



August 20, 2018

**BY ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

*Re: Cable Landing License Application for the Hong Kong-Americas System,  
File No. SCL-LIC-20180711-00018*

Dear Ms. Dortch:

The applicants for a cable landing license for the Hong Kong-Americas (“HKA”) submarine cable system hereby clarify the following items in the above-reference application.

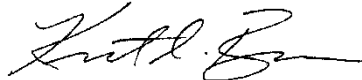
- ***Main Application, part I.B, page 3:*** The Applicants confirm that HKA currently has four segments, rather than the six originally contemplated.
- ***Main Application, part I.D, bottom of page 6:*** The Applicants confirm that both the TPE and NCP systems have now entered into commercial service.
- ***Main Application, part I.E, Table 1, page 8:*** The reference to “China Telecom” in Table 1 means CTC.
- ***Main Application, part I.E., Table 5, page 9, and Appendix C, page 4:*** The statements that (a) CTG controls the cable landing station facilities for HKA at Chung Hom Kok in Hong Kong (part I.E) and (b) CTG does not own or control a cable landing station in Hong Kong (Appendix C) are both correct. CTG leases a small portion of the Chung Hom Kok cable landing station (where HKA equipment will be located) from Telstra, which controls the building under a lease with GB21 (an affiliate of Singapore Telecommunications), which owns the building. CTG does not control the whole cable landing station at Chung Hom Kok.

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- **Main Application, part I.E and Appendix E:** RTI Express Pte. Ltd. (“RTI Express,” one of the joint applicants) and RTI Infrastructure, Inc. (“RTI-I,” the Hermosa Beach cable landing station owner) are related entities. The directors of RTI Express serve as key management personnel of RTI-I. Also, the owners of RTI Express, Messrs. Lay and Choo, each hold a less-than-five-percent interest in RTI-I.
- **Appendix C, page 2:** China Telecom Corporation Limited’s address is 38/F, Everbright Centre, 108 Gloucester Road, Wanchai, Hong Kong SAR, China.
- **Appendix F:** Tata Communications (Bermuda) Limited (“TC Bermuda”), rather than Tata Communications (America) Inc. (“TC America”) is the joint applicant for the HKA cable landing license. TC Bermuda provides an updated appendix in the attachment to this letter and regrets any confusion with the original appendix. At a future date, TC Bermuda may assign interests in HKA to TC America, at which time the license application would be amended or the Commission will be notified of a *pro forma* assignment of TC Bermuda’s interest in the license.

Please contact me with any questions.

Respectfully submitted,



Kent Bressie

Attachment

cc: Denise Coca  
Jodi Cooper  
David Krech

## **APPENDIX F:**

### **Tata Communications (Bermuda) Limited**

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 (Bermuda) Limited ("TC (Bermuda)") is the company formed under the laws of Bermuda which is indirectly owned by Tata Communications Limited, an entity incorporated under the Laws of India and is listed on the Bombay Stock Exchange and the National Stock Exchange of India. Below, TC (Bermuda) 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 (Bermuda) Limited  
P.O. Box HM3297, 44 Church Street (West)  
1st Floor  
Hamilton HM12  
Bermuda  
Phone -- +17322824269

Registered Address  
Clarendon House  
2 Church Street  
Hamilton HM11  
Bermuda

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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 (Bermuda) is incorporated in Bermuda.

**(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  
Director – Tata Communications (Bermuda) Limited  
c/o 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 (Bermuda):

**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 (Bermuda) Limited

**Tata Communications Limited**

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

*Citizenship:* India

*Principal Business:* Telecommunications

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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.

*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 (Bermuda).

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

**John Freeman**

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

**Dave Ryan**

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

**Ilangovan G**

- Tata Communications (Bermuda) Limited: Director
- Tata Communications (America) Inc.: 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 Services (Bermuda) Limited: Director

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

TC (Bermuda) 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 (Bermuda) certifies that it:

- (A) is not a foreign carrier in any foreign country;<sup>8</sup>
- (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:

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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).

<sup>8</sup> TC (Bermuda) is a holding company for telecommunications infrastructure.

**TABLE 2: AFFILIATED FOREIGN CARRIERS**

<b>Entity</b>	<b>Country</b>
Tata Communications (Australia) Pty Limited	Australia
TCPoP Communication GmbH	Austria
Tata Communications (Belgium) SPRL	Belgium
Tata Communications Services (Bermuda) Limited	Bermuda
Tata Communications Comunicações E Multimídia (Brazil) Limitada	Brazil
Tata Communications (Canada) Ltd.	Canada
Tata Communications (Beijing) Technology Limited	China
Tata Communications (France) SAS	France
Tata Communications Deutschland GmbH	Germany
Tata Communications (Guam)	Guam
Tata Communications (Hong Kong) Limited	Hong Kong
Tata Communications (Hungary) LLC	Hungary
Tata Communications Limited	India
Tata Communications (Ireland) DAC	Ireland, Bulgaria, Czech Republic, Denmark, and Romania
Tata Communications (Italy) S.r.l	Italy
Tata Communications (Japan) K.K.	Japan
ITXC IP Holdings S.A.R.L.	Luxembourg
Tata Communications (Malaysia) Sdn. Bhd.	Malaysia
Tata Communications (Netherlands) B.V.	Netherlands
Tata Communications (New Zealand) Limited	New Zealand
Tata Communications (Nordic) AS	Norway
Tata Communications (Poland) Sp. z o.o.	Poland
Tata Communications (Portugal) - Instalação e Manutenção de Redes, LDA	Portugal
Tata Communications (Russia) LLC	Russia
Tata Communications International Pte. Ltd.	Singapore
Tata Communications (South Korea) Limited	South Korea
Tata Communications (Spain), S.L.	Spain
Tata Communications Lanka Limited	Sri Lanka
Tata Communications (Sweden) AB	Sweden
Tata Communications (Switzerland) GmbH	Switzerland
Tata Communications (Taiwan) Ltd	Taiwan
Tata Communications (Thailand) Limited	Thailand
Tata Communications (UK) Limited	United Kingdom
Tata Communications (America) Inc.	United States
United Telecom Limited (Nepal Co.)	Nepal



**(7) Certification Regarding Destination Markets<sup>9</sup>**

TC (Bermuda) 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>10</sup>**

By its signature below, TC (Bermuda) 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>11</sup>

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

TC (Bermuda) certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g) to the extent it is subject to such requirements.

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

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

<sup>11</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>12</sup> See 47 C.F.R. § 1.767(a)(9).

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

TC (Bermuda) requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). TC (Bermuda) 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>14</sup> TC (Bermuda)’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 (Bermuda) 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>15</sup>**

TC (Bermuda) 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>16</sup>

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

<sup>14</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).

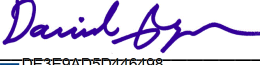
<sup>15</sup> See 47 C.F.R. §§ 1.767(j), (k).

<sup>16</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 (Bermuda), 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 (BERMUDA) INC.

DocuSigned by:  


DE3E9AD5D446498...  
David M. Ryan

Director

Tata Communications (Bermuda) Limited  
c/o Tata Communications (America) Inc.  
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Herndon, VA 20171  
703-547-6525

August 6, 2018