

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re
VSNL America, Inc.

Application for Authority to Operate as a U.S.
International Telecommunications Carrier
under Section 214 of the Communications
Act of 1934

Application File No.
ITC-214-20030728-00376

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Policy Division
International Bureau

To: The Commission

JOINT PETITION TO DEFER

The Department of Justice ("DOJ") and VSNL America, Inc. ("VAI") (collectively the "Parties"), by their undersigned attorneys, respectfully request that the Federal Communications Commission ("Commission") defer action on the above-captioned application pending attempted resolution of potential national security, law enforcement, and public safety issues.

In the captioned matter, VAI, a wholly-owned affiliate of Videsh Sanchar Nigam Limited ("VSNL"), organized under the laws of India, filed an application pursuant to section 214 of the Communications Act of 1934, as amended, seeking Commission authority to operate as a facilities-based carrier and as a resale carrier for the provision of international switched and private line services to all international points. The application in the instant matter also indicates that VAI, which is incorporated in Delaware, is 100% owned by VSNL. Foreign ownership of VSNL greater than 10% includes a 45% interest held by the Tata Group of Mumbai, India, and 26.2% interest held by the Government of India.


The *Foreign Participation Order*¹ provides that, in evaluating proposed foreign ownership of U.S. common carriers, the Commission must accord deference to the Executive Branch with respect to any national security or law enforcement concerns identified by Executive Branch agencies in connection with a transaction.² VAI has held preliminary discussions with the DOJ, and other Executive Branch agencies, and understands that DOJ and the other Executive Branch agencies believe there are law enforcement, national security, and public safety issues that the Executive Branch agencies want to review in connection with this Application. VAI is in good faith working diligently towards the execution of an agreement with the Executive Branch agencies to address potential risks posed to national security, law enforcement and public safety that the Executive Branch agencies believe are presented by the above-captioned application. Accordingly, the Parties jointly urge the Commission to defer approving VAI's application absent such an agreement and the imposition of appropriate conditions.

Accordingly, in view of the foregoing, the Parties respectfully request that the Commission accept for filing the instant Petition to Defer with regard to the captioned application and defer grant of the above-captioned application pending an agreement among VAI and one or more Executive Branch agencies to resolve the concerns addressed herein, and the imposition of the terms of such agreement as conditions to the authority granted.

¹ *In the Matter of Rules and Policies of Foreign Participation in the U.S. Telecommunications Market*, 12 FCC Rcd 23,891, ¶ 61 (Nov. 1997). The Commission gives consideration to concerns relating to national security, law enforcement, and public safety independent of any competitive concerns presented by the transaction.

² *Foreign Participation Order*, at ¶¶ 59, 63, *et seq.*. See also 47 U.S.C. § 310(b)(4).

Respectfully submitted,



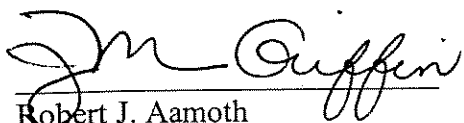
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Respectfully submitted,

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Dated: December 9, 2003

CERTIFICATE OF SERVICE

I, Kathy Culbertson, hereby certify that a true and correct copy of the foregoing "Joint Petition to Defer" was served on this 9th day of December on the individuals in the following list:

Delivered via First-Class U.S. Mail, Postage Prepaid:

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