

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

*In the Matter of*

EDGE CABLE HOLDINGS USA, LLC,  
CHINA TELECOMMUNICATIONS CORPORATION,  
CHINA TELECOM GLOBAL LIMITED,  
CHINA UNITED NETWORK COMMUNICATIONS  
GROUP COMPANY LIMITED,  
RTI EXPRESS PTE. LTD.,  
TATA COMMUNICATIONS (BERMUDA) LIMITED,  
and  
TELSTRA CORPORATION LIMITED,

Application for a License to Land and Operate  
a Private Fiber-Optic Submarine Cable System  
Connecting the United States, Hong Kong, and  
Taiwan,

THE HONG KONG-AMERICAS SYSTEM

File No. SCL-LIC-2018-\_\_\_\_\_

**JOINT APPLICATION FOR CABLE LANDING LICENSE—  
STREAMLINED PROCESSING REQUESTED**

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, Edge Cable Holdings USA, LLC (“Edge USA”), China Telecommunications Corporation (“CTC”), China Telecom Global Limited (“CTG”), China United Network Communications Group Company Limited (“China Unicom”), RTI Express Pte. Ltd. (“RTI Express”), Tata Communications (Bermuda) Limited (“Tata Communications”), and Telstra Corporation Limited (“Telstra”) (collectively, the “Applicants”), hereby apply for a license to land and operate within the United States a private fiber-optic submarine cable network connecting: Chung Hom Kok, Hong Kong SAR; Toucheng, Taiwan; Manchester, California; and Hermosa Beach, California. The submarine cable system will be known as the Hong Kong-Americas (“HKA”) system. The Applicants will operate the HKA system on a non-common-carrier basis, either by using HKA

capacity as an input for services offered by their affiliates or by providing bulk capacity to wholesale and enterprise customers on particularized terms and conditions pursuant to individualized negotiations. The existence of robust competition on the U.S.-Hong Kong, and U.S.-Taiwan routes obviates any need for common-carrier regulation on public-interest grounds.

The Applicants intend to commence commercial operation of the HKA system by the fourth calendar quarter of 2020. The Applicants therefore seek timely grant of a cable landing license by the Commission no later than May 2019 to permit construction activities to proceed on schedule. An expeditious grant of this application will significantly advance the public interest. HKA will provide significant new capacity on routes where capacity demand continues to increase substantially each year. It will also provide geographically-diverse data center connectivity for certain of HKA's owners.

This application raises no public-interest concerns. Edge USA and RTI Express request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1), as neither is or is affiliated with a foreign carrier in any of the HKA system's destination markets. CTC, CTG, China Unicom, Tata Communications, and Telstra each request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2), as each is, or is affiliated with, a non-dominant foreign carrier in Hong Kong and/or Taiwan. Below, the Applicants provide information required by 47 C.F.R. § 1.767.

## **I. COMPLIANCE WITH 47 C.F.R. § 1.767**

### **A. Information Required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)**

The Applicants provide company-specific responses to and certifications for 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k) in the following appendices:

- Appendix A: Edge USA
- Appendix B: CTC

- Appendix C: CTG
- Appendix D: China Unicom
- Appendix E: RTI Express
- Appendix F: Tata Communications
- Appendix G: Telstra

**B. System Description<sup>1</sup>**

HKA will consist of six main segments:

- **Main Trunk.** The Main Trunk will connect Chung Hom Kok, Hong Kong SAR, with a branching unit off of the California coast. It will have a total length of 11,981 kilometers and consist of six fiber pairs.
- **Toucheng Branch.** The Toucheng Branch will connect Toucheng, Taiwan, with a branching unit on the Main Trunk. It will have a total length of 478 kilometers and consist of six fiber pairs.
- **Manchester Branch.** The Manchester Branch will connect Manchester, California, with a branching unit on the Main Trunk. It will have a total length of 455 kilometers and consist of two fiber pairs.
- **Hermosa Beach Branch.** The Hermosa Beach Branch will connect Hermosa Beach, California, with a branching unit on the Main Trunk. It will have a total length of 866 kilometers and consist of six fiber pairs.

Each fiber pair will have a total design capacity of 12.8 Tbps per fiber pair (for a total of 76.8 Tbps for the HKA system as a whole) using current technology. The Applicants have not yet made decisions about the initial lit capacity of the system. The Applicants expect the HKA

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<sup>1</sup> See *id.* § 1.767(a)(4).

system to enter into commercial service in the fourth calendar quarter of 2020. In Appendix I, the Applicants provide a route map for the system.

### **C. Landing Points<sup>2</sup>**

The Applicants provide specific landing point information (including geographic coordinates and street addresses, where available, for beach manholes and cable landing stations) in the following appendices:

- Appendix I: Chung Hom Kok, Hong Kong SAR
- Appendix J: Toucheng, Taiwan
- Appendix K: Hermosa Beach, California
- Appendix L: Manchester, California

### **D. Regulatory Classification<sup>3</sup>**

The Applicants will operate the HKA system on a non-common-carrier basis. Non-common-carrier classification of the proposed system is consistent with established Commission policy and precedent and with judicial precedent, and it will advance the public interest.

*First*, the Commission should not subject the HKA system to common-carrier regulation because HKA will not operate on a common-carrier basis as defined in *NARUC I*.<sup>4</sup> The courts have stated that “[t]he primary *sine qua non* of common carrier status is a quasi-public character,

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<sup>2</sup> See *id.* § 1.767(a)(5).

<sup>3</sup> See *id.* § 1.767(a)(6).

<sup>4</sup> See *Nat’l Ass’n of Regulatory Utility Comm’rs v. FCC*, 525 F.2d 630, 642 (D.C. Cir. 1976) (“*NARUC I*”) (stating that the court must inquire “whether there are reasons implicit in the nature of [the] operations to expect an indifferent holding out to the eligible user public”), *cert. denied*, 425 U.S. 992 (1976); see also *Virgin Islands Tel. Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999) (affirming FCC’s use of *NARUC I* test for distinguishing common-carrier and private-carrier services following enactment of the Telecommunications Act of 1996).

which arises out of the undertaking ‘to carry for all people indifferently.’<sup>5</sup> On HKA, however, the Applicants will not sell capacity indifferently to the user public.

- HKA will provide CTC, CTG, China Unicom, RTI Express, Tata Communications, Telstra, and their affiliates with capacity to support their wholesale capacity businesses in Asia and the Americas, offering bulk capacity to particular carrier, enterprise, and government customers pursuant to individually-negotiated indefeasible rights of use (“IRUs”) and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchaser.
- HKA will provide Edge USA and its affiliates with capacity to support Facebook’s global platform to connect its users and data centers.

The Commission has consistently found that such offerings do not make an applicant a common carrier.<sup>6</sup>

*Second*, the Commission should not subject the HKA system to common-carrier regulation because there is no legal compulsion or other public-interest reason for the Applicants to operate HKA in such a manner. Under the *NARUC I* test, the Commission must determine whether the public interest requires common-carrier operation of the submarine cable system.<sup>7</sup>

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<sup>5</sup> *Nat’l Ass’n of Regulatory Utility Comm’rs v. FCC*, 533 F.2d 601, 608 (D.C. Cir. 1976) (quoting *Semon v. Royal Indemnity Co.*, 279 F.2d 737, 739 (5th Cir. 1960)).

<sup>6</sup> See *AT&T Corp. et al.*, Cable Landing License, 13 FCC Rcd. 16,232, 16,238 (Int’l Bur. 1998) (finding that individualized decisions concerning the sale or lease of capacity on the China-U.S. Cable Network would not constitute the effective provision of a service to the public so as to make the applicant a common carrier); *AT&T Submarine Systems, Inc.*, Cable Landing License, 11 FCC Rcd. 14,885, 14,904 ¶ 64 (Int’l Bur. 1996) (“*St. Thomas-St. Croix Cable Order*”) (finding that an “offer of access, nondiscriminatory terms and conditions and market pricing of IRUs does not rise to the level of an ‘indiscriminate’ offering” so as to constitute common carriage), *aff’d* 13 FCC Rcd. 21,585 (1998), *aff’d sub nom. Virgin Islands Telephone Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999).

<sup>7</sup> *NARUC I*, 525 F.2d at 642 (stating that the court must inquire “whether there will be any legal compulsion . . . to serve [the public] indifferently”).

Traditionally, the Commission has focused on whether the applicant has sufficient market power to warrant common carrier regulation,<sup>8</sup> although the Commission “is not limited to that reasoning” and has looked more broadly to determine whether common-carrier licensing is in the public interest.<sup>9</sup> The HKA system poses no such competitive or other public-interest concerns.

The HKA system will enhance competition by competing vigorously with other submarine cable systems on the U.S.-Hong Kong, and U.S.-Taiwan routes.

- On the U.S.-Hong Kong route, the HKA system will compete directly with the existing Asia-America Gateway (“AAG”) system and with the Pacific Light Cable Network (“PLCN”), which is currently under construction. It will also compete with the EAC/C2C and Southeast Asia-Japan Cable (“SJC”) systems (both of which land at Chung Hom Kok), which provide connectivity to Japan and onward connectivity to the United States via the FASTER, Japan-U.S., Pacific Crossing-1, and Unity systems.
- On the U.S.-Taiwan route, the HKA system will compete directly with the existing TPE and NCP systems, which are currently under construction. It will also compete with the Asia Pacific Gateway system, which lands at Toucheng and provides

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<sup>8</sup> See *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,893 ¶ 30.

<sup>9</sup> See *AT&T Corp. et al.*, Cable Landing License, 14 FCC Rcd. 13,066, 13,080 ¶ 39 (2000) (stating that “[a]lthough this public interest analysis has generally focused on the availability of alternative facilities, we are not limited to that reasoning”); *Australia-Japan Cable (Guam) Limited*, Cable Landing License, 15 FCC Rcd. 24,057, 24,062 ¶ 13 (Int’l Bur. 2000) (stating that “[t]his public interest analysis generally has focused on whether an applicant will be able to exercise market power because of the lack of alternative facilities, although the Commission has not limited itself to that reasoning”); *Telefonica SAM USA, Inc. et al.*, Cable Landing License, 15 FCC Rcd. 14,915, 14,920 ¶ 11 (Int’l Bur. 2000) (stating that “[t]his public interest analysis has focused on the availability of alternative facilities, although the Commission has stated it is not limited to that reasoning”).

connectivity to Japan and onward connectivity to the United States via the Japan-U.S. and TPE systems and future connectivity via the JUPITER and NCP systems.

The Commission has previously found that facilities need not be identical in order to offer pro-competitive benefits.<sup>10</sup> The existence of ample competing submarine cable facilities providing U.S.-Hong Kong, and U.S.-Taiwan connectivity ensures that the HKA system would not function as a bottleneck facility on those routes. The Applicants' intended operation of the HKA system therefore serves the Commission's long-standing policy to encourage competition through private submarine cable transmissions, pursuant to which the Commission has granted numerous cable landing licenses.<sup>11</sup>

**E. Cable Ownership Information<sup>12</sup>**

The Applicants and their affiliates will own and control the HKA system's wet segment and common infrastructure as shown in the tables below. In Tables 1 through 4 below, the Applicants note the participation (*i.e.*, economic) interest and voting interest held by each owner for each segment of the HKA system.

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<sup>10</sup> *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,898 ¶ 44 (stating that “requiring current identical substitute common carrier facilities before non-common carrier facilities will be authorized would serve as a disincentive for entities to take risks and expend capital to expand and upgrade facilities”).

<sup>11</sup> *See Tel-Optik Ltd.*, Memorandum Opinion and Order, 100 FCC.2d 1033, 1041 (1985).

<sup>12</sup> *See* 47 C.F.R. § 1.767(a)(7).

**Table 1: Ownership and Control of HKA Main Trunk and Common Infrastructure**

Party	Participation Interest	Voting Interest
Facebook Affiliates: <ul style="list-style-type: none"> <li>Edge Network Services Hong Kong Limited (“Edge Hong Kong”) (portion within Hong Kong territory)</li> <li>Edge Network Services Limited (“Edge”) (portion beyond Hong Kong territory)</li> </ul>	41.6666%	41.6666%
China Telecom	12.5000%	16.6667% (joint and several)
CTG	4.1667%	
China Unicom	16.6667%	16.6667%
RTI Express	8.3333%	8.3333%
Tata Communications	8.3333%	8.3333%
Telstra	8.3333%	8.3333%

**Table 2: Ownership and Control of Toucheng Branch**

Party	Participation Interest	Voting Interest
Facebook Entities: <ul style="list-style-type: none"> <li>Edge (portion beyond Taiwan territory)</li> <li>Edge Network Services Limited (Taiwan Branch) (“Edge Taiwan”) (portion within Taiwan territory)</li> </ul>	66.6666%	66.6666%
Telstra	33.3333%	33.3333%

**Table 3: Ownership and Control of Manchester Branch**

Party	Participation Interest	Voting Interest
Facebook entities: <ul style="list-style-type: none"> <li>Edge USA (portion within U.S. territory)</li> <li>Edge (portion beyond U.S. territory)</li> </ul>	100%	100%



**Table 4: Ownership and Control of Hermosa Beach Branch**

Party	Participation Interest	Voting Interest
Facebook entities: <ul style="list-style-type: none"> <li>Edge USA (portion within U.S. territory)</li> <li>Edge (portion beyond U.S. territory)</li> </ul>	41.6666%	41.6666%
CTC	12.5000%	16.6667% (joint and several)
CTG	4.1667%	
China Unicom	16.6667%	16.6667%
RTI Express	8.3333%	8.3333%
Tata Communications	8.3333%	8.3333%
Telstra	8.3333%	8.3333%

As neither Edge nor Edge Hong Kong nor Edge Taiwan will use the U.S. endpoint of the HKA system, none is required to be a joint applicant for the cable landing license.<sup>13</sup>

The HKA system’s cable landing stations will be owned and controlled as shown in Table 5 below:

**Table 5: Ownership and Control of Cable Landing Stations**

Cable Landing Station	New or Existing Facility?	Ownership/Control
Chung Hom Kok, Hong Kong	Existing	CTG (control); Telstra (lease); GB21 (ownership)
Toucheng, Taiwan	Existing	Telstra (control); Reach Networks (Taiwan) Limited (ownership)
Manchester, California	New	Edge USA (control & ownership)
Hermosa Beach, California	Existing	Edge USA (control); RTI Infrastructure, Inc. (“RTI-I”) (ownership)

<sup>13</sup> 47 C.F.R. § 1.767(h).

As noted in Table 5 above, in Hermosa Beach the HKA system will land at an existing cable landing station owned and operated by RTI-I under contract with Edge USA. As stated in part II below, the Applicants seek a waiver of 47 C.F.R. § 1.767(h)(1), as RTI-I will have no ability to affect significantly the operation of the HKA system.

**F. Certification Regarding Service to Executive Branch Agencies<sup>14</sup>**

The Applicants have sent a complete copy of this application to the U.S. Departments of State, Commerce, and Defense. Counsel has certified such service in the certificate of service attached to this application.

**II. REQUEST FOR WAIVER OF 47 C.F.R. § 1.767(h)(1)**

The Applicants request a waiver of 47 C.F.R. § 1.767(h)(1) rules so that RTI-I need not be a joint applicant for the HKA cable landing license. “The purpose of [Section 1.767(h)(1)] is to ensure that entities having a significant ability to affect the operation of the cable system become licensees so that they are subject to the conditions and responsibilities associated with the license.”<sup>15</sup> RTI-I, however, will have no ability to affect significantly HKA’s operation. Inclusion of RTI-I as a joint applicant is also not necessary to ensure compliance by the Applicants collectively—or by Edge USA as the Hermosa Beach landing party controlling the landing arrangements—with the Cable Landing License Act, the Commission’s cable landing

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<sup>14</sup> See *id.* § 1.767(j).

<sup>15</sup> See *Actions Taken Under the Cable Landing License Act*, Public Notice, 23 FCC Rcd. 227, 229 (Int’l Bur. 2008) (“*TPE Cable Landing License*”) (citing *Review of Commission Consideration of Applications under the Cable Landing License Act*, Report and Order, 16 FCC Rcd. 22,167, 22,194-95 ¶¶ 53-54 (2001)).

license rules, or the terms of any cable landing license. Grant of the waiver is therefore consistent with longstanding Commission precedent.<sup>16</sup>

For HKA’s Hermosa Beach landing, RTI-I provides certain limited services that would not provide it with any ability to affect significantly HKA’s operation. Edge USA will enter into an agreement with RTI-I granting them an IRU for RTI-I’s beach manhole and one of its bore pipes at Hermosa Beach and for a conduit connecting the beach manhole with RTI-I’s existing, highly-secure, and purpose-built cable landing station. Under the contemplated agreement, RTI-I will also grant to Edge USA a long-term lease for collocation space for power feed equipment in RTI-I’s cable landing station—space over which Edge USA, on behalf of the Applicants, will have exclusive control. Edge USA will seek to ensure that both the IRU and lease agreements will have initial 15-year terms, with the option of two five-year extensions that may be exercised at Edge USA’s sole discretion, for a maximum of 25 years each.

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<sup>16</sup> See, e.g., *Actions Taken Under the Cable Landing License Act*, Public Notice, 32 FCC Rcd. 1436, 1437 (Int’l Bur. 2017) (accepting the applicant’s representations that Tata “will not have the ability to affect significantly Atisa’s operation” and declining to require Tata be a joint applicant for the cable landing license); *Actions Taken Under the Cable Landing License Act*, Public Notice, 24 FCC Rcd. 7828, 7829-30 (Int’l Bur. 2009) (accepting the applicants representations that “Tata will not be able to affect significant the operation of HANTRU-1” and declining to require Tata be a joint applicant for the cable landing license); *Actions Taken Under the Cable Landing License Act*, Public Notice, 24 FCC Rcd. 226. 227-28 (Int’l Bur. 2009) (noting that “Applicants will retain operational authority over their ASHC System facilities and provide direction to AT&T in all matters relating to the ASHC System”); *Actions Taken Under the Cable Landing License Act*, Public Notice, 23 FCC Rcd. 13,419, 13,420 (Int’l Bur. 2008) (declining to require that Tata Communications (US) Inc.—which owns the existing cable station at Piti, Guam, where the PPC 1 System will land—be a joint applicant or licensee for the PPC 1 System, noting that “Applicants will retain operational authority over PPC 1 System facilities and provide direction to [Tata] in all matters relating to the PPC 1 System.”); *TPE Cable Landing License*, 23 FCC Rcd. at 229 (declining to require that WCI Cable, Inc. (“WCIC”)—which owns an existing cable station at Nedonna Beach, Oregon—be a joint applicant or licensee for the Trans-Pacific Express Network (“TPE”), which will land at WCIC’s Nedonna Beach cable station, finding that “WCIC will not have the ability to affect the operation of the TPE Network. Verizon will retain effective operational authority and provide direction to WCIC in all matters relating to the TPE Network”).

Edge USA, at the Applicants' direction, will have exclusive control over the power feed equipment that they will locate in RTI-I's cable landing station. Edge USA will retain operational authority over the HKA landing facilities at Hermosa Beach and provide direction to RTI-I in all matters relating to the HKA system. The terminal equipment for all of the HKA system's fiber pairs will not be located in the RTI-I cable landing station, but instead within CoreSite's highly-secure, state-of-the-art One Wilshire and Wilshire Annex data centers in Los Angeles.

**CONCLUSION**

For the foregoing reasons, the Commission should expeditiously grant this cable landing license application for the HKA system pursuant to streamlined processing.

Respectfully submitted,

EDGE CABLE HOLDINGS USA, LLC  
(as lead applicant)

/x/ Michael L. Johnson

Kent Bressie  
Colleen Sechrest  
Harris, Wiltshire & Grannis LLP  
1919 M Street, N.W., Suite 800  
Washington, D.C. 20036-3537  
+1 202 730 1337  
*kbressie@hwglaw.com*

Michael L. Johnson  
Assistant Secretary  
Edge Cable Holdings USA, LLC  
1601 Willow Road  
Menlo Park, California 94025-1452  
+1 650 543 4800  
*mj@fb.com*

*Counsel for Edge Cable Holdings USA,  
LLC*

July 11, 2018

Attachments

## LIST OF APPENDICES

- Appendix A: Edge Cable Holdings USA, LLC, Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)**
- Appendix B: China Telecommunications Corporation Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)**
- Appendix C: China Telecom Global Limited Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)**
- Appendix D: China United Network Communications Group Company Limited Information Responsive to 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)**
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## **APPENDIX A:**

### **Edge Cable Holdings USA, LLC**

Edge Cable Holdings USA, LLC (“Edge USA,” FRN 0025613159), a Delaware corporation with its principal place of business in Menlo Park California, will (together with its affiliates) hold participation and voting interests in the Main Trunk and the Hermosa Beach, Manchester, and Toucheng Branches of the Hong Kong-Americas (“HKA”) submarine cable system, as described in part I.E of the main narrative application.

Edge USA is a wholly-owned, direct subsidiary of Facebook, Inc. (“Facebook”), a Delaware corporation with its principal place of business in Menlo Park, California. Edge USA provides connectivity exclusively to data centers and points of presence in the United States owned and operated by its affiliates. Edge USA currently holds a cable landing license for the Marea system,<sup>1</sup> and is a joint applicant for a cable landing license for the PLCN and Havfrue systems.<sup>2</sup> Below, Edge USA provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

#### **(1) Applicant’s Name, Address, and Telephone Number<sup>3</sup>**

Edge Cable Holdings USA, LLC  
1601 Willow Road  
Menlo Park, California 94025-1452  
+1 650 543 4800

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<sup>1</sup> FCC File No. SCL-LIC-20160525-00012.

<sup>2</sup> FCC File Nos. SCL-LIC-20170421-00012 (PLCN), SCL-LIC-20180511-00010 (Havfrue).

<sup>3</sup> See 47 C.F.R. § 1.767(a)(1).

**(2) Applicant’s Place of Incorporation<sup>4</sup>**

Edge USA is a Delaware limited liability company.

**(3) Contact Information<sup>5</sup>**

Correspondence concerning the application should be sent to the following:

Andrew Guhr  
Associate General Counsel, Telecommunications  
Facebook, Inc.  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
aguhr@fb.com

*and*

Kent Bressie  
Harris, Wiltshire & Grannis LLP  
1919 M Street, N.W., Suite 800  
Washington, D.C. 20036-3537  
+1 202 730 1337  
kbressie@hwglaw.com

*Counsel for Edge Cable Holdings USA, LLC*

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>6</sup>**

Edge USA certifies that it has the following 10-percent-or-greater direct or indirect interest holders, based on the most current data as of March 31, 2018:

- **Facebook, Inc. (“Facebook”)**  
*Address:* 1601 Willow Road, Menlo Park, California 94025  
*Place of Organization:* Delaware  
*Principal Business:* software and technology  
*Relationship:* Facebook holds a 100-percent voting and equity interest in Edge USA.

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<sup>4</sup> See *id.* § 1.767(a)(2).

<sup>5</sup> See *id.* § 1.767(a)(3).

<sup>6</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).



- **CZI Holdings, LLC (“CZI”)**  
*Address:* 314 Lytton Avenue, Suite 200, Palo Alto, California 94301  
*Place of Organization:* Delaware  
*Principal Business:* philanthropy  
*Relationship:* CZI holds owns 13.26-percent of Facebook’s outstanding shares and holds a 52.18-percent voting interest in Facebook.
- **Mark Zuckerberg**  
*Address:* 1601 Willow Road, Menlo Park, California 94025  
*Citizenship:* USA  
*Principal Business:* software and technology  
*Relationship:* Mr. Zuckerberg, who serves as Chairman and CEO of Facebook, owns all of CZI’s member interests and, together with his other ownership positions in Facebook, owns approximately 13.83-percent of Facebook’s outstanding shares and holds an approximate 59.95-percent voting interest in Facebook that includes (a) a 52.18-percent voting interest for shares he holds directly or controls through CZI; and (b) a 6.62-percent voting interest that he has authority to vote pursuant to voting agreements with (i) Dustin Moskovitz, Trustee of The Dustin Moskovitz 2008 Annuity Trust dated March 10, 2008, and (ii) Dustin Moskovitz, Trustee of The Dustin A. Moskovitz Trust dated December 27, 2005.

Facebook’s shares trade publicly on the NASDAQ Stock Market under the symbol “FB.”

As there is an active market in Facebook’s shares, Facebook’s share ownership is always fluid.

Moreover, Facebook can ascertain its significant shareholders only on the basis of its records and may not know of possibly related or affiliated shareholders that are not disclosed to it.

Recognizing these limitations, as of the most recent measurable date, March 31, 2018, Facebook has no 10-percent-or-greater direct or indirect shareholders other than CZI and Mr. Zuckerberg.

Edge USA further certifies that no corporate officer and director of Edge USA is also an officer or director of any foreign carrier.

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>7</sup>**

Edge USA certifies that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>8</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>9</sup>**

Edge USA certifies that it:

(A) is not a foreign carrier in any foreign country;

(B) does not own or control a cable landing station in any foreign country;

(C) is not affiliated with any foreign carrier and is not affiliated with any entity owning or controlling a cable landing station in any foreign country (although it is affiliated with Edge Network Holdings Limited, an entity that holds or will hold non-controlling ownership interests in cable landing stations in Blaabjerg, Denmark; Old Head Beach, Leckanvy, Ireland; and Bilbao, Spain).

**(7) Certification Regarding Destination Markets<sup>10</sup>**

Edge USA certifies to the following: (A) it is not a foreign carrier in Hong Kong or Taiwan, the two foreign destination markets in which the HKA cable system will land; (B) it does not control a foreign carrier in Hong Kong or Taiwan; (C) no entity owning more than 25 percent of it or controlling it controls a foreign carrier in Hong Kong or Taiwan; and (D) no grouping of two or more foreign carriers in Hong Kong or Taiwan (or parties that control foreign carriers in Hong Kong or Taiwan) own, in aggregate, more than 25 percent of it and are parties

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<sup>7</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>8</sup> 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, §5301, 102 Stat. 4310 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, § 1002(d)(1), 104 Stat. 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

<sup>9</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

<sup>10</sup> See *id.* § 1.767(a)(8)(iii).

to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the HKA cable system in the United States.

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>11</sup>**

No response is required.

**(9) Certification Regarding Routine Conditions<sup>12</sup>**

Edge USA certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

**(10) Streamlining—Market Power<sup>13</sup>**

Edge USA requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). Edge USA certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in Hong Kong or Taiwan, the two foreign destination markets in which HKA will land.

**(11) Streamlining—CZMA<sup>14</sup>**

Edge USA certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). California, the only U.S. states in which the HKA cable system will land, do not list, and have never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>15</sup>

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<sup>11</sup> See *id.* § 1.767(a)(8)(iv).

<sup>12</sup> See *id.* § 1.767(a)(9).

<sup>13</sup> See *id.* § 1.767(j), (k).

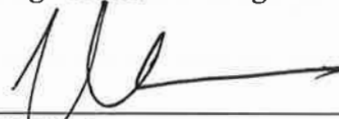
<sup>14</sup> See *id.*

<sup>15</sup> See California Coastal Management Program, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/czm/consistency/media/ccp.pdf>.

**CERTIFICATION**

On behalf of Edge USA, I certify that all of the information contained in this application and Appendix A is true and correct to the best of my knowledge and belief.

**Edge Cable Holdings USA, LLC**



Michael L. Johnson  
Assistant Secretary  
Edge Cable Holdings USA, LLC  
1601 Willow Road  
Menlo Park, CA 94025-1452  
+1 650 543 4800  
mj@fb.com

Kent Bressie  
Harris, Wiltshire & Grannis LLP  
1919 M Street, N.W., Suite 800  
Washington, D.C. 20036-3537  
+1 202 730 1337  
kbressie@hwglaw.com

*Counsel for  
Edge Cable Holdings USA, LLC*

June 21st, 2018

## **APPENDIX B:**

### **China Telecommunications Corporation**

China Telecommunications Corporation (“CTC,” FRN 0016734873) is a Chinese corporation with its principal place of business in Beijing, China, and will hold participation and voting interests in the Main Trunk and the Hermosa Beach Branch of the Hong Kong-Americas (“HKA”) submarine cable system, as described in part I.E of the main narrative application. CTC provides fixed-line telephone service, mobile service, Internet access service, and information services. CTC is a joint licensee for the Trans-Pacific Express (“TPE”) and New Cross Pacific Cable (“NCP”) submarine cable systems.<sup>1</sup> Its U.S. subsidiary, China Telecom (Americas) Corporation holds from the Commission two international Section 214 authorizations for (1) global facilities-based services and (2) global resale services.<sup>2</sup> CTC is wholly owned by the State-Owned Assets Supervision and Administration Commission of the State Council of China. Below, CTC provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

#### **(1) Applicant’s Name, Address, and Telephone Number<sup>3</sup>**

**China Telecommunications Corporation**  
31 Jinrong Street  
Xicheng District  
Beijing, 100033, the People's Republic of China  
+86 10 58501800

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<sup>1</sup> FCC File Nos. SCL-LIC-20070222-00002 (TPE), SCL-LIC-20151104-00029 (NCP).

<sup>2</sup> FCC File Nos. ITC-214-20020716-00371, ITC-214-20010613-00346.

<sup>3</sup> See 47 C.F.R. § 1.767(a)(1).

**(2) Applicant’s Place of Incorporation<sup>4</sup>**

CTC is a corporation organized under Chinese law.

**(3) Contact Information<sup>5</sup>**

Correspondence concerning the application should be sent to the following:

Li Bingli  
Senior Project Manager  
China Telecommunications Corporation  
31 Jinrong Street  
Xicheng District  
Beijing, 100033, the People's Republic of China  
+86 10 58501800  
libl@chinatelecom.cn

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>6</sup>**

CTC certifies that it has one 10-percent-or-greater direct or indirect interest holder:

**State-Owned Assets Supervision and Administration Commission of the State Council of China (“SASAC”)**  
*Address:* #26, XuanWuMenXi Street, XuanWu District, Beijing, China 100053  
*Place of Organization:* China  
*Principal Business:* government  
*Relationship:* SASAC holds a 100-percent voting and equity interest in CTC.

CTC certifies that it has the interlocking directorates listed in Table 1 below:

**TABLE 1: INTERLOCKING DIRECTORATES**

<b>Name</b>	<b>Company</b>	<b>Title</b>
Yang Jie	China Telecommunications Corporation	Chairman
	China Telecom Corporation Limited	Executive Director, Chairman and CEO

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<sup>4</sup> See *id.* § 1.767(a)(2).

<sup>5</sup> See *id.* § 1.767(a)(3).

<sup>6</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Name	Company	Title
Liu Aili	China Telecommunications Corporation	Director and President
	China Telecom Corporation Limited	Executive Director, President and COO
Ke Ruiwen	China Telecommunications Corporation	Vice President
	China Telecom Corporation Limited	Executive Director, EVP and Joint Company Secretary
Gao Tongqing	China Telecommunications Corporation	Vice President
	China Telecom Corporation Limited	Executive Director, EVP

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>7</sup>**

CTC certifies that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>8</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>9</sup>**

CTC certifies that it:

(A) is a foreign carrier in China;

(B) owns and controls cable landing stations in China;

(C) is affiliated with foreign carriers, some owning or controlling a cable landing station in a foreign country, as shown in Table 2 below.

<sup>7</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>8</sup> 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, §5301, 102 Stat. 4310 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, § 1002(d)(1), 104 Stat. 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

<sup>9</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

**TABLE 2: AFFILIATED FOREIGN CARRIERS**

<b>Entity</b>	<b>Country</b>	<b>Owns/Controls Cable Landing Station? Y/N</b>
China Telecom (Australia) Pty Ltd	Australia	N
China Telecom do Brasil Ltda.	Brazil	N
China Telecom (Canada) Corporation	Canada	N
China Communications Services Corporation Limited	China	N
China Mobile Group Anhui Company Limited	China	N
China Mobile Group Beijing Company Limited	China	N
China Mobile Group Chongqing Company Limited	China	N
China Mobile Group Fujian Company Limited	China	N
China Mobile Group Gansu Company Limited	China	N
China Mobile Group Guangdong Company Limited	China	N
China Mobile Group Guangxi Company Limited	China	N
China Mobile Group Guizhou Company Limited	China	N
China Mobile Group Hainan Company Limited	China	N
China Mobile Group Hebei Company Limited	China	N
China Mobile Group Heilongjiang Company Limited	China	N
China Mobile Group Henan Company Limited	China	N
China Mobile Group Hubei Company Limited	China	N
China Mobile Group Hunan Company Limited	China	N
China Mobile Group Jiangsu Company Limited	China	N
China Mobile Group Jiangxi Company Limited	China	N
China Mobile Group Jilin Company Limited	China	N
China Mobile Group Liaoning Company Limited	China	N
China Mobile Group Neimenggu Company Limited	China	N
China Mobile Group Ningxia Company Limited	China	N
China Mobile Group Qinghai Company Limited	China	N
China Mobile Group Shaanxi Company Limited	China	N
China Mobile Group Shandong Company Limited	China	N
China Mobile Group Shanghai Company Limited	China	N
China Mobile Group Shanxi Company Limited	China	N
China Mobile Group Sichuan Company Limited	China	N
China Mobile Group Tianjin Company Limited	China	N
China Mobile Group Xinjiang Company Limited	China	N
China Mobile Group Xizang Company Limited	China	N
China Mobile Group Yunnan Company Limited	China	N
China Mobile Group Zhejiang Company Limited	China	N
China Satellite Communications Co. Ltd. (“China Satcom”)	China	N
China Telecom Corporation Limited	China	N



<b>Entity</b>	<b>Country</b>	<b>Owns/Controls Cable Landing Station? Y/N</b>
China United Network Communications Group Company Limited (“China Unicom”), including its foreign carrier subsidiaries	China and others—see China Unicom appendix to this application	Y
Shenzhen Shekou Telecommunications Company Limited	China	N
Tianyi Telecom Terminals Company Limited	China	N
China Mobile International (Germany) GmbH	Germany	N
China Telecom (Deutschland) GmbH	Germany	N
China Mobile Hong Kong Company Limited	Hong Kong	N
China Mobile Hong Kong Limited	Hong Kong	N
China Mobile International Limited	Hong Kong	Y
China Telecom Global Limited	Hong Kong	N
China Telecom Korea Co., Ltd.	Korea	N
China Mobile International K.K.	Japan	N
China Telecom Global Limited Japan Branch	Japan	N
China Telecom (Macau) Company Limited	Macau	N
China Telecom (Malaysia) SDN BHD	Malaysia	N
China Mobile Pakistan Ltd d/b/a Zong	Pakistan	N
Limited Liability Company (LLC) “China Telecom”	Russia	N
China Mobile International (Singapore) Pte. Ltd.	Singapore	N
China Telecom (Singapore) Pte. Limited	Singapore	N
China Telecom South Africa (Pty) Ltd.	South Africa	N
China Mobile International (UK) Limited	United Kingdom	N
China Telecom (Europe) Limited	United Kingdom	N
China Telecom Information Technology (Vietnam) Co., Ltd	Vietnam	N
China Telecom (Kazakhstan) Limited Liability Partnership	Kazakhstan	N
China Telecom (Japan) K.K.	Japan	N
PT China Telecom Indonesia	Indonesia	N
China Telecom (Thailand) Ltd	Thailand	N
China Telecom India Private Limited	India	N
China Telecom Lanka (Private) Limited	Sri Lanka	N
China Telecom Pakistan (PVT.) Limited	Pakistan	N
China Telecom (Myanmar) Limited	Myanmar	N
China Telecom (France) Limited	France	N
China Telecom BLR LLC	Belarus	N
China Telecom (Africa and Middle East) Limited	Mauritius	N
China Telecom (Kenya) Limited	Kenya	N
China Telecom Middle East FZ-LLC	UAE	N

Although CTC is under common control with China Unicom, China Mobile Limited (“CML”), and their respective subsidiaries due to their ultimate common ownership by the SASAC, these companies are structurally and legally separate and operate independently of each other. They have separate directors, management, and employees and deal with each other on a strictly arm’s length basis. Indeed, these companies and their operating subsidiaries compete vigorously with each other, and CTC enjoys no legal or practical advantage over other competitive carriers in obtaining interconnection and related services from China Unicom, CML, or their respective subsidiaries.

CTC has no first-hand knowledge of or access to information about the investments and operations of China Unicom, CML, or their respective subsidiaries. For more detailed and accurate information about China Unicom and its subsidiaries—and to avoid unnecessary duplication in the appendices to this cable landing license application— please see the China Unicom appendix to this application.

**(7) Certification Regarding Destination Markets<sup>10</sup>**

Recognizing that CTC will hold no interest in HKA’s Taiwan Branch, CTC certifies to the following: (A) it is not a foreign carrier in Hong Kong or Taiwan, the three foreign destination markets in which the HKA cable system will land; (B) it controls foreign carriers in Hong Kong but not in Taiwan; (C) an entity owning more than 25 percent of it or controlling it controls foreign carriers in Hong Kong but not Taiwan; and (D) no grouping of two or more foreign carriers in Hong Kong or Taiwan (or parties that control foreign carriers in Hong Kong or Taiwan) own, in aggregate, more than 25 percent of it and are parties to, or beneficiaries of, a

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<sup>10</sup> See *id.* § 1.767(a)(8)(iii).

contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the HKA cable system in the United States.

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>11</sup>**

Hong Kong, the only landing jurisdiction identified above in response to 47 C.F.R. § 1.767(a)(8), is a member of the World Trade Organization.<sup>12</sup>

**(9) Certification Regarding Routine Conditions<sup>13</sup>**

CTC certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

**(10) Streamlining—Market Power<sup>14</sup>**

CTC requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). CTC has certified that it is affiliated with foreign carriers in Hong Kong, as listed in Table 1 above. Each of these Hong Kong carrier affiliates has far less than a fifty-percent market share in either the international-transport or local access-market of Hong Kong. None appears on the Commission's list of foreign carriers presumed to have market power in Hong Kong.<sup>15</sup> These affiliates pose no risk to competition on the U.S.-Hong Kong route, and CTC therefore qualifies for presumptive non-dominant treatment pursuant to 47 C.F.R. §§ 63.10(a)(3) and 63.12(c)(1)(ii).

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<sup>11</sup> See *id.* § 1.767(a)(8)(iv).

<sup>12</sup> List of WTO Members and Observers as of July 29, 2016, [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm).

<sup>13</sup> See 47 C.F.R. § 1.767(a)(9).

<sup>14</sup> See *id.* § 1.767(j), (k).

<sup>15</sup> See *International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 22 FCC Rcd. 945 (Int'l Bur. 2007).

**(11) Streamlining—CZMA**<sup>16</sup>

CTC certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). California, the only U.S. states in which the HKA cable system will land, do not list, and have never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>17</sup>

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<sup>16</sup> *See id.*

<sup>17</sup> *See* California Coastal Management Program, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/czm/consistency/media/ccc.pdf>.

## CERTIFICATION

On behalf of CTC, I certify that all of the information contained in this application and Appendix B is true and correct to the best of my knowledge and belief.

**China Telecommunications Corporation**



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Tan Yijun  
Deputy General Manager  
Global Business Department  
China Telecommunications Corporation  
31 Jinrong Street  
Xicheng District  
Beijing, 100033, the People's Republic of China  
+86 10 58501800  
libl@chinatelecom.cn

June 21, 2018

## **APPENDIX C:**

### **China Telecom Global Limited**

China Telecom Global Limited (“CTG,” FRN 0024499246) is a Hong Kong corporation with its principal place of business in Hong Kong and will hold participation and voting interests in the Main Trunk and the Hermosa Beach Branch of the Hong Kong-Americas (“HKA”) submarine cable system, as described in part I.E of the main narrative application. CTG provides integrated communication services to multinational businesses, telecommunication service providers, and overseas Chinese consumers around the world. CTG is an indirect subsidiary of China Telecommunications Corporation (“CTC”), which controls an indirect majority voting and equity interest in CTG. Below, CTG provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

#### **(1) Applicant’s Name, Address, and Telephone Number<sup>1</sup>**

**China Telecom Global Limited**  
38/F, Everbright Centre  
108 Gloucester Road  
Wan Chai, Hong Kong  
+852 2877 9777

#### **(2) Applicant’s Place of Incorporation<sup>2</sup>**

CTG is a limited company organized under Hong Kong law.

#### **(3) Contact Information<sup>3</sup>**

Correspondence concerning the application should be sent to the following:

Wayne Liu  
Senior Project Manager

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<sup>1</sup> See 47 C.F.R. § 1.767(a)(1).

<sup>2</sup> See *id.* § 1.767(a)(2).

<sup>3</sup> See *id.* § 1.767(a)(3).

China Telecom Global Limited  
38/F, Everbright Centre  
108 Gloucester Road  
Wan Chai, Hong Kong  
+852 2877 9777  
wayneliu@chinatelecomglobal.com

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>4</sup>**

CTG certifies that it has the following 10-percent-or-greater direct or indirect interest holders:

**China Telecom Corporation Limited (“CTCL”)**

*Address:*

*Place of Organization:* Hong Kong

*Principal Business:* telecommunications

*Relationship:* CTCL holds a 100-percent voting and equity interest in CTG.

**China Telecommunications Corporation (“CTC”)**

*Address:* 31 Jinrong Street, Xicheng District, Beijing, 100033 China

*Place of Organization:* China

*Principal Business:* telecommunications

*Relationship:* CTC holds a 70.89-percent voting and equity interest in CTCL.

**State-Owned Assets Supervision and Administration Commission of the State Council of China (“SASAC”)**

*Address:* #26, XuanWuMenXi Street, XuanWu District, Beijing, China 100053

*Place of Organization:* China

*Principal Business:* government

*Relationship:* SASAC holds a 100-percent voting and equity interest in CTC.

CTCL’s shares trade publicly on the Hong Kong Stock Exchange. CTCL has no 10-percent-or-greater voting or equity interest holders other than CTC.

CTC certifies that it has the interlocking directorates listed in Table 1 below:

**TABLE 1: INTERLOCKING DIRECTORATES**

Name	Company	Title
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<sup>4</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).

<b>Name</b>	<b>Company</b>	<b>Title</b>
Sun Kangmin	China Telecom Global Limited	Director
	China Telecom Corporation Limited	Director
	China Telecom Global Limited – Japan Branch	Director
Zhang Xin	China Telecom Global Limited	Director
	China Telecom Global Limited – Japan Branch	Director
Tang Ke	China Telecom Global Limited	Director
	China Telecom Global Limited – Japan Branch	Director
Han Zhencong	China Telecom Global Limited	Director
	China Telecom Global Limited – Japan Branch	Director
Sun Xiaohong	China Telecom Global Limited	Director
	China Telecom Global Limited – Japan Branch	Director
Deng Xiaofeng	China Telecom Global Limited	Chief Executive Officer and director
	China Telecom (Macau) Co. Ltd	Director
	China Telecom Global Limited – Japan Branch	Director
Tan Yijun	China Telecom Global Limited	Executive Vice President and director
	China Telecom (Singapore) Pte. Ltd.	Director
	China Telecom Global Limited – Japan Branch	Director
	China Telecom (Japan) K.K.	Director
	PT China Telecom Indonesia	Commissioner
	China Telecom (Australia) Pty Limited	Director
	China Telecom (Malaysia) Sdn. Bhd.	Director
	China Telecom (Korea) Limited	Director
	China Telecom (Myanmar) Limited	Director
Ou Yan	China Telecom Global Limited	Executive Vice President and director
	China Telecom Global Limited – Japan Branch	Director



<b>Name</b>	<b>Company</b>	<b>Title</b>
	China Telecom (Europe) Limited	Director
	China Telecom (Germany) Ltd	Director
	LLC "China Telecom"	Director

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>5</sup>**

CTG certifies that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>6</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>7</sup>**

CTG certifies that it:

(A) is a foreign carrier in Hong Kong;

(B) does not own or control a cable landing station in Hong Kong;

(C) is affiliated with foreign carriers, some owning or controlling a cable landing station in a foreign country, as shown in Table 2 below.

**TABLE 2: AFFILIATED FOREIGN CARRIERS**

<b>Entity</b>	<b>Country</b>	<b>Owns/Controls Cable Landing Station? Y/N</b>
China Telecom (Australia) Pty Ltd	Australia	N
China Telecom do Brasil Ltda.	Brazil	N
China Telecom (Canada) Corporation	Canada	N

<sup>5</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>6</sup> 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, §5301, 102 Stat. 4310 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, § 1002(d)(1), 104 Stat. 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

<sup>7</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

<b>Entity</b>	<b>Country</b>	<b>Owns/Controls Cable Landing Station? Y/N</b>
China Communications Services Corporation Limited	China	N
China Mobile Group Anhui Company Limited	China	N
China Mobile Group Beijing Company Limited	China	N
China Mobile Group Chongqing Company Limited	China	N
China Mobile Group Fujian Company Limited	China	N
China Mobile Group Gansu Company Limited	China	N
China Mobile Group Guangdong Company Limited	China	N
China Mobile Group Guangxi Company Limited	China	N
China Mobile Group Guizhou Company Limited	China	N
China Mobile Group Hainan Company Limited	China	N
China Mobile Group Hebei Company Limited	China	N
China Mobile Group Heilongjiang Company Limited	China	N
China Mobile Group Henan Company Limited	China	N
China Mobile Group Hubei Company Limited	China	N
China Mobile Group Hunan Company Limited	China	N
China Mobile Group Jiangsu Company Limited	China	N
China Mobile Group Jiangxi Company Limited	China	N
China Mobile Group Jilin Company Limited	China	N
China Mobile Group Liaoning Company Limited	China	N
China Mobile Group Neimenggu Company Limited	China	N
China Mobile Group Ningxia Company Limited	China	N
China Mobile Group Qinghai Company Limited	China	N
China Mobile Group Shaanxi Company Limited	China	N
China Mobile Group Shandong Company Limited	China	N
China Mobile Group Shanghai Company Limited	China	N
China Mobile Group Shanxi Company Limited	China	N
China Mobile Group Sichuan Company Limited	China	N
China Mobile Group Tianjin Company Limited	China	N
China Mobile Group Xinjiang Company Limited	China	N
China Mobile Group Xizang Company Limited	China	N
China Mobile Group Yunnan Company Limited	China	N
China Mobile Group Zhejiang Company Limited	China	N
China Satellite Communications Co. Ltd. (“China Satcom”)	China	N
China Telecom Corporation Limited	China	N
China United Network Communications Group Company Limited (“China Unicom”), including its foreign carrier subsidiaries	China and others—see China Unicom appendix to this application	Y

<b>Entity</b>	<b>Country</b>	<b>Owns/Controls Cable Landing Station? Y/N</b>
Shenzhen Shekou Telecommunications Company Limited	China	N
Tianyi Telecom Terminals Company Limited	China	N
China Mobile International (Germany) GmbH	Germany	N
China Telecom (Deutschland) GmbH	Germany	N
China Mobile Hong Kong Company Limited	Hong Kong	N
China Mobile Hong Kong Limited	Hong Kong	N
China Mobile International Limited	Hong Kong	Y
China Telecom Korea Co., Ltd.	Korea	N
China Mobile International K.K.	Japan	N
China Telecom Global Limited Japan Branch	Japan	N
China Telecom (Macau) Company Limited	Macau	N
China Telecom (Malaysia) SDN BHD	Malaysia	N
China Mobile Pakistan Ltd d/b/a Zong	Pakistan	N
Limited Liability Company (LLC) “China Telecom”	Russia	N
China Mobile International (Singapore) Pte. Ltd.	Singapore	N
China Telecom (Singapore) Pte. Limited	Singapore	N
China Telecom South Africa (Pty) Ltd.	South Africa	N
China Mobile International (UK) Limited	United Kingdom	N
China Telecom (Europe) Limited	United Kingdom	N
China Telecom Information Technology (Vietnam) Co., Ltd	Vietnam	N
China Telecom (Kazakhstan) Limited Liability Partnership	Kazakhstan	N
China Telecom (Japan) K.K.	Japan	N
PT China Telecom Indonesia	Indonesia	N
China Telecom (Thailand) Ltd	Thailand	N
China Telecom India Private Limited	India	N
China Telecom Lanka (Private) Limited	Sri Lanka	N
China Telecom Pakistan (PVT.) Limited	Pakistan	N
China Telecom (Myanmar) Limited	Myanmar	N
China Telecom (France) Limited	France	N
China Telecom BLR LLC	Belarus	N
China Telecom (Africa and Middle East) Limited	Mauritius	N
China Telecom (Kenya) Limited	Kenya	N
China Telecom Middle East FZ-LLC	UAE	N

Although CTG is under common control with China Unicom, China Mobile Limited (“CML”), and their respective subsidiaries due to their ultimate common ownership by the SASAC, these companies are structurally and legally separate and operate independently of each

other. They have separate directors, management, and employees and deal with each other on a strictly arm's length basis. Indeed, these companies and their operating subsidiaries compete vigorously with each other, and CTG enjoys no legal or practical advantage over other competitive carriers in obtaining interconnection and related services from China Unicom, CML, or their respective subsidiaries.

CTG has no first-hand knowledge of or access to information about the investments and operations of China Unicom, CML, or their respective subsidiaries. For more detailed and accurate information about China Unicom and its subsidiaries—and to avoid unnecessary duplication in the appendices to this cable landing license application— please see the China Unicom appendix to this application.

**(7) Certification Regarding Destination Markets<sup>8</sup>**

Recognizing that CTG will hold no interest in HKA's Taiwan Branch, CTG certifies to the following: (A) it is a foreign carrier in Hong Kong but not in Taiwan, the three foreign destination markets in which the HKA cable system will land; (B) it does not control foreign carriers in Hong Kong or Taiwan; (C) an entity owning more than 25 percent of it or controlling it controls foreign carriers in Hong Kong but not Taiwan; and (D) no grouping of two or more foreign carriers in Hong Kong or Taiwan (or parties that control foreign carriers in Hong Kong or Taiwan) own, in aggregate, more than 25 percent of it and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the HKA cable system in the United States.

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<sup>8</sup> See *id.* § 1.767(a)(8)(iii).

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>9</sup>**

Hong Kong, the only landing jurisdiction identified above in response to 47 C.F.R. § 1.767(a)(8), is a member of the World Trade Organization.<sup>10</sup>

**(9) Certification Regarding Routine Conditions<sup>11</sup>**

CTG certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

**(10) Streamlining—Market Power<sup>12</sup>**

CTG requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). CTG has certified that it is a foreign carrier in Hong Kong and is affiliated with foreign carriers in Hong Kong, as listed in Table 1 above. CTG and each of these Hong Kong carrier affiliates has far less than a fifty-percent market share in either the international-transport or local access-market of Hong Kong. None appears on the Commission's list of foreign carriers presumed to have market power in Hong Kong.<sup>13</sup> These affiliates pose no risk to competition on the U.S.-Hong Kong route, and CTG therefore qualifies for presumptive non-dominant treatment pursuant to 47 C.F.R. §§ 63.10(a)(3) and 63.12(c)(1)(ii).

**(11) Streamlining—CZMA<sup>14</sup>**

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<sup>9</sup> See *id.* § 1.767(a)(8)(iv).

<sup>10</sup> List of WTO Members and Observers as of July 29, 2016, [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm).

<sup>11</sup> See 47 C.F.R. § 1.767(a)(9).

<sup>12</sup> See *id.* § 1.767(j), (k).

<sup>13</sup> See *International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 22 FCC Rcd. 945 (Int'l Bur. 2007).

<sup>14</sup> See *id.*

CTG certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). California, the only U.S. states in which the HKA cable system will land, do not list, and have never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>15</sup>

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<sup>15</sup> See California Coastal Management Program, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/czm/consistency/media/ccc.pdf>.

## CERTIFICATION

On behalf of CTG, I certify that all of the information contained in this application and Appendix C is true and correct to the best of my knowledge and belief.

**China Telecom Global Limited**



Tan Yi Jun  
Executive Vice President  
China Telecom Global Limited  
38/F, Everbright Centre  
108 Gloucester Road  
Wan Chai, Hong Kong  
+852 2877 9777  
wayneliu@chinatelecomglobal.com

June 21, 2018

## APPENDIX D:

### China United Network Communications Group Company Limited

China United Network Communications Group Company Limited (“China Unicom,” FRN 0018444604) is a Chinese corporation with its principal place of business in Beijing, China, will hold participation and voting interests in the Main Trunk and the Hermosa Beach Branch of the Hong Kong-Americas (“HKA”) submarine cable system, as described in part I.E of the main narrative application. China Unicom provides fixed-line telephone services, broadband and other Internet-related services, business and data communications services, and international voice and data services. China Unicom is a joint licensee for the Trans-Pacific Express (“TPE”) and New Cross Pacific Cable (“NCP”) submarine cable systems.<sup>1</sup> Its U.S. subsidiary, China Unicom USA Corporation, holds two international section 214 authorizations from the Commission.<sup>2</sup> The Chinese Government owns 96.5 percent of China Unicom through the State-Owned Assets Supervision and Administration Commission of the State Council of China. Below, China Unicom provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

#### (1) Applicant’s Name, Address, and Telephone Number<sup>3</sup>

**China United Network Communications Group Company Limited**  
No. 21 Financial Street  
Xicheng District  
Beijing, China 100033  
+86 101 0010

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<sup>1</sup> FCC File Nos. SCL-LIC-20070222-00002 (TPE), SCL-LIC-20151104-00029 (NCP).

<sup>2</sup> FCC File Nos. ITC-214-20020724-00427, ITC-214-20020728-00361.

<sup>3</sup> See 47 C.F.R. § 1.767(a)(1).



**(2) Applicant's Place of Incorporation<sup>4</sup>**

China Unicom is a corporation organized under Chinese law.

**(3) Contact Information<sup>5</sup>**

Correspondence concerning the application should be sent to the following:

Chen Jiajia  
Project Manager  
China United Network Communications Group Company Limited  
No. 21 Financial Street  
Xicheng District  
Beijing, China 100033  
+86 10 66258081  
chenjj@chinaunicom.cn

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>6</sup>**

China Unicom certifies to the following. China Unicom has one 10-percent-or-greater direct or indirect interest holder:

**State-Owned Assets Supervision and Administration Commission of the State Council of China ("SASAC")**

*Address:* #26, XuanWuMenXi Street, XuanWu District, Beijing, China 100053

*Place of Organization:* China

*Principal Business:* government

*Relationship:* SASAC holds a 96.5 percent voting and equity interest in China Unicom.

The following corporate officers and directors of China Unicom are also officers or directors of other foreign carriers:

**LU Yimin**

*Position with China Unicom:* President

*Position with China United Network Communications Co. Ltd:* President

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<sup>4</sup> See *id.* § 1.767(a)(2).

<sup>5</sup> See *id.* § 1.767(a)(3).

<sup>6</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>7</sup>**

China Unicom certifies that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>8</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>9</sup>**

China Unicom certifies that it:

(A) is a foreign carrier in China;

(B) owns and controls cable landing stations in China;

(C) is affiliated with foreign carriers, some owning or controlling a cable landing station in a foreign country, as shown in Table 1 below.

**TABLE 1: AFFILIATED FOREIGN CARRIERS**

Entity	Country	Owens/Controls Cable Landing Station? Y/N
China Unicom (Australia) Operations Pty Limited	Australia	N
China Mobile Group Anhui Company Limited	China	N
China Mobile Group Beijing Company Limited	China	N
China Mobile Group Chongqing Company Limited	China	N
China Mobile Group Fujian Company Limited	China	N
China Mobile Group Gansu Company Limited	China	N
China Mobile Group Guangdong Company Limited	China	N
China Mobile Group Guangxi Company Limited	China	N
China Mobile Group Guizhou Company Limited	China	N
China Mobile Group Hainan Company Limited	China	N
China Mobile Group Hebei Company Limited	China	N
China Mobile Group Heilongjiang Company Limited	China	N
China Mobile Group Henan Company Limited	China	N

<sup>7</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>8</sup> 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, §5301, 102 Stat. 4310 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, § 1002(d)(1), 104 Stat. 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

<sup>9</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

Entity	Country	Owns/Controls Cable Landing Station? Y/N
China Mobile Group Hubei Company Limited	China	N
China Mobile Group Hunan Company Limited	China	N
China Mobile Group Jiangsu Company Limited	China	N
China Mobile Group Jiangxi Company Limited	China	N
China Mobile Group Jilin Company Limited	China	N
China Mobile Group Liaoning Company Limited	China	N
China Mobile Group Neimenggu Company Limited	China	N
China Mobile Group Ningxia Company Limited	China	N
China Mobile Group Qinghai Company Limited	China	N
China Mobile Group Shaanxi Company Limited	China	N
China Mobile Group Shandong Company Limited	China	N
China Mobile Group Shanghai Company Limited	China	N
China Mobile Group Shanxi Company Limited	China	N
China Mobile Group Sichuan Company Limited	China	N
China Mobile Group Tianjin Company Limited	China	N
China Mobile Group Xinjiang Company Limited	China	N
China Mobile Group Xizang Company Limited	China	N
China Mobile Group Yunnan Company Limited	China	N
China Mobile Group Zhejiang Company Limited	China	N
China Satellite Communications Co. Ltd.	China	N
China Telecommunications Corporation (“China Telecom”), including its foreign carrier subsidiaries	China and others—see China Telecom appendix to this application	Y
China Unicom Broadband Online Limited Corporation	China	N
China Unicom Information Navigation Company Limited	China	N
China United Network Communications Corporation Limited	China	N
China United Telecommunications Corporation Ltd.	China	N
Unicom New Horizon Telecommunications Company Limited	China	N
Unicom New Horizon Telecommunications Company Limited	China	N
China Mobile International (Germany) GmbH	Germany	N
China Mobile Hong Kong Company Limited	Hong Kong	N
China Mobile Hong Kong Limited	Hong Kong	N
China Mobile International Limited	Hong Kong	Y
China Mobile International K.K.	Japan	N
China Mobile Pakistan Ltd d/b/a Zong	Pakistan	N

Entity	Country	Owns/Controls Cable Landing Station? Y/N
China Mobile International (Singapore) Pte. Ltd.	Singapore	N
China Mobile International (UK) Limited	United Kingdom	N

Although China Unicom is under common control with CTC, China Mobile Limited (“CML”), and their respective subsidiaries due to their ultimate common ownership by the SASAC, these companies are structurally and legally separate and operate independently of each other. They have separate directors, management, and employees and deal with each other on a strictly arm’s length basis. Indeed, these companies and their operating subsidiaries compete vigorously with each other, and China Unicom enjoys no legal or practical advantage over other competitive carriers in obtaining interconnection and related services from CTC, CML, or their respective subsidiaries.

China Unicom has no first-hand knowledge of or access to information about the investments and operations of CTC, CML, or their respective subsidiaries. For more detailed and accurate information about CTC and its subsidiaries—and to avoid unnecessary duplication in the appendices to this cable landing license application— please see the CTC appendix to this application.

**(7) Certification Regarding Destination Markets<sup>10</sup>**

Recognizing that China Unicom will hold no interest in HKA’s Taiwan Branch, China Unicom certifies to the following: (A) it is not a foreign carrier in Hong Kong or Taiwan, the three foreign destination markets in which the HKA cable system will land; (B) it controls foreign carriers in Hong Kong but not Taiwan; (C) an entity owning more than 25 percent of it or controlling it controls foreign carriers in Hong Kong but not Taiwan; and (D) no grouping of two

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<sup>10</sup> See *id.* § 1.767(a)(8)(iii).

or more foreign carriers in Hong Kong or Taiwan (or parties that control foreign carriers in Hong Kong or Taiwan) own, in aggregate, more than 25 percent of it and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the HKA cable system in the United States.

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>11</sup>**

Hong Kong, the only landing jurisdiction identified above in response to 47 C.F.R. § 1.767(a)(8), is a member of the World Trade Organization.<sup>12</sup>

**(9) Certification Regarding Routine Conditions<sup>13</sup>**

China Unicom certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

**(10) Streamlining—Market Power<sup>14</sup>**

China Unicom requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). China Unicom has certified that it is affiliated with foreign carriers in Hong Kong, as listed in Table 1 above. Each of these Hong Kong carrier affiliates has far less than a fifty-percent market share in either the international-transport or local access-market of Hong Kong. None appears on the Commission's list of foreign carriers presumed to have market power in Hong Kong.<sup>15</sup>

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<sup>11</sup> See *id.* § 1.767(a)(8)(iv).

<sup>12</sup> List of WTO Members and Observers as of July 29, 2016, [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm).

<sup>13</sup> See 47 C.F.R. § 1.767(a)(9).

<sup>14</sup> See *id.* § 1.767(j), (k).

<sup>15</sup> See *International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 22 FCC Rcd. 945 (Int'l Bur. 2007).

These affiliates pose no risk to competition on the U.S.-Hong Kong route, and China Unicom therefore qualifies for presumptive non-dominant treatment pursuant to 47 C.F.R. §§ 63.10(a)(3) and 63.12(c)(1)(ii).

**(11) Streamlining—CZMA<sup>16</sup>**

China Unicom certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). California, the only U.S. states in which the HKA cable system will land, do not list, and have never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>17</sup>

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<sup>16</sup> *See id.*

<sup>17</sup> *See* California Coastal Management Program, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/czm/consistency/media/ccc.pdf>.

## CERTIFICATION

On behalf of China Unicom, I certify that all of the information contained in this application and Appendix D is true and correct to the best of my knowledge and belief.

**China United Network Communications  
Group Company Limited**



Chen ZhongMin

Senior Manager

China United Network Communications  
Group Company Limited

No. 21 Financial Street

Xicheng District

Beijing, China 100033

+86 10 66259572

chenzhm@chinaunicom.cn

May [21], 2018

**APPENDIX E:**  
**RTI Express Pte. Ltd.**

RTI Express Pte. Ltd. (“RTI Express,” FRN 0027326958) is a Singapore limited company with its principal place of business in Singapore and will hold participation and voting interests in the Main Trunk and the Hermosa Beach Branch of the Hong Kong-Americas (“HKA”) submarine cable system, as described in part I.E of the main narrative application. RTI Express, together with RAM Telecom International, Inc. (“RTI”), is a developer of global telecommunications infrastructure and large-scale data connectivity and a carrier-neutral service provider. RTI Express is owned by U.S. and Singaporean investors. Below, RTI Express provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

**(1) Applicant’s Name, Address, and Telephone Number<sup>1</sup>**

RTI Express Pte. Ltd.  
8 Eu Tong Sen Street #14-94  
The Central  
Singapore 059818  
+1 619 888 7166

**(2) Applicant’s Place of Incorporation<sup>2</sup>**

RTI Express is a Singapore limited company.

**(3) Contact Information<sup>3</sup>**

Correspondence concerning the application should be sent to the following:

Brett Lay  
Director  
RTI Express Pte. Ltd.  
8 Eu Tong Sen Street #14-94

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<sup>1</sup> See 47 C.F.R. § 1.767(a)(1).

<sup>2</sup> See *id.* § 1.767(a)(2).

<sup>3</sup> See *id.* § 1.767(a)(3).



The Central  
Singapore 059818  
+1 619 888 7166  
brett.lay@rticable.com

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>4</sup>**

RTI Express certifies that it has the following 10-percent-or-greater direct or indirect interest holders:

**Brett Lay**

*Address:* 801 Margarita Avenue, Coronado, California, 92218

*Citizenship:* United States

*Principal Business:* individual

*Relationship:* Brett Larry Lay directly owns a 50-percent equity interest and a 50-percent voting interest in RTI Express.

**Choo Wee Tiong**

*Address:* 37 Cambridge Road #02-147, Singapore 210037

*Citizenship:* Singapore

*Principal Business:* individual

*Relationship:* Choo Wee Tiong directly owns a 50-percent equity interest and a 50-percent voting interest in RTI Express.

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>5</sup>**

RTI Express certifies that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>6</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>7</sup>**

RTI Express certifies that it:

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<sup>4</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).

<sup>5</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>6</sup> 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, §5301, 102 Stat. 4310 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, § 1002(d)(1), 104 Stat. 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

<sup>7</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

(A) is not a foreign carrier in any foreign country;  
(B) does not own or control a cable station in any foreign country;  
(C) is not affiliated with any foreign carrier and is not affiliated with any entity owning or controlling a cable landing station in any foreign country.

**(7) Certification Regarding Destination Markets<sup>8</sup>**

RTI Express certifies to the following: (A) it is not a foreign carrier in Hong Kong or Taiwan, the three foreign destination markets in which the HKA cable system will land; (B) it does not control a foreign carrier in Hong Kong and/or Taiwan; (C) no entity owning more than 25 percent of it or controlling it controls a foreign carrier in Hong Kong and/or Taiwan; and (D) no grouping of two or more foreign carriers in Hong Kong or Taiwan (or parties that control foreign carriers in Hong Kong or Taiwan) own, in aggregate, more than 25 percent of it and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the HKA cable system in the United States.

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>9</sup>**

No response is required.

**(9) Certification Regarding Routine Conditions<sup>10</sup>**

RTI Express certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

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<sup>8</sup> See *id.* § 1.767(a)(8)(iii).

<sup>9</sup> See *id.* § 1.767(a)(8)(iv).

<sup>10</sup> See 47 C.F.R. § 1.767(a)(9).

**(10) Streamlining—Market Power<sup>11</sup>**

RTI Express requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). RTI Express certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in Hong Kong or Taiwan, the three foreign destination markets in which HKA will land.

**(11) Streamlining—CZMA<sup>12</sup>**

RTI Express certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). California, the only U.S. states in which the HKA cable system will land, does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>13</sup>

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<sup>11</sup> *See id.* § 1.767(j), (k).

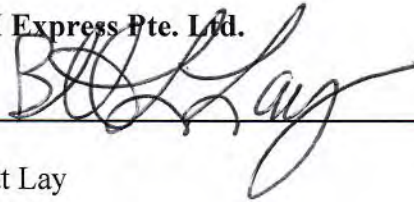
<sup>12</sup> *See* 47 C.F.R. §§ 1.767(j), (k).

<sup>13</sup> *See* California Coastal Management Program, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/czm/consistency/media/ccp.pdf>.

## CERTIFICATION

On behalf of RTI Express, I certify that all of the information contained in this application and Appendix E is true and correct to the best of my knowledge and belief.

**RTI Express Pte. Ltd.**

A handwritten signature in black ink, appearing to read "Brett Lay", is written over a solid horizontal line.

Brett Lay  
Director  
RTI Express Pte. Ltd.  
8 Eu Tong Sen Street #14-94  
The Central  
Singapore 059818

June 15, 2018

## APPENDIX F:

### Tata Communications (America) Inc.

Tata Communications is a global provider of voice, data, and next generation services. Headquartered in Mumbai and Singapore, it has more than 8500 employees across 38 countries. Tata Communications is a \$2.9 billion company and the flagship telecommunications arm of the \$103.3 billion Tata Group. Tata Communications is the world's largest wholly owned submarine fiber network, the largest wholesale voice carrier, and the only Tier-1 provider that is in the top five in five continents, by internet routes.

Tata Communications (America) Inc. ("TC (America)") is the company formed under the laws of United States which is indirectly owned by Tata Communications Limited, an entity incorporated under the Laws of India and listed on the Bombay Stock Exchange and the National Stock Exchange of India. TC (America) currently holds multiple cable landing licenses and 214 authorizations and has a longstanding national security agreement with the United States Government. Below, TC (America) provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

#### **(1) Applicant's Name, Address, and Telephone Number<sup>1</sup>**

Tata Communications (America) Inc.  
2355 Dulles Corner Boulevard, Suite 700  
Herndon, Virginia 20171  
+1 703 547 5900

Registered Agent Name- Corporation Service Company  
251 Little Falls Drive  
Wilmington, DE 19808

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<sup>1</sup> See 47 C.F.R. § 1.767(a)(1).

**(2) Applicant's Place of Incorporation<sup>2</sup>**

TC (America) is incorporated in Delaware.

**(3) Contact Information<sup>3</sup>**

Correspondence concerning the application should be sent to the following:

Harisha Bastiampillai  
Sr. Counsel – Regulatory  
Tata Communications (America) Inc.  
2355 Dulles Corner Boulevard, 7<sup>th</sup> FL  
Herndon, Virginia 20171  
+1 703 657 8393  
harisha.bastiampillai@tatacommunications.com

David M. Ryan  
Executive Vice President  
Tata Communications (America) Inc.  
2355 Dulles Corner Blvd, 7th FL  
Herndon, Virginia 20171  
+1 703 547 6525  
dave@tatacommunications.com

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>4</sup>**

The following entities hold a 10% or greater, direct or indirect, interest in TC (America):

**Tata Communications (Netherlands) B.V.**

*Address:* Luna Arena, Herikerbergweg 238, 1101 CM Amsterdam, The Netherlands

*Citizenship:* Netherlands

*Principal Business:* Telecommunications

*Relationship:* Holds a 100% voting and equity interest in TC (America).

**Tata Communications International Pte Ltd**

*Address:* 18 Tai Seng Street #04-01, 18 Tai Seng, Singapore 539775

*Citizenship:* Singapore

*Principal Business:* Telecommunications

*Relationship:* Holds a 100% voting and equity interest in Tata Communications (Netherlands). B.V.

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<sup>2</sup> See *id.* § 1.767(a)(2).

<sup>3</sup> See *id.* § 1.767(a)(3).

<sup>4</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h). The information in this section is as of December 31, 2017.

**Tata Communications Limited**

*Address:* VSB, Mahatma Gandhi Road, Fort Mumbai – 400 001, Maharashtra India

*Citizenship:* India

*Principal Business:* Telecommunications

*Relationship:* Holds a 100% voting and equity interest in Tata Communications International Pte Ltd.

Tata Communications Limited (TCL) is publicly traded on the Bombay Stock Exchange and the National Stock Exchange of India. No public investor owns more than 10% interest in TCL. As of December 31, 2017, the following entities hold interest in Tata Communications Limited (TCL) as indicated in Table 1 below:

**TABLE 1: INTERESTS HELD BY TATA COMPANY ENTITIES**

<i>Tata Group Entity</i>	<i>Percentage of holding in TCL (Percentages reflect equity and voting interests)</i>
Panatone Finvest Ltd. Bombay House 24 Homi Modi Street Mumbai, India, 400 001	30.10%
The Tata Power Company Limited 24 Homi Modi Street Mumbai, India 400 001	4.71%
Tata Sons Limited 24 Homi Street Mumbai, India 400 001	14.07%

Further, the Government of India holds a 26.12% interest in TCL. The address for the department that administers the Government of India's interest is as follows: Secretary, Department of Telecommunications, Sanchar Bhawan, 20 Ashoka Road, New Delhi, India 110001.

There are no other shareholders of TCL who own 10% or more of TCL and thus indirectly own 10% or more of TC (America).

The following corporate officers and directors of TC (America) are also officers or directors of other foreign carriers (which carriers are within the Tata Communications group of companies):

**John Freeman**

- TC (America): Director, Counsel and Secretary
- Tata Communications (Australia) Pty Limited: Director
- TCPOP Communication GMBH: Director
- Tata Communications (Belgium) SPRL: Director
- Tata Communications (Canada) Limited: Director, Group General Counsel
- Tata Communications (France) SAS: Director
- Tata Communications Deutschland GMBH: Director
- Tata Communications (Hong Kong) Limited: Director
- Tata Communications (Hungary) LLC: Director
- Tata Communications (Ireland) DAC: Director & Secretary
- Tata Communications (Italy) SRL: Director
- Tata Communications (Japan) KK: Director
- ITXC IP Holdings S.A.R.L.: Director
- Tata Communications (Malaysia) SDN. BHD.: Director
- Tata Communications (Netherlands) B.V.: Managing Director B
- Tata Communications (New Zealand) Limited: Director
- Tata Communications (Nordic) AS: Chairman of the Board of Directors
- Tata Communications (Poland) SP. Z O. O.: Director
- Tata Communications (Portugal) INSTALAÇÃO E MANUTENÇÃO DE REDES, LDA: Director
- Tata Communications (Portugal) Unipessoal LDA :Director
- Tata Communications (Russia) LLC.: Director
- Tata Communications (South Korea) Limited: Director
- Tata Communications (Spain), S.L.: Chairman of the Board of Directors & President
- Tata Communications (Sweden) AB: Chairman of the Board of Directors & Authorized Representative of the Company
- Tata Communications (Switzerland) GMBH: Director
- Tata Communications (Taiwan) Limited: Director
- Tata Communications (Thailand) Limited: Director
- Tata Communications (UK) Limited: Director
- Tata Communications Transformation Services (US) Inc: President and Secretary.
- Tata Communications (Middle East) FZ-LLC- Director.
- Tata Communications (Bermuda) Limited – Director & Deputy Chairman



- Tata Communications Services (Bermuda) Limited- Director & Deputy Chairman
- Tata Communications (Guam) L.L.C: Manager.

**Dave Ryan**

- TC (America): Director & Executive Vice President
- Tata Communications (Canada) Limited: Director & Sr. Vice President, Corporate Legal
- Tata Communications (Bermuda) Limited: Director
- Tata Communications Services (Bermuda) Limited – Director

**Ilangoan G**

- TC (America): Director
- Tata Communications (Australia) Pty Limited: Director
- Tata Communications (Canada) Limited: Director
- Tata Communications (Hong Kong) Limited: Director
- Tata Communications (Malaysia) SDN. BHD.: Director
- Tata Communications (Taiwan) Limited: Director
- Tata Communications (Bermuda) Limited: Director
- Tata Communications Services (Bermuda) Limited: Director

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>5</sup>**

TC (America) certifies that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>6</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>7</sup>**

TC (America) certifies that it:

(A) is not a foreign carrier in any foreign country;

(B) does not own or control a cable landing station in any foreign country; and

(C) is affiliated with the foreign carriers identified in Table 2 below:

<sup>5</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>6</sup> 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, §5301, 102 Stat. 4310 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, § 1002(d)(1), 104 Stat. 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

<sup>7</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

**(7) Certification Regarding Destination Markets<sup>8</sup>**

TC (America) certifies to the following: (A) it is not a foreign carrier in Hong Kong or Taiwan, the foreign destination markets in which the HKA cable system will land; (B) it does not control a foreign carrier in Hong Kong or Taiwan; (C) an entity owning more than 25 percent of it or controlling it controls a foreign carrier in Hong Kong and Taiwan; and (D) no grouping of two or more foreign carriers own, in aggregate, more than 25 percent of it and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the HKA cable system in the United States.

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>9</sup>**

By its signature below, TC (America) certifies that Hong Kong (as Hong Kong China) and Taiwan (as Chinese Taipei), the only landing jurisdictions identified above in response to 47 C.F.R. § 1.767(a)(8)(iii), are members of the World Trade Organization.<sup>10</sup>

**(9) Certification Regarding Routine Conditions<sup>11</sup>**

TC (America) certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

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<sup>8</sup> See *id.* § 1.767(a)(8)(iii).

<sup>9</sup> See *id.* § 1.767(a)(8)(iv).

<sup>10</sup> List of WTO Members and Observers as of July 29, 2016, [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm).

<sup>11</sup> See 47 C.F.R. § 1.767(a)(9).

**(10) Streamlining—Market Power<sup>12</sup>**

TC (America) requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). TC (America) is indirectly affiliated with foreign carriers in Hong Kong (Tata Communications (Hong Kong) Limited) and Taiwan (Tata Communications (Taiwan) Ltd). Each affiliate has far less than fifty percent market share in either the international-transport or local access-markets of each of Hong Kong and Taiwan. Moreover, neither Tata Communications (Hong Kong) Limited nor Tata Communications (Taiwan) Ltd. appear on the Commission's list of foreign carriers presumed to have market power in Hong Kong or Taiwan.<sup>13</sup> TC (America)'s affiliation with the Hong Kong and Taiwan foreign carriers therefore poses no risk to competition on the U.S.-Hong Kong and U.S.-Taiwan routes. Accordingly, TC (America) qualifies for presumptive non-dominant treatment pursuant to 47 C.F.R. §§ 63.10(a)(3) and 63.12(c)(1)(ii).

**(11) Streamlining—CZMA<sup>14</sup>**

TC (America) certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). California, the only U.S. state in which the HKA cable system will land, does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>15</sup>

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<sup>12</sup> See *id.* § 1.767(j), (k).

<sup>13</sup> See *International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 22 FCC Rcd 945 (Int'l Bur. 2007).

<sup>14</sup> See 47 C.F.R. §§ 1.767(j), (k).

<sup>15</sup> See California Coastal Management Program, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/czm/consistency/media/ccc.pdf>.

**CERTIFICATION**

On behalf of TC (America), I certify that all the information contained in this application and Appendix F is true and correct to the best of my knowledge and belief, and made in good faith.

**TATA COMMUNICATIONS (AMERICA) INC.**



David M. Ryan  
Executive Vice President  
Tata Communications (America) Inc.  
2355 Dulles Corner Blvd, 7th FL  
Herndon, VA 20171  
703-547-6525

June 26, 2018

## **APPENDIX G:**

### **Telstra Corporation Limited**

Telstra Corporation Limited (“Telstra”) is a telecommunications company organized under the laws of Australia and traded on the Australian Securities Exchange (“ASX”) and the New Zealand Stock Exchange (“NZX”). Telstra is Australia’s largest provider of telecommunications and information services. It supplies, among other things, global managed network services; data, voice, and cloud services; satellite and media services; and collaboration services between and among the Asia Pacific, Europe, the Americas, the Middle East and Africa. Telstra has more than 2,000 points-of-presence internationally, directly and via contractual arrangements with other providers.

In the United States, Telstra’s wholly-owned subsidiary Telstra Inc. provides enterprise telecommunications and network applications as well as wholesale carrier services to U.S. customers, particularly those customers wishing to access Telstra’s strong capabilities in Australia and Asia from the United States.

Telstra and/or Telstra Inc. have previously obtained FCC authority including Section 214 authority and cable landing licenses for the Endeavour and Asia-America Gateway submarine cable systems. Telstra is a party to a national security agreement dated November 29, 2001, with the Department of Justice, Federal Bureau of Investigation and the Department of Homeland Security, and Telstra Inc. is a party to a National Security Agreement with the U.S. Department of Homeland Security dated June 3, 2008. Below, Telstra provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

**(1) Applicant's Name, Address, and Telephone Number<sup>1</sup>**

Telstra Corporation Limited  
Level 41  
242 Exhibition Street  
Melbourne Victoria 3000  
Australia  
Tel: +61 3 86473889 (Group General Counsel)

**(2) Applicant's Place of Incorporation<sup>2</sup>**

Telstra is a corporation organized under the laws of the Commonwealth of Australia.

**(3) Contact Information<sup>3</sup>**

Correspondence concerning the application should be sent to the following:

Carmel Mulhern  
Group General Counsel  
Telstra Corporation Limited  
Level 41  
242 Exhibition Street  
Melbourne  
Victoria 3000  
Australia  
Tel: +61 3 8647 3889  
carmel.mulhern@team.telstra.com

*and*

Jacqueline Brosnan  
Legal Counsel  
Telstra Corporation Limited  
Level 28, 400 George Street  
Sydney  
New South Wales 2000  
Australia  
Tel: +61 2 9866 1571  
jacqueline.brosnan@team.telstra.com

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<sup>1</sup> See 47 C.F.R. § 1.767(a)(1).

<sup>2</sup> See *id.* § 1.767(a)(2).

<sup>3</sup> See *id.* § 1.767(a)(3).

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>4</sup>**

Telstra certifies that it has the following 10-percent-or-greater direct or indirect interest holders, based on the most current data as of April 30, 2018:

**1. HSBC Custody Nominees (Australia) Limited**

(Australian Company Number 003 094 568)

*Address:* Tower 1 International Towers Sydney, Level 36, 100 Barangaroo Avenue, Sydney NSW 2000, Australia (physical); GPO Box 5302, Sydney NSW 2001, Australia (mailing)

*Citizenship:* Australian

*Principal Business:* Asset management company

*Relationship:* HSBC Custody Nominees (Australia) Limited directly owns a 19.19 percent equity interest and a 19.19 percent voting interest in Telstra. This stock is in turn held as a nominee on behalf of numerous Australian and foreign investors, none of which holds a direct or indirect voting or equity interest of four percent or more in Telstra.

**2. J.P. Morgan Nominees Australia Limited**

(Australian Company Number 002 899 961)

*Address:* Level 18, 83-85 Castlereagh Street, Sydney, NSW 2000, Australia (physical); Locked Bag 20049, Melbourne VIC 3001, Australia (mailing)

*Citizenship:* Australian

*Principal Business:* Asset management company

*Relationship:* J.P. Morgan Nominees Australia Limited directly owns a 11.07 percent equity interest and a 11.07 percent voting interest in Telstra. This stock is in turn held as a nominee on behalf of numerous Australian and foreign investors, none of which holds a direct or indirect voting or equity interest of four percent or more in Telstra.

As noted in the introductory section above, Telstra's shares are traded on the ASX and the NZX, under the symbol "TLS". Telstra's shares are among the most widely held in the Australian economy, with over 1.3 million individual retail shareholders. As there is an active market in Telstra's shares, Telstra's ownership is always fluid. Moreover, Telstra can ascertain its significant shareholders only on the basis of its records and may not know of possibly related or affiliated shareholders that are not disclosed to it. However, non-Australian ownership in

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<sup>4</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Telstra is restricted by federal Australian legislation, the *Telstra Corporation Act 1991 (Cth)*, in Pt 2A Div 4. The maximum foreign ownership limits are 35 per cent in total by all foreigners and a limit of 5 per cent applicable to each foreign person. Recognizing these limitations, as of the most recent measurable date, April 30, 2018, Telstra has no 10-percent-or-greater direct or indirect shareholders other than HSBC Custody Nominees (Australia) Limited and J.P. Morgan Nominees Australia Limited, which as noted are themselves nominees for numerous Australian and foreign investors in smaller proportions.

Telstra has two interlocking directorates:

- (i) Roy Howard Chestnutt, who serves as a director of Telstra, also serves as a director of the Saudi Telecom Company; and
- (ii) Warwick David Bray, who serves as Telstra's Chief Financial Officer, also serves as Public Officer of Telstra International (Aus) Limited.

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>5</sup>**

Telstra certifies that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>6</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>7</sup>**

Telstra certifies that it:

- (A) is a foreign carrier in Australia;

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<sup>5</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>6</sup> 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, §5301, 102 Stat. 4310 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, § 1002(d)(1), 104 Stat. 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

<sup>7</sup> See 47 C.F.R. § 1.767(a)(8)(ii).



(B) owns and controls cable landing stations in Australia;

(C) is affiliated with the following foreign carriers in various foreign destination markets, eleven of which own and control one or more cable landing stations in such markets, as listed in Table 1 below:

**TABLE 1: AFFILIATED FOREIGN CARRIERS**

<b>Entity</b>	<b>Destination Market</b>	<b>Owns/Controls Cable Landing Station? Y/N</b>
Foxtel Management Pty Limited	Australia	N
Reach Networks Australia Pty Ltd	Australia	N
Telstra Multimedia Pty Limited	Australia	N
Telstra Inc.	Canada	N
Pacific Business Solutions China Ltd. (unofficial English name) 太平洋电信股份有限公司	China	N
REACH Cable Networks Limited	Hong Kong	Y
Telstra International Ltd	Hong Kong	N
REACH Networks Hong Kong Limited	Hong Kong	Y
Telstra International HK Limited	Hong Kong	N
Telstra Global (HK) Limited	Hong Kong	Y
Telstra Services Asia Pacific (HK) Limited	Hong Kong	N
Telstra Cable (HK) Limited	Hong Kong	N
Telstra PBS Limited	Hong Kong	N
Telstra Telecommunications Private Limited	India	N
Pacific Internet India Private Limited	India	N
REACH Networks K.K.	Japan	Y
Telstra Japan KK	Japan	N
Pacnet Services (Japan) Corp.	Japan	Y
Telstra Malaysia Sdn. Bhd.	Malaysia	N
Telstra Global (Malaysia) Sdn. Bhd.	Malaysia	N
Telstra Network Services NZ Ltd.	New Zealand	N
Telstra NZ Ltd	New Zealand	N
Telstra International PNG Limited	Papua New Guinea	N
Telstra Philippines Inc.	Philippines	N
Digitel Crossing, Inc.	Philippines	Y
REACH International Telecom (Singapore) Pte. Limited	Singapore	N
Telstra Singapore Pte Ltd	Singapore	Y
Telstra Internet (S) Pte. Ltd.	Singapore	N
Telstra Services (Korea) Ltd.	South Korea	N
Reach Cable Korea Limited	South Korea	Y
Dacom Crossing Corporation	South Korea	Y

<b>Entity</b>	<b>Destination Market</b>	<b>Owns/Controls Cable Landing Station? Y/N</b>
Iljin C2C Limited	South Korea	N
Pacnet Service (Korea) Ltd.	South Korea	N
REACH Networks (Taiwan) Limited	Taiwan	Y
Telstra International (Aus) Limited	Taiwan	N
Telstra Services (Taiwan) Inc.	Taiwan	Y
Pacnet Cable (Taiwan) Ltd.	Taiwan	N
Telstra (Thailand) Limited	Thailand	N
REACH Europe Ltd.	United Kingdom	N
Telstra Limited	United Kingdom	N

**(7) Certification Regarding Destination Markets<sup>8</sup>**

Telstra certifies to the following: (A) it is not a foreign carrier in Hong Kong or Taiwan, the foreign destination markets in which the HKA cable system will land; (B) it controls foreign carriers in Hong Kong and Taiwan; (C) no entity owning more than 25 percent of it or controlling it controls a foreign carrier in Hong Kong and/or Taiwan; and (D) no grouping of two or more foreign carriers in Hong Kong or Taiwan (or parties that control foreign carriers in Hong Kong or Taiwan) own, in aggregate, more than 25 percent of it and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the HKA cable system in the United States.

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<sup>8</sup> See *id.* § 1.767(a)(8)(iii).

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>9</sup>**

By its signature below, Telstra certifies that Hong Kong and Taiwan, the only foreign destination markets identified above in response to 47 C.F.R. § 1.767(a)(8)(iii), are members of the World Trade Organization.<sup>10</sup>

**(9) Certification Regarding Routine Conditions<sup>11</sup>**

Telstra certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

**(10) Streamlining—Market Power<sup>12</sup>**

Telstra requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). Telstra is affiliated with foreign carriers in Hong Kong and Taiwan, where its affiliates have less than a fifty-percent market share in either the international-transport or local access-markets of each of Hong Kong and Taiwan. Telstra does not appear on the Commission's list of foreign carriers presumed to have market power in Hong Kong or Taiwan.<sup>13</sup> Telstra's affiliation with Hong Kong and Taiwanese carriers therefore poses no risk to competition on the U.S.-Hong Kong and U.S.-Taiwan routes and Telstra therefore qualifies for presumptive non-dominant treatment pursuant to 47 C.F.R. §§ 63.10(a)(3) and 63.12(c)(1)(ii).]

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<sup>9</sup> See *id.* § 1.767(a)(8)(iv).

<sup>10</sup> List of WTO Members and Observers as of July 29, 2016, [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm).

<sup>11</sup> See 47 C.F.R. § 1.767(a)(9).

<sup>12</sup> See *id.* § 1.767(j), (k).

<sup>13</sup> See *International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 22 FCC Rcd. 945 (Int'l Bur. 2007).

**(11) Streamlining—CZMA**<sup>14</sup>

Telstra certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). California, the only U.S. state in which the HKA cable system will land, does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>15</sup>

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<sup>14</sup> See 47 C.F.R. §§ 1.767(j), (k).

<sup>15</sup> See California Coastal Management Program, List of Federal Licenses and Permits Subject to Certification for Consistency, <https://coast.noaa.gov/czm/consistency/media/ccc.pdf>.

## CERTIFICATION

On behalf of Telstra, I certify that all of the information contained in this application and Appendix G is true and correct to the best of my knowledge and belief.

**Telstra Corporation Limited**



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Steven Lay  
Manager International Network Development  
Telstra Corporation Limited  
Level 7  
363 Oxford Street  
Paddington  
New South Wales 2021  
Australia

May 25, 2018

**APPENDIX H:  
HKA ROUTE MAP**



## APPENDIX I:

### CHUNG HOM KOK (CHK), HONG KONG, LANDING POINT INFORMATION



CLS address: RBL 1154, Teleport, Chung Hom Kok, Hong Kong  
Beach manhole geographic coordinates: 22°12'54.60"N, 114°12'22.50"E  
Cable landing station geographic coordinates: 22°12'51.05"N, 114°12'21.16"E

**APPENDIX J:**  
**TOUCHENG, TAIWAN, LANDING POINT INFORMATION**



Beach manhole geographic coordinates: 24.854596 N, 121.831164 E  
Cable landing station geographic coordinates: 24.862241 N, 121.812127 E  
Cable landing station street address: 250, Jeeshian Road, Toucheng, I-Lan County  
26141, Taiwan



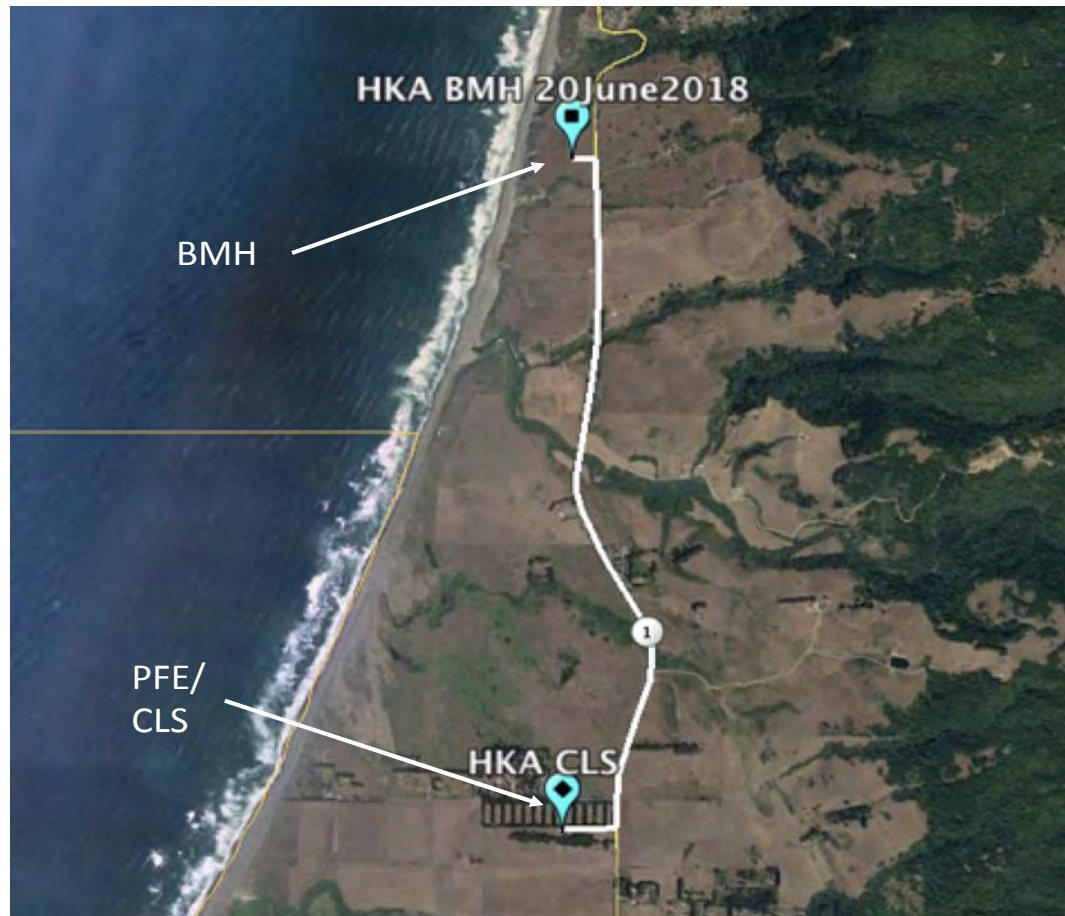
**APPENDIX K:**

**HERMOSA BEACH, CALIFORNIA, LANDING POINT INFORMATION**



**APPENDIX L:**

**MANCHESTER, CALIFORNIA, LANDING POINT INFORMATION**



Beach manhole geographic coordinates: 39° 0'52.27"N, 123°41'23.11"W

Cable landing station geographic coordinates: 38°58'43.46"N, 123°41'25.47"W

Cable landing station street address: 18650 S. Highway 1, Manchester, California 95459

## CERTIFICATE OF SERVICE

I, Kent Bressie, hereby certify that consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing application for a cable landing license for the HKA submarine cable system, by hand delivery or electronic mail this 11th day of July, 2018 to the following:

Robert L. Strayer  
Deputy Assistant Secretary of State for Cyber and  
International Communications and Information Policy  
Bureau of Economic and Business Affairs  
U.S. DEPARTMENT OF STATE  
EB/CIP : Room 4634  
2201 C Street, N.W.  
Washington, D.C. 20520-4634

Kathy Smith  
Chief Counsel  
U.S. DEPARTMENT OF COMMERCE/NTIA  
14th Street and Constitution Avenue, N.W.  
Room 4713  
Washington, D.C. 20230

William E. Brazis II  
General Counsel  
DEFENSE INFORMATION SYSTEMS AGENCY  
6910 Cooper Avenue  
Fort Meade, Maryland 20755



Kent Bressie