

BINGHAM

REDACTED  
FOR PUBLIC INSPECTION

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July 3, 2008

Via Courier

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc.  
236 Massachusetts Avenue, NE  
Suite 110  
Washington, DC 20002

FILED/ACCEPTED  
JUL - 3 2008  
Federal Communications Commission  
Office of the Secretary

**Re: File No. SCL-LIC-20080516-00010 - Supplement to  
Application for a License to Construct, Land, and Operate an  
Undersea Fiber Optic Cable Connecting the United States and  
Japan**

Dear Ms. Dortch:

This supplement is filed in connection with the above-captioned Application for a license to Construct, Land, and Operate an Undersea Fiber Optic Cable Connecting the United States and Japan, filed with the FCC on May 16, 2006 ("Application"). The purpose of this supplement is to update the Commission with respect to the United States landing point for the Unity Cable System and to advise the Commission of the Applicants' decision to acquire certain facilities from Tyco Telecommunications (US), Inc.

The parties, by their counsel and pursuant to Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, respectfully request confidential treatment of certain information provided in this Supplement because this information is competitively sensitive and its disclosure would have a negative competitive impact on the Parties were it made publicly available. Accordingly, the attached Supplement has been marked "**CONFIDENTIAL - NOT FOR PUBLIC INSPECTION.**" The Parties provide justification for the confidential treatment of this information in Attachment 1 to this letter. The Parties are also submitting, under separate cover, for inclusion in the Commission's public files, a redacted version of this Supplement. The redacted version is marked "**REDACTED - FOR PUBLIC INSPECTION,**" with the confidential information redacted

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Marlene H. Dortch, Secretary  
July 3, 2008  
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Enclosed please find an original and six copies. Please contact the undersigned should you have any questions concerning this submission. Please date-stamp the enclosed extra copy of this cover letter and return it with the courier.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Katie B.", with a long, sweeping horizontal line extending to the right.

Katie B. Besha

## Attachment 1

### Request for Confidentiality

Bharti Airtel Limited (“Bharti Airtel”), Global Transit Limited (“GTL”), GU Holdings Inc. (“GU Holdings”), KDDI Corporation (“KDDI”), Pacnet Services (USA) Inc. (“Pacnet”), and Singapore Telecommunications Limited (“SingTel”) (collectively, the “Parties” or the “Applicants”), respectfully request confidential treatment of certain information provided in *Matter of Bharti Airtel Limited, Global Transit Limited, GU Holdings Inc., KDDI Corporation, Pacnet Services (USA) Inc., and Singapore Telecommunications Limited, Application for a License to Construct, Land, and Operate an Undersea Fiber Optic Cable Connecting the United States and Japan*, Application for Cable Landing License, Streamlined Process Requested, File No. SCL-LIC-20080516-00010, Supplement to Application for a Cable Landing License (“Supplement”), because this information is competitively sensitive and its disclosure would have a negative competitive impact on the Parties were it made publicly available. Such information would not ordinarily be made available to the public, and should be afforded confidential treatment under 47 C.F.R. §§0.457 and 0.459.

#### 47 C.F.R. §0.457

Specific information in the Supplement is confidential and proprietary to the Parties as “trade secrets and commercial or financial information” under Section 47 C.F.R. §0.457(d). Disclosure of such information to the public would risk revealing sensitive proprietary information in connection with the Parties’ ongoing business and operations. Moreover, the information is contained in a confidentially negotiated indefeasible right of use agreement.

#### 47 C.F.R. §0.459

Specific information in the Supplement is also subject to protection under 47 C.F.R. §0.459, as demonstrated below.

#### Information for which confidential treatment is sought

The Parties requests that specific information in the Supplement be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. The information designated as confidential includes the description of the assets to be acquired and information regarding a certain indefeasible right of use agreement (marked within the Supplement between the signifiers “[**BEGIN CONFIDENTIAL**]” and “[**END CONFIDENTIAL**]”). This information is competitively sensitive information that the Parties maintain as confidential and is not normally made available to the public. Release of the information would have a substantial negative impact on the Parties since it would provide competitors with commercially sensitive information that is contained in a confidentially negotiated agreement. The non-redacted version of the Parties’ filing is marked as “**CONFIDENTIAL - NOT FOR PUBLIC INSPECTION.**” The redacted version of the Parties’ filing is marked as “**REDACTED - FOR PUBLIC INSPECTION.**”

#### Commission proceeding in which the information was submitted

The information is being submitted in the *Matter of Bharti Airtel Limited, Global Transit Limited, GU Holdings Inc., KDDI Corporation, Pacnet Services (USA) Inc., and Singapore Telecommunications Limited, Application for a License to Construct, Land, and Operate an Undersea Fiber Optic Cable Connecting the United States and Japan*, Application for Cable Landing License, Streamlined Process Requested, File No. SCL-LIC-20080516-00010 (May 16, 2008).

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The information designated as confidential includes a sensitive description of the assets to be acquired and information regarding a certain indefeasible right of use agreement. As noted above, the data is competitively sensitive information which is not normally released to the public as such release would have a substantial negative competitive impact on the Parties. Moreover, the information is related to a confidentially agreement between the Parties' and Tyco Telecommunications (US), Inc.

Degree to which the information concerns a service that is subject to competition and manner in which disclosure of the information could result in substantial harm

The release of this confidential and proprietary information would cause the Parties' competitive harm by allowing its competitors to become aware of sensitive proprietary information regarding the operation of their business at a level of detail not currently available to the public.

Measures taken by the Parties to prevent unauthorized disclosure; and availability of the information to the public and extent of any previous disclosures of the information to third parties

The Parties have treated and continues to treat the non-public information disclosed in this Supplement as confidential and has protected it from public disclosure to parties outside of the companies.

Justification of the period during which the Parties asserts that the material should not be available for public disclosure

The Parties cannot determine at this time any date on which this information should not be considered confidential.

Other information the Parties believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable Commission decisions, the information in question should be withheld from public disclosure.

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

In the Matter of	)	
	)	
BHARTI AIRTEL LIMITED, GLOBAL	)	
TRANSIT LIMITED, GU HOLDINGS INC.,	)	
KDDI CORPORATION, PACNET SERVICES	)	
(USA) INC., and SINGAPORE	)	File No. SCL-LIC-20080516-00010
TELECOMMUNICATIONS LIMITED	)	
	)	
Application for a License to Construct, Land,	)	
and Operate an Undersea Fiber Optic Cable	)	
Connecting the United States and Japan	)	

**SUPPLEMENT TO APPLICATION FOR A CABLE LANDING LICENSE**

**STREAMLINED PROCESSING REQUESTED**

This supplement is filed in connection with the above-captioned Application for a License to Construct, Land, and Operate an Undersea Fiber Optic Cable Connecting the United States and Japan (“Application”), filed with the Commission on May 16, 2008.<sup>1</sup> The purpose of this supplement is to update the Commission with respect to the United States landing point for the Unity Cable System (“Unity”) and to advise the Commission of the Applicants’ decision to acquire certain facilities from Tyco Telecommunications (US), Inc. (“Tyco”).

In the Application, the Parties stated that Unity would land in the United States at either Hermosa Beach, California or Norma Beach, Washington.<sup>2</sup> The Applicants have determined that Unity will land at Hermosa Beach and have waived the option to land in Washington. The street

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<sup>1</sup> *Matter of Bharti Airtel Limited, Global Transit Limited, GU Holdings Inc., KDDI Corporation, Pacnet Services (USA) Inc., and Singapore Telecommunications Limited, Application for a License to Construct, Land, and Operate an Undersea Fiber Optic Cable Connecting the United States and Japan, Application for Cable Landing License, Streamlined Process Requested, File No. SCL-LIC-20080516-00010 (May 16, 2008); see also, Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00066S (June 18, 2008).*

<sup>2</sup> See Application, p. 5.

address, geographic coordinates, and photographs of the Hermosa Beach landing point are provided in the Application.<sup>3</sup>

As described in the Application, the Hermosa Beach landing will utilize, in part, existing subsea and terrestrial facilities currently owned by Tyco.<sup>4</sup> The facilities were constructed by Tyco in connection with the original southern segment of the Tyco Pacific cable (which was to connect California, Hawaii, and Guam). Construction of the original southern segment was not completed except for a 6.2 kilometer subsea “stub” and certain shared terrestrial facilities described in the following paragraph. Both the subsea and terrestrial facilities associated with File No. SCL-LIC-20050304-00011 have remained unused.<sup>5</sup>

Specifically, Applicants will acquire the following facilities from Tyco: **[BEGIN CONFIDENTIAL] [END CONFIDENTIAL]**.

Applicants submit that Commission approval of the acquisition of the above-described assets is not required because Applicants are acquiring only the Tyco assets and do not seek to assign Tyco’s cable landing license. *See* 47 C.F.R. §1.767-11. Rather, the Tyco assets should be treated as part of the Unity Cable System for which approval is sought in this docket. To the extent the Commission concludes that approval is required for Applicants to acquire the Tyco assets, Applicants request that the acquisition be considered as part of Applicants’ underlying Application and consolidated with this proceeding.

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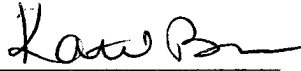
<sup>3</sup> *See* Application, p. 11, Appendix H.

<sup>4</sup> *See* Application, note 1. The facilities are described in detail in File No. SCL-LIC-20050304-00011. *See also* Public Notice, Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses, DA 05-1269 (Apr. 29, 2005) (“Public Notice”).

<sup>5</sup> The built portions of Tyco Pacific, with the exception of the assets to be acquired by Applicants, were purchased by VSNL Telecommunications (US) Inc. in 2005. *See* Public Notice, at 2 (referencing File Nos. SCL-ASG-20050304-00003 and SCL-T/C-20050304-00005). Those facilities were constructed in connection with the uncompleted original southern segment of Tyco’s trans-Pacific cable system. Construction of the cable authorized by Tyco’s license was not completed and the above-described facilities have remained in-place but unused.

Please contact the undersigned if you have any questions regarding this filing.

Respectfully submitted,



Paul O. Gagnier

William B. Wilhelm, Jr.

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Counsel for Applicants

Dated: July 3, 2008

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served this date upon the following:

<p>Hillary Morgan Defense Information Systems Agency Code RGC 701 S. Courthouse Road Arlington, VA 22204 (via first class U.S. mail, postage prepaid)</p>	<p>Ambassador David Gross U.S. Coordinator EB/CIP U.S. Department of State 2201 C Street, N.W. Washington, D.C. 20520-5818 (via first class U.S. mail, postage prepaid)</p>
<p>David Krech International Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554 (via electronic mail to David.Krech@fcc.gov)</p>	<p>Kathy Smith Office of Chief Counsel/NTIA U.S. Department of Commerce 14<sup>th</sup> Street and Constitution Ave., N.W. Washington, D.C. 20230 (via first class U.S. mail, postage prepaid)</p>
<p>Susan O'Connell International Bureau Federal Communications Commission 445 12th Street, S.W. Washington, DC 20554 (via electronic mail to Susan.O'Connell@fcc.gov)</p>	<p>Geraldine Taylor Federal Communications Commission Office of the Secretary c/o Natek, Inc. 236 Massachusetts Avenue, NE Suite 110 Washington, DC 20002</p>



Katie Besha  
July 3, 2008