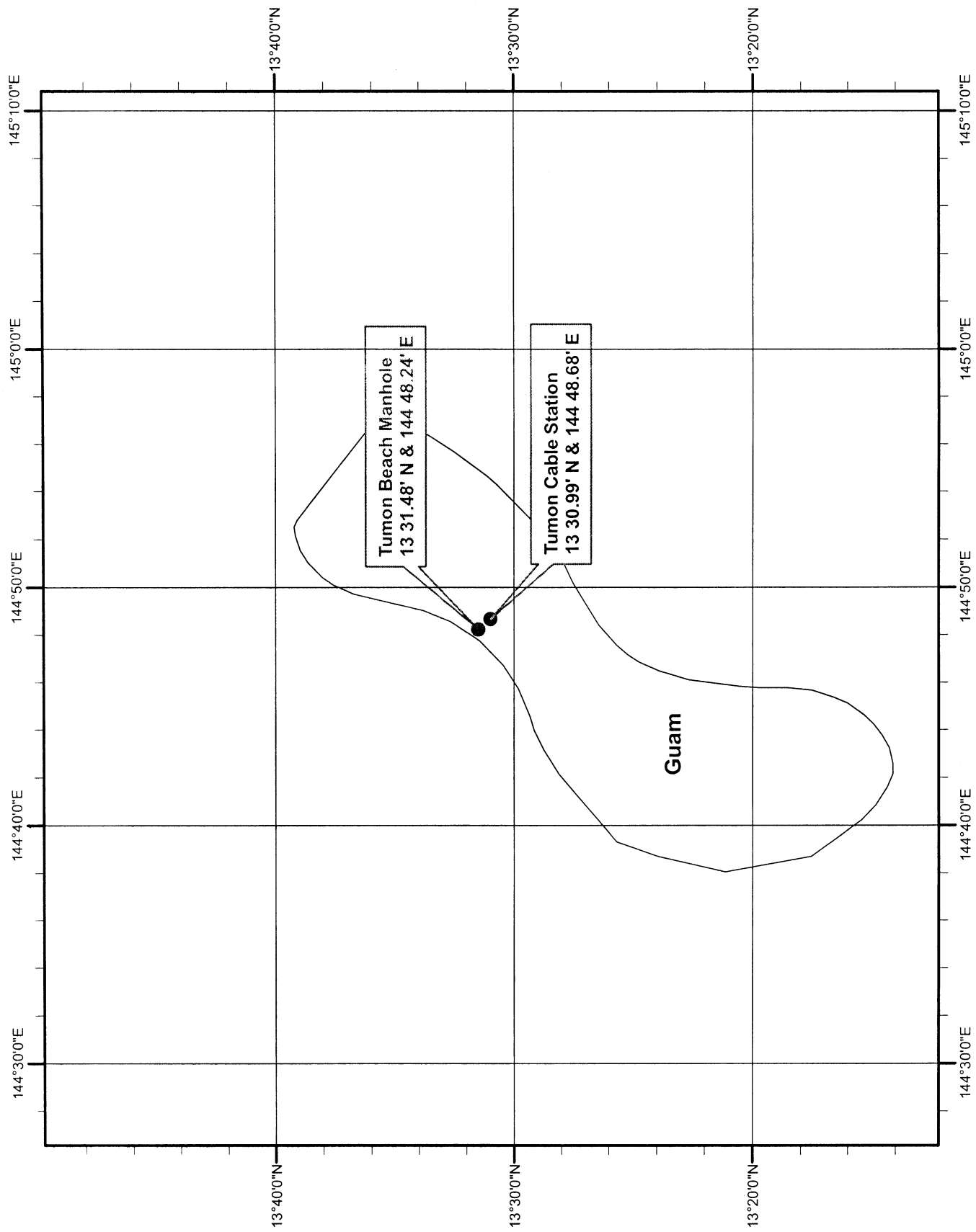


EXHIBIT B

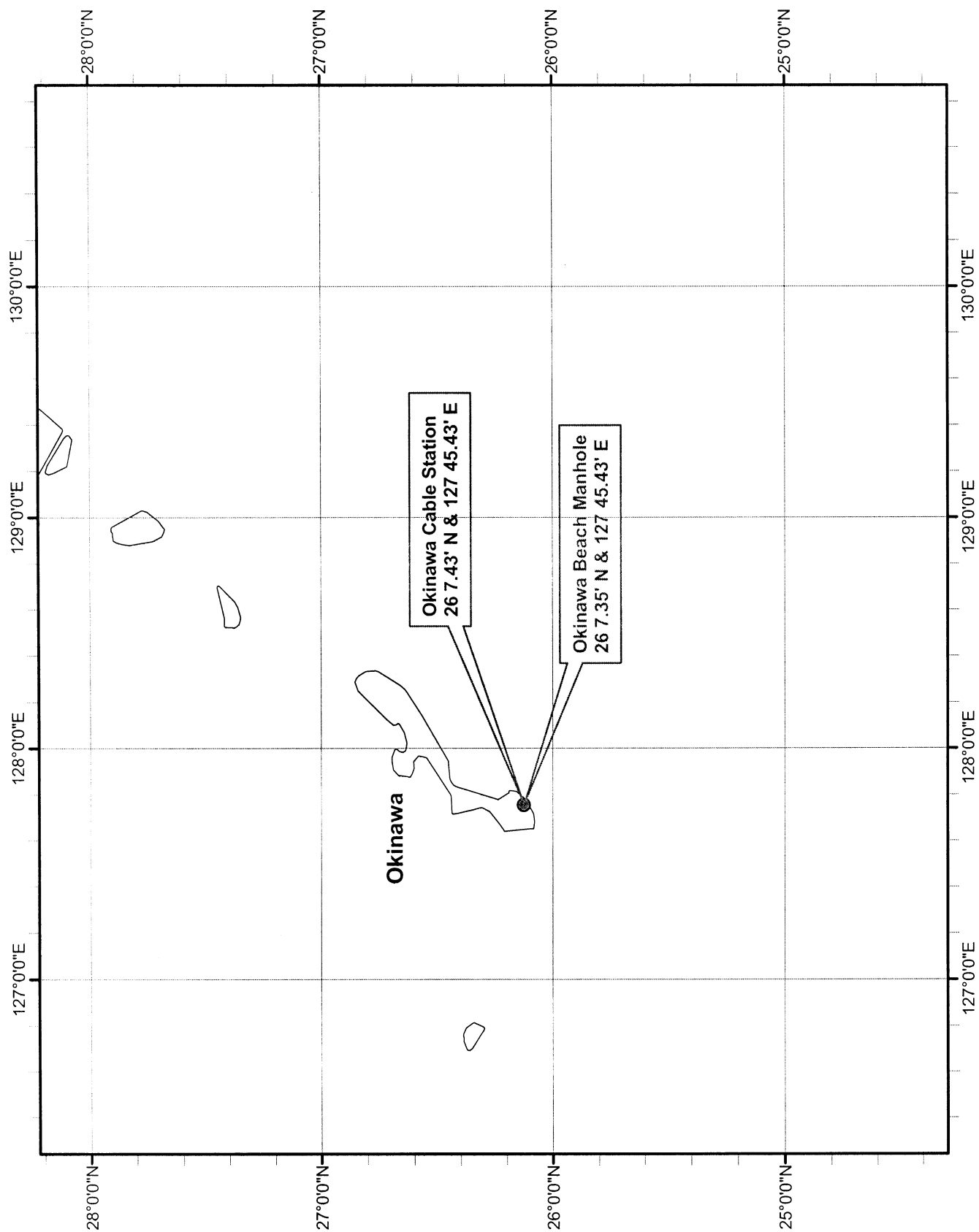


EXHIBIT C

