

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

PACIFIC CARRIAGE LIMITED INC., AND
SOUTHERN CROSS CABLES LIMITED

Application for a License to Land and Operate
a Private Fiber-Optic Submarine Cable System
Connecting Australia, New Zealand, Fiji, Samoa,
Tokelau, Kiribati, and California,

THE SOUTHERN CROSS NEXT SYSTEM

File No. SCL-LIC-2019-_____

**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, Pacific Carriage Limited Inc. (“PCLI”) and Southern Cross Cables Limited (“SCCL,” together with PCLI, the “Applicants”) hereby apply for a license to land and operate within the United States a private fiber-optic submarine cable network connecting Australia, New Zealand, Fiji, Samoa, Tokelau, Kiribati, and California. The system will be known as the Southern Cross NEXT system. The Applicants will operate Southern Cross NEXT on a non-common-carrier basis, by providing bulk capacity to wholesale, enterprise, and Internet content customers on particularized terms and conditions pursuant to individualized negotiations. The existence of competition on all U.S.-international routes to be served by Southern Cross NEXT obviates any need for common-carrier regulation of the system on public-interest grounds.

The Applicants intend to commence commercial operation of Southern Cross NEXT in the fourth calendar quarter of 2021. The Applicants therefore seek timely grant of a cable landing license by the Commission no later than September 2020, in order to permit construction

activities to proceed on schedule. An expeditious grant of this application will significantly advance the public interest in the following ways.

First, Southern Cross NEXT will provide the industry's lowest-latency connectivity on U.S.-South Pacific routes. Southern Cross NEXT will leverage recent advances in long-haul transmission technology and system design, with express routes connecting the United States to Australia and New Zealand without landings or routing solely via Hawaii or Fiji.

Second, Southern Cross NEXT will provide critical new and diverse capacity on routes where capacity demand continues to increase substantially each year. Southern Cross NEXT will consist of four fiber pairs on the main U.S.-Australia trunk route, which will have a design capacity of 18 Tbps per fiber pair (and a total design capacity of 72 Tbps) using current technology. The system's initial lit capacity has not yet been determined. It will offer capacity in large increments until the year 2047. Southern Cross NEXT will complement the existing Southern Cross Cable Network to form a robust Southern Cross ecosystem that will allow the Applicants and their affiliates to provide more resilient services to their own customers while generally strengthening the resilience of connectivity on U.S.-South Pacific routes.

Third, Southern Cross NEXT will compete vigorously with other submarine cable systems serving U.S.-South Pacific routes, including the Hawaiki Cable system (which connects Australia and New Zealand to Hawaii and Oregon), the PPC-1 system and the Australia-Japan cable (each of which connects Guam to Australia), the Endeavour system (which connects Australia to Hawaii), and TGN Pacific, SEA-US, and Asia-America Gateway systems (each of which connects Guam to the continental United States).

This application raises no public-interest concerns. The Applicants request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2) and (3), as the applicants are affiliated with non-

dominant foreign carriers in Australia and a foreign carrier presumed to have market power in New Zealand, with Australia and New Zealand both being member countries of the World Trade Organization (“WTO”). Below, the Applicants provide information required by 47 C.F.R. § 1.767.

A. Applicant Identifying Information¹

In Table 1, the Applicants provide their names, addresses, telephone numbers, and FCC registration numbers.

Table 1: Applicant Identifying Information

Name, Address, and Telephone Number	FRN
Pacific Carriage Limited Inc. L5 Midland Chambers 45 Johnston Street P.O. Box 5340 Wellington New Zealand +64 4 496 3250	0028679629
Southern Cross Cables Limited L5 Midland Chambers 45 Johnston Street P.O. Box 5340 Wellington New Zealand +64 4 496 3250	0028679595

B. Applicant Places of Incorporation²

PCLI is a Delaware corporation. SCCL is a Bermuda private limited company.

¹ See 47 C.F.R. § 1.767(a)(1).

² See *id.* § 1.767(a)(2).

C. Contact Information for the Applicants³

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Counsel for Pacific Carriage Limited Inc., and Southern Cross Cables Limited

D. System Description⁴

Southern Cross NEXT will consist of a U.S.-Australia trunk with six branches. Each fiber pair of the system will have a design capacity of 18 Tbps using current technology.

- The ***U.S.-Australia Trunk*** will have a length of 13,483 kilometers and four fiber pairs, two of which are express fiber pairs connecting Sydney, Australia, directly to Hermosa Beach, California.
- The ***Takapuna Branch*** will connect a branching unit on the U.S.-Australia Trunk and Takapuna, New Zealand, with a length of 1,301 kilometers and two fiber pairs, one of

³ See *id.* § 1.767(a)(3).

⁴ See *id.* § 1.767(a)(4).

which is an express pair connecting Takapuna, New Zealand, directly to Hermosa Beach, California, and to Sydney, Australia.

- The ***Suva Branch*** will connect a branching unit on the U.S.-Australia Trunk and Suva, Fiji, with a length of 309 kilometers and one fiber pair.
- The ***Savu Savu Branch*** will connect a branching unit on the U.S.-Australia Trunk and Savu Savu, Fiji, with a length of 305 kilometers and one fiber pair.
- The ***Apia Branch*** will connect a branching unit on the trunk and Apia, Samoa, with a length of 310 kilometers and one fiber pair.
- The ***Nukunonu Branch*** will connect a branching unit on the U.S.-Australia Trunk and Nukunonu, Tokelau, with a length of 53 kilometers and one fiber pair.
- The ***Kiritimati Branch*** will connect a branching unit on the U.S.-Australia Trunk and Tabwakea, Kiritimati, Kiribati, with a length of 377 kilometers and one fiber pair.

The initial lit capacity of Southern Cross NEXT has not yet been determined. The Applicants expect Southern Cross NEXT to enter into commercial service in the fourth calendar quarter of 2021. In Appendix A, the Applicants provide a route map for the system.

E. Landing Points⁵

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

- Appendix B: Sydney, Australia, Landing Point Information
- Appendix C: Takapuna, New Zealand, Landing Point Information
- Appendix D: Suva, Fiji, Landing Point Information

⁵ See *id.* § 1.767(a)(5).

- Appendix E: Savu Savu, Fiji, Landing Point Information
- Appendix F: Apia, Samoa, Landing Point Information
- Appendix G: Nukunonu, Tokelau, Landing Point Information
- Appendix H: Tabwakea, Kiritimati, Kiribati, Landing Point Information
- Appendix I: Hermosa Beach, California, Landing Point Information

F. Regulatory Classification⁶

The Applicants will operate Southern Cross NEXT 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 Southern Cross NEXT to common-carrier regulation because it will not operate on a common-carrier basis as defined by the U.S. Court of Appeals for the D.C. Circuit.⁷ “The primary *sine qua non* of common carrier status is a quasi-public character, which arises out of the undertaking ‘to carry for all people indifferently.’”⁸ On Southern Cross NEXT, however, the Applicants will not sell capacity indifferently to the public. Instead, the Applicants will sell bulk capacity to particular carrier, enterprise, and Internet content customers pursuant to individually-negotiated infeasible rights of use (“IRUs”) and

⁶ See *id.* § 1.767(a)(6).

⁷ 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 the Commission’s use of the *NARUC I* test for distinguishing common-carrier and private-carrier services following enactment of the Telecommunications Act of 1996).

⁸ *Nat’l Ass’n of Regulatory Utility Comm’rs v. FCC*, 533 F.2d 601, 608 (D.C. Cir. 1976) (emphasis added) (quoting *Semon v. Royal Indemnity Co.*, 279 F.2d 737, 739 (5th Cir. 1960)).

capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchaser. The Commission has consistently found that such offerings do not make an applicant a common carrier.⁹

Second, the Commission should not subject Southern Cross NEXT to common-carrier regulation because there is no legal compulsion or other public-interest reason for the Applicants to operate the system in such a manner. Under the *NARUC I* test, the Commission must determine whether the public interest requires common-carrier operation of the cable system.¹⁰ Traditionally, the Commission has focused on whether the applicant has sufficient market power to warrant common-carrier regulation,¹¹ 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.¹² Southern Cross NEXT poses no such competitive or other public-interest concerns.

⁹ 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 Tel. Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999).

¹⁰ *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”).

¹¹ See *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,893 ¶ 30.

¹² See *AT&T Corp. et al.*, Cable Landing License, 14 FCC Rcd. 13,066, 13,080 ¶ 39 (1999) (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

Southern Cross NEXT will enhance competition by competing vigorously with other submarine cable systems on U.S.-South Pacific routes.

- On the U.S.-Australia route, Southern Cross NEXT will compete directly with:
 - The Hawaiki system, which connects Australia with American Samoa, Hawaii, and Oregon;
 - TPG Telecom’s PPC-1 system, which connects Australia with Guam,;
 - The Australia-Japan Cable (owned by AT&T, SoftBank, Telstra, and Verizon), which connects Australia with Guam, with onward connectivity to the U.S. mainland on a variety of systems;
 - The Asia-America Gateway, SEA-US, and TGN Pacific systems, which connect Guam with the continental United States; and
 - Telstra’s Endeavour system, which connects Australia with Hawaii, with onward connectivity to the U.S. mainland on a variety of systems (including Asia-America Gateway, Japan-U.S., and SEA-US).
- On the U.S.-New Zealand route, Southern Cross NEXT will compete directly with:
 - The Hawaiki system, which connects New Zealand with American Samoa, Hawaii, and Oregon, and
 - The Tasman Global Access system, which connects New Zealand to Australia, with onward connectivity via Endeavour and PPC-1.
- On the U.S.-Fiji route, Southern Cross NEXT will compete with the Tui system, which connects Fiji with Samoa, with connectivity to Hawaii via the American-

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”).

Samoa Hawaii Cable (“ASHC”) and Samoa-American Samoa Cable (“SASC”), or the planned Manatua system (which will connect Samoa with French Polynesia) and the Honotua system (which connects French Polynesia with Hawaii), with onward connectivity via a variety of systems.

- On the U.S.-Samoa route, Southern Cross NEXT will compete directly with:
 - The Hawaiki system, which connects American Samoa with Hawaii and Oregon, connecting with the SASC system to provide connectivity to Samoa as well, and
 - The ASHC and SASC systems, which connect Samoa, American Samoa, and Hawaii, with onward connectivity on a variety of systems.
- On the U.S.-Tokelau route, Southern Cross NEXT will compete with Intelsat IS18, which provides significant satellite connectivity for Tokelau and its tiny population of 1,500 people.
- On the U.S.-Kiribati route, Southern Cross NEXT will compete with:
 - Broadband satellite connectivity from O3b Networks provided via earth stations owned by Amalgamated Telecom Holdings Kiribati Limited, and
 - The planned East Micronesia Cable (“EMC”), which will connect Kiribati to Pohnpei in the Federated States of Micronesia, with onward connectivity to Guam via the HANTRU-1 system and further connectivity from Guam via a variety of systems.

With respect to competition from satellites on the U.S.-Tokelau and U.S.-Kiribati routes, the Applicants note that the Commission has previously found that the existence of intermodal competition from satellite facilities is sufficient to justify non-common carrier status for a

submarine cable system,¹³ and that the facilities need not be identical in order to offer pro-competitive benefits.¹⁴

The existence of ample competing facilities providing connectivity on the relevant U.S.-South Pacific routes will ensure that Southern Cross NEXT would not function as a bottleneck facility on those routes. The Applicants' intended operation of Southern Cross NEXT 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.

G. Cable Ownership Information¹⁵

The Applicants and their affiliates will own Southern Cross NEXT as follows:

- PCLI will own that portion of the wet segment of the U.S.-Australia Trunk in the U.S. territorial sea.

¹³ See, e.g., *Actions Taken Under Cable Landing License Act*, Public Notice, DA 19-567 (Int'l Bur. rel. June 17, 2019) (finding that the AU-Aleutian system "will also allow GCICC to compete with existing providers' facilities, including satellite service providers"); *Actions Taken Under Cable Landing License Act*, Public Notice, 24 FCC Rcd. 226, 228 (Int'l Bur. 2009) (finding that "Applicants have provided information that the proposed operation of the cable on a non-common carrier basis satisfies the requirements set forth in [NARUC I]," particularly information about competition from satellites as documented in File No SCL-LIC-20080814-00016); *General Communication, Inc.*, Cable Landing License, 12 FCC Rcd. 18,292, 18,297 ¶ 16 (Int'l Bur. 1997) (noting that existing terrestrial microwave and satellite facilities provided competition on the proposed route of GCI's Alaska United East system), *aff'd*, 16 FCC Rcd. 4314 (2001); *Tel-Optik Ltd.*, Memorandum Opinion and Order, 100 FCC.2d 1033, 1040, 1052 (1985) ("*Tel-Optik*").

¹⁴ See *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,896 ¶ 39 (noting that "[u]nder NARUC I and Commission precedent, our decision necessarily must consider whether the proposed cable system is a competitive 'bottleneck' (*i.e.*, whether there are no competitive substitutes, enabling the owner to restrict output or raise prices), or whether there are, in fact, competitive alternatives.").

¹⁵ See 47 C.F.R. § 1.767(a)(7).

- SCCL will own the wet segment of the U.S.-Australia Trunk beyond the territorial sea of any landing country.
- SCCL Australia Limited will own that portion of the U.S-Australia Trunk in the territorial sea of Australia.
- SCCL New Zealand Limited will own that portion of the Takapuna Branch in the territorial sea of New Zealand.
- SCCL Fiji Limited will own those portions of the Suva and Savu Savu Branches in the territorial sea of Fiji.
- SCCL Pacific Limited will own those portions of the Apia Branch, the Nukunonu Branch, and the Kiritimati Branch in the respective territorial seas of Samoa, Tokelau, and Kiribati.

Of those entities, only SCCL will own a five-percent-or-greater interest in the system and use the U.S. endpoints, meaning that only SCCL need be a joint applicant pursuant to 47 C.F.R.

§ 1.767(h)(2).

Southern Cross NEXT will land at the U.S. and foreign cable landing stations identified in Table 2 below.

Table 2: Ownership and Control of Cable Landing Stations

Cable Landing Station	New or Existing Facility	Ownership/Control
Sydney, Australia	Existing	Optus Networks Pty Limited
Takapuna, New Zealand	Existing	Spark New Zealand Trading Limited
Suva, Fiji	Existing	Fiji International Telecommunications Pte Limited
Savu Savu, Fiji	New	Government of Fiji
Apia, Samoa	Existing	Samoa Submarine Cable Company Limited

Cable Landing Station	New or Existing Facility	Ownership/Control
Nukunonu, Tokelau	New	Telecommunication Tokelau Corporation
Tabwakea, Kiritimati, Kiribati	New	Bwebwerikinet Limited
Hermosa Beach, California	Existing	PCLI (control); RTI Infrastructure, Inc. (ownership)

H. Certifications Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates¹⁶

PCLI certifies that it has the following 10-percent-or-greater direct or indirect interest holders (as generally illustrated in Appendix J):

Pacific Carriage Holdings Limited Inc. (“PCHLI”)

Address: Canon’s Court, 22 Victoria Street, Hamilton HM12, Bermuda

Place of Organization: Delaware

Principal Business: investments

Relationship: PCHLI holds a 100-percent voting and economic interest in PCLI.

TCNZ (Bermuda) Limited (“TCNZ Bermuda”)

Address: Canon’s Court, 22 Victoria Street, Hamilton HM12, Bermuda

Place of Organization: Bermuda

Principal Business: investments

Relationship: TCNZ Bermuda holds a 38.12-percent voting and economic interest in PCHLI.

Ownership of TCNZ Bermuda: See Appendix K.

Optus Networks Pty Limited (“Optus”)

Address: 1 Lyon Park Road, Macquarie Park, NSW 2113, Australia

Place of Organization: Australia

Principal Business: telecommunications

Relationship: Optus holds a 30.49-percent interest in PCHLI.

Ownership of Optus: See Appendix L.

¹⁶ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Telstra Holdings Pty Limited (“Telstra Holdings”)

Address: Level 41, 242 Exhibition Street, Melbourne 3000, Australia

Place of Organization: Australia

Principal Business: investments

Relationship: Telstra Holdings holds a 25.00-percent voting and economic interest in PCHLI.

Ownership of Telstra Holdings: See Appendix M.

The remaining 6.40-percent voting and economic interest in PCHLI is held by MFS GlobeNet, Inc., an indirect, wholly-owned subsidiary of Verizon Communications, Inc.

SCCL certifies that it has the following 10-percent-or-greater direct or indirect interest holders (as generally illustrated in Appendix N):

Southern Cross Cables Holdings Limited (“SCCHL”)

Address: Canon’s Court, 22 Victoria Street, Hamilton HM12, Bermuda

Place of Organization: Bermuda

Principal Business: investments

Relationship: SCHHL holds a 100-percent voting and economic interest in SCCL.

TCNZ (Bermuda) Limited (“TCNZ Bermuda”)

Address: Canon’s Court, 22 Victoria Street, Hamilton HM12, Bermuda

Place of Organization: Bermuda

Principal Business: investments

Relationship: TCNZ Bermuda holds a 38.12-percent voting and economic interest in SCCHL.

Ownership of TCNZ Bermuda: See Appendix K.

SingTel EInvestments Pte Ltd (“SingTel EInvestments”)

Address: Comcentre, 31 Exeter Road, Singapore 239732

Place of Organization: Singapore

Principal Business: investments

Relationship: SingTel EInvestments holds a 30.49-percent interest in SCCHL.

Ownership of SingTel EInvestments: See Appendix O.

Telstra Holdings Pty Limited (“Telstra Holdings”)

Address: Level 41, 242 Exhibition Street, Melbourne 3000, Australia

Place of Organization: Australia

Principal Business: investments

Relationship: Telstra Holdings holds a 25.0-percent voting and economic interest in SCCHL.

Ownership of Telstra Holdings: See Appendix M.

The remaining 6.40-percent voting and economic interest in SCCHL is held by MFS GlobeNet, Inc., an indirect, wholly-owned subsidiary of Verizon Communications, Inc.

The Applicants have the following interlocking directorates with foreign carriers:

- David Havercroft, who is a director of SCCL, is also a director of Pacific Carriage Limited, SCCL Australia Limited, SCCL Fiji Limited, SCCL Pacific Limited, SCCL New Zealand Limited, Kordia Limited, and Kordia New Zealand Limited.
- Seng Keat Ooi, who is a director of SCCL, is also an alternative director of Pacific Carriage Limited, SCCL Australia Limited, SCCL Fiji Limited, SCCL Pacific Limited, and SCCL New Zealand Limited.
- Cevdat Mehdi, who is a director of SCCL, is also a director of Pacific Carriage Limited, SCCL Australia Limited, SCCL Fiji Limited, SCCL Pacific Limited, and SCCL New Zealand Limited.

I. Certification Regarding the Anti-Drug Abuse Act of 1988¹⁷

The Applicants certify 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.¹⁸

J. Certification Regarding Foreign Carrier Status and Foreign Affiliations¹⁹

The Applicants certify that: (A) neither is a foreign carrier in any foreign country; (B) neither owns or controls a cable landing station in any foreign country; and (C) each is affiliated

¹⁷ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

¹⁸ 21 U.S.C. § 862(a). The Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, title V, § 5301, 102 Stat. 4181, 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 the Crime Control Act of 1991, Pub. L. No. 101-647, title X, § 1002(d)(1), 104 Stat. 4789, 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.

¹⁹ See 47 C.F.R. § 1.767(a)(8)(ii).

with the foreign carriers listed in Table 3 below, including entities that own or control cable landing stations.

Table 3: Affiliated Foreign Carriers

Entity	Destination Market	Owns/Controls Cable Landing Station? Y/N
Gen-i Australia Pty Ltd	Australia	N
Optus Data Centres Pty Limited	Australia	N
Optus Mobile Pty Limited	Australia	N
Optus Networks Pty Limited	Australia	Y
Optus Vision Pty Limited	Australia	N
Prepaid Services Pty Limited	Australia	N
Reef Networks Pty Ltd	Australia	N
Simplus Mobile Pty Limited	Australia	N
Source Integrated Networks Pty Limited	Australia	N
Uecomm Operations Pty Limited	Australia	N
Unite.com Pty Limited	Australia	N
Virgin Mobile (Australia) Pty Limited	Australia	N
Vividwireless Pty Ltd	Australia	N
XYZed LMDS Pty Limited	Australia	N
XYZed Pty Limited	Australia	N
Pacific Bangladesh Telecom Limited	Bangladesh	N
Singapore Telecom Japan Co., Ltd.	Japan	N
Singapore Telecom Hong Kong Limited	Hong Kong	N
StarHub Hong Kong Limited	Hong Kong	N
Bharti Airtel Limited	India	Y
Singapore Global (India) Private Limited	India	N
PT TeleChoice Indonesia	Indonesia	N
PT Telekomunikasi Selular	Indonesia	N
Information Network Services Sdn Bhd	Malaysia	N
Singapore Telecom (Malaysia) Sdn Bhd	Malaysia	N
Digital Island Limited	New Zealand	N
Spark New Zealand Trading Limited	New Zealand	Y
Spark Retail Holdings Limited	New Zealand	N
Digital Network Access Communications Pte Ltd	Singapore	N
GRID Communications Pte Ltd	Singapore	N
NexWave Telecoms Pte Ltd	Singapore	N
Nucleus Connect Pte Ltd	Singapore	N
Planet Telecoms (S) Pte Ltd	Singapore	N
Singapore Telecommunications Limited	Singapore	Y
SingTel Mobile Singapore Pte Ltd	Singapore	N
SingTelSat Pte Ltd	Singapore	N

Entity	Destination Market	Owens/Controls Cable Landing Station? Y/N
ST Teleport Pte Ltd	Singapore	N
ST-2 Satellite Ventures Private Limited	Singapore	N
StarHub Mobile Pte Ltd	Singapore	N
StarHub Ltd	Singapore	Y
TeleChoice International Limited	Singapore	N
Singapore Telecom Korea Limited	South Korea	N
Lanka Communications Services (Private) Limited	Sri Lanka	N
SingTel Taiwan Limited	Taiwan	N
ST-2 Satellite Ventures Private Limited	Taiwan	N
SingTel (Europe) Limited	United Kingdom	N

K. Certification Regarding Destination Countries²⁰

The Applicants certify that:

- (A) neither is a foreign carrier in Australia, New Zealand, Fiji, Samoa, Tokelau, or Kiribati, the foreign destinations market in which Southern Cross NEXT will land;
- (B) neither controls a foreign carrier in Australia, New Zealand, Fiji, Samoa, Tokelau, or Kiribati;
- (C) entities indirectly owning more than 25 percent of each of PCLI and SCCL control foreign carriers in Australia and New Zealand, as detailed in Table 3 above; and
- (D) no grouping of two or more foreign carriers in Australia, New Zealand, Fiji, Samoa, Tokelau, or Kiribati (or parties that control foreign carriers in Australia, New Zealand, Fiji, Samoa, Tokelau, or Kiribati) own, in aggregate, more than 25 percent of it and are parties to, or are 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 Southern Cross NEXT in the United States.

²⁰ See *id.* § 1.767(a)(8)(iii).

L. Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets²¹

No response is required, as the Applicants did not identify any non-WTO markets in response to 47 C.F.R. § 1.767(a)(8)(iii).

M. Certifications Regarding Routine Conditions²²

The Applicants certify that they accept and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

N. Streamlining—Market Power²³

The Applicants request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2) and (3).

With respect to Fiji, Samoa, Tokelau, and Kiribati, the Applicants have certified above that they are not affiliated with any foreign carriers in those markets.

With respect to Australia, the Applicants have certified that they are affiliated with non-dominant carriers identified in Table 3 above. Each of these affiliated foreign carriers in Australia lacks market power in its respective geographic market. Each has less than 50-percent market share in either the international transport market or local access market of its respective geographic market. None appears on the Commission's list of foreign telecommunications carriers presumed to possess market power in foreign telecommunications markets.²⁴ These foreign carriers therefore qualify for presumptions of non-dominance pursuant to 47 C.F.R.

²¹ See *id.* § 1.767(a)(8)(iv).

²² See *id.* § 1.767(a)(9).

²³ See *id.* § 1.767(j), (k).

²⁴ See *The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 22 FCC Rcd. 945 (Int'l Bur. 2007).

§ 63.10(a)(3) and exemptions from the dominant carrier safeguards in 47 C.F.R. §§ 63.10(c) through (e).

With respect to New Zealand, the Applicants are affiliated with a foreign carrier—Spark New Zealand Trading Limited—presumed to have market power in New Zealand. The Applicants therefore agree to accept and abide by the reporting requirements in 47 C.F.R. § 1.767(l).

O. Streamlining—CZMA²⁵

The Applicants certify that they are not required to submit a consistency certification to any state or territory pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). California does not list—and has never proposed to list—a cable landing license as a federal activity requiring a consistency certification.²⁶

P. Certification Regarding Service to Executive Branch Agencies²⁷

The Applicants have sent a complete copy of this application to the U.S. Departments of State, Commerce, and Defense. The Applicants’ 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—the owner of the Hermosa Beach, California cable landing station—need not be a joint applicant for the Southern Cross NEXT cable landing license. “The purpose of [Section 1.767(h)(1)] is to

²⁵ See 47 C.F.R. § 1.767(j), (k).

²⁶ See California Coastal Management Program, List of Federal Licenses and Permits Subject to Consistency Certification, <https://coast.noaa.gov/czm/consistency/media/ccp.pdf>.

²⁷ See 47 C.F.R. § 1.767(j).

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.”²⁸ RTI-I, the owner of the Hermosa Beach, California, cable landing station, will not have any ability to affect significantly Southern Cross NEXT’s operation. Inclusion of RTI-I as a joint applicant is not necessary to ensure compliance by the Applicants with the Cable Landing License Act, the Commission’s cable landing license rules, or the terms of any cable landing license. Grant of the waiver is therefore consistent with longstanding Commission precedent.²⁹

For the Hermosa Beach, California, landing, PCLI will contract with RTI-I for the provision of certain limited services that would not provide RTI-I with any ability to affect

²⁸ See *Actions Taken Under 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, 22,195-96 ¶¶ 53-54 (2001)).

²⁹ See, e.g., *Actions Taken Under Cable Landing License Act*, Public Notice, 32 FCC Rcd. 1436, 1438 (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 that Tata be a joint applicant for the cable landing license); *Actions Taken Under 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 significantly the operation of HANTRU1” and declining to require Tata be a joint applicant for the cable landing license); *Actions Taken Under 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 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”).

significantly Southern Cross NEXT's operation. PCLI will enter into long-term leases for collocation space for power feed equipment at the Hermosa Beach, California, cable landing station and will retain operational authority over the Southern Cross NEXT landing facilities and provide direction to RTI-I in all matters relating to Southern Cross NEXT. PCLI will seek to ensure that all IRU and lease agreements for the cable landing station facilities will have initial terms, with extension options at its sole discretion, for a total of 25 years each, coextensive with the term of the cable landing license.

CONCLUSION

For the foregoing reasons, the Applicants request that the Commission expeditiously grant a cable landing license for Southern Cross NEXT pursuant to streamlined processing.

Respectfully submitted,

**PACIFIC CARRIAGE LIMITED INC.
SOUTHERN CROSS CABLES LIMITED**



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August 9, 2019

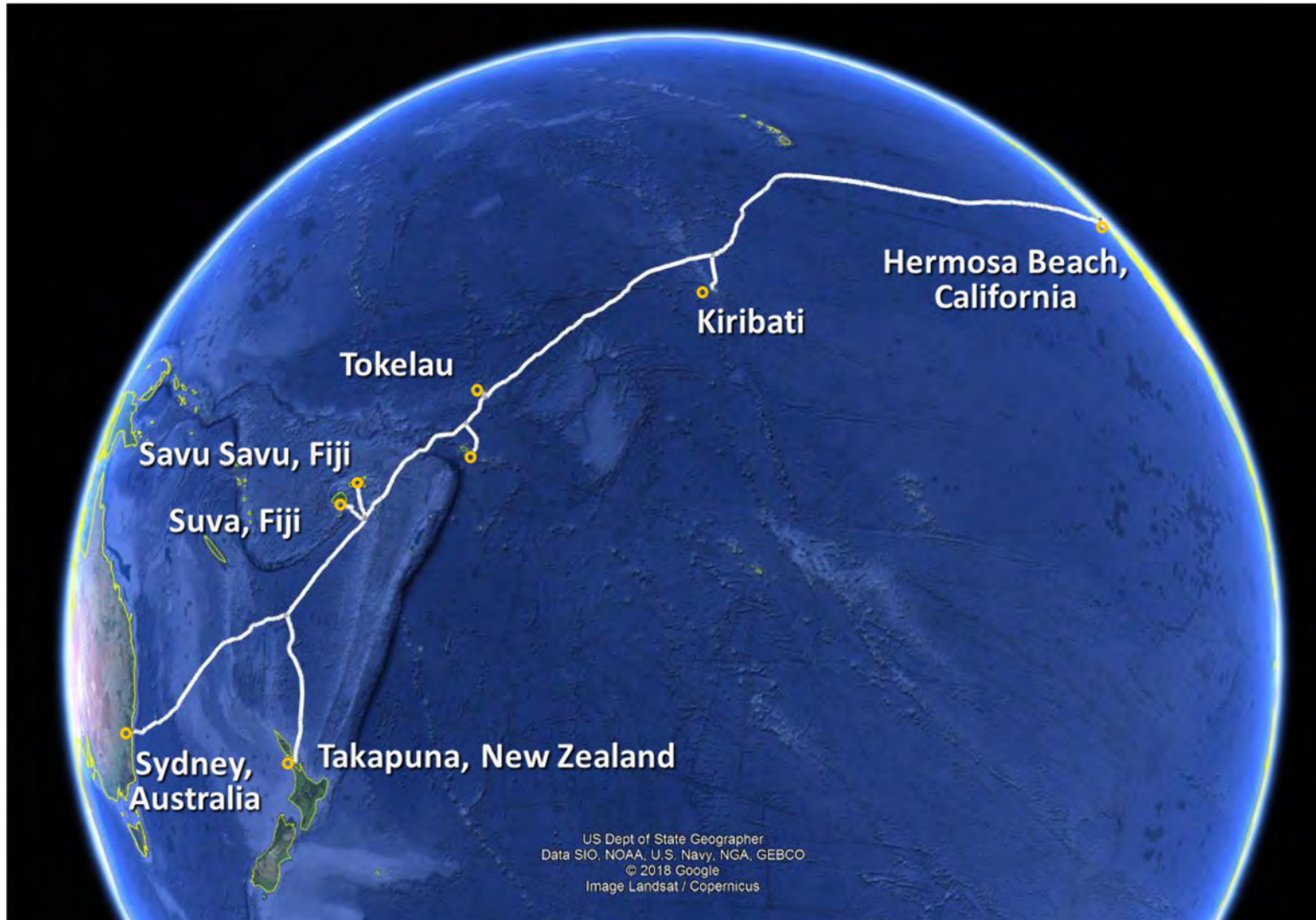
Attachments

LIST OF APPENDICES

- Appendix A: Southern Cross NEXT Route Map
- Appendix B: Sydney, Australia, Landing Point Information
- Appendix C: Takapuna, New Zealand, Landing Point Information
- Appendix D: Suva, Fiji, Landing Point Information
- Appendix E: Savu Savu, Fiji, Landing Point Information
- Appendix F: Apia, Samoa, Landing Point Information
- Appendix G: Nukunonu, Tokelau, Landing Point Information
- Appendix H: Tabwakea, Kiritimati, Kiribati, Landing Point Information
- Appendix I: Hermosa Beach, California, Landing Point Information
- Appendix J: Ownership Diagram for Pacific Carriage Limited Inc.
- Appendix K: Ownership of TCNZ (Bermuda) Limited
- Appendix L: Ownership of Optus Network Pty Ltd
- Appendix M: Ownership of Telstra Holdings Pty Limited
- Appendix N: Ownership Diagram for Southern Cross Cables Limited
- Appendix O: Ownership of SingTel EInvestments Pte Ltd.

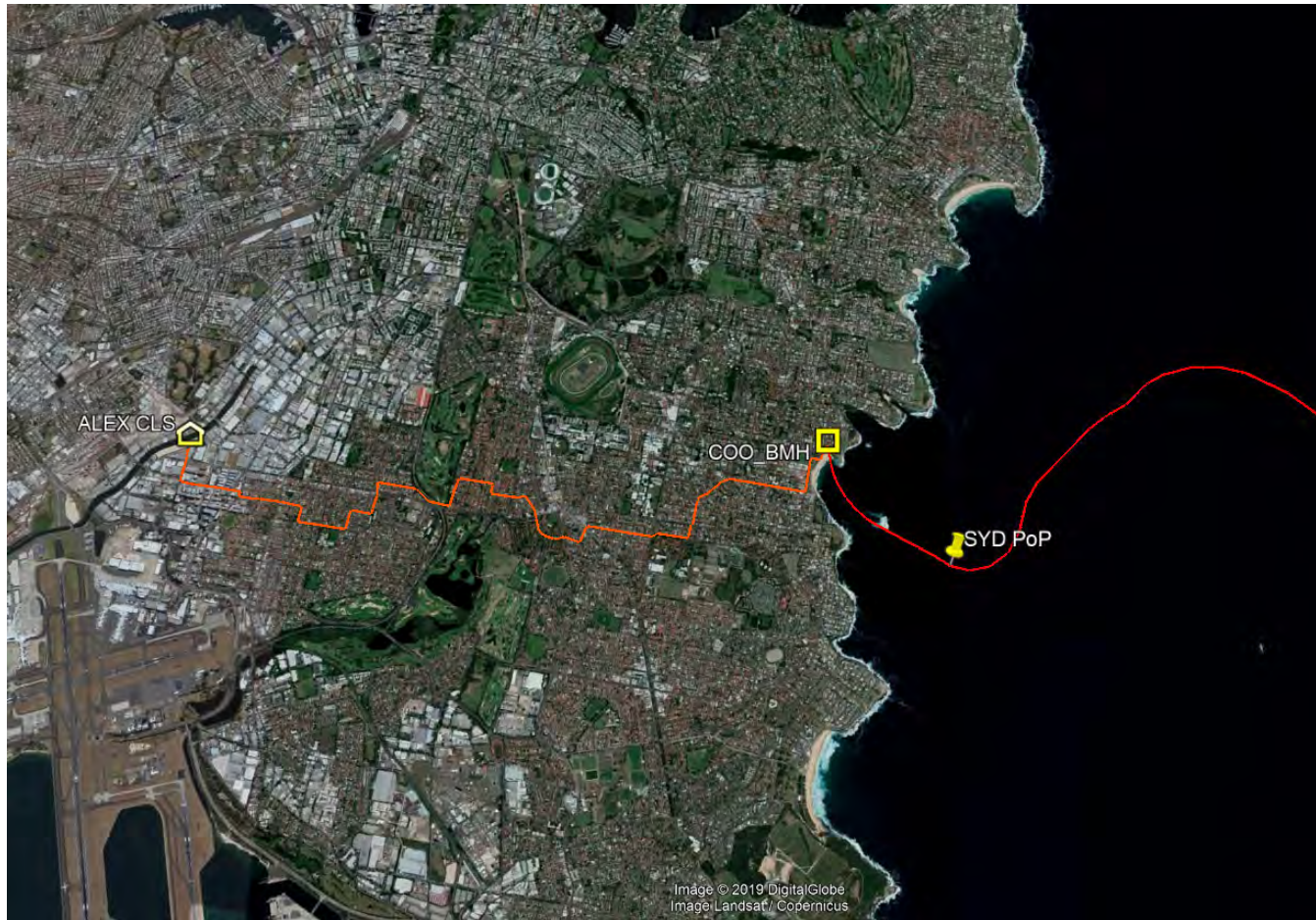
Certificate of Service

**APPENDIX A:
SOUTHERN CROSS NEXT ROUTE MAP**



APPENDIX B:

SYDNEY, AUSTRALIA, LANDING POINT INFORMATION



Beach manhole geographic coordinates:

33°55.099'S, 151°15.550' E

Cable station geographic coordinates:

33°55.116'S, 151°11.100'E

Cable landing station street address:

Unit 6, 562 Gardeners Road, Alexandria, NSW 2015, Australia

APPENDIX C:
TAKAPUNA, NEW ZEALAND, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	36°47.282'S, 174°46.517'E
Cable station geographic coordinates:	36°47.550'S, 174°44.862'E
Cable landing station street address:	1 Akoranga Drive, Northcote, 0627, Auckland, New Zealand

APPENDIX D:
SUVA, FIJI, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	18°7'8.10"S, 178°28'0.106"E
Cable station geographic coordinates:	18°7'44.36"S, 178°28'4.99"E
Cable landing station street address:	151, Rifle Range Rd, Suva, Fiji

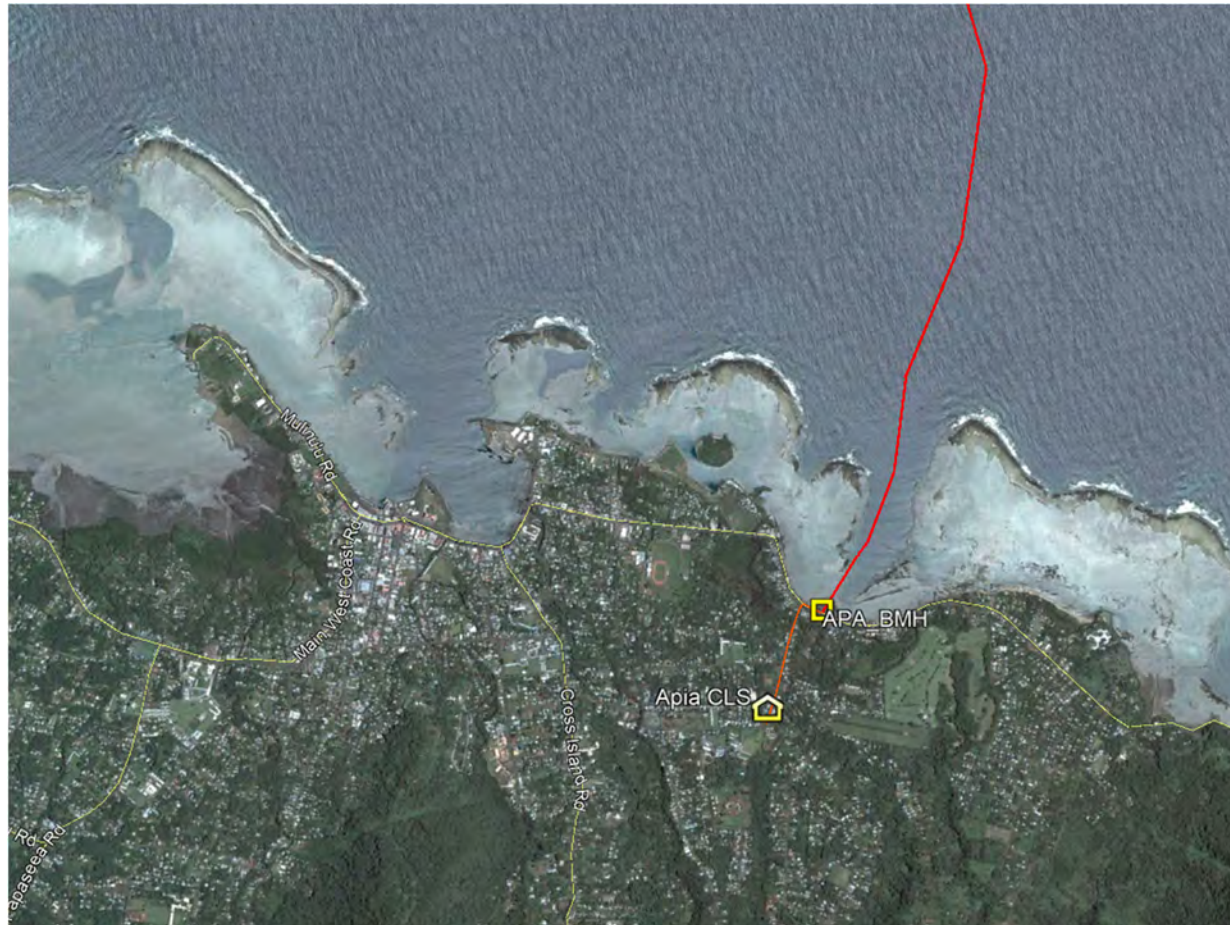
APPENDIX E:
SAVU SAVU, FIJI, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	16°48'27.88"S, 179°20'34.59"E
Cable station geographic coordinates:	16°48'22.29"S, 179°20'34.14"E
Cable landing station street address:	Lot 2, DP1977, Hibiscus Highway, Savu Savu, Fiji

APPENDIX F:

APIA, SAMOA, LANDING POINT INFORMATION



Beach manhole geographic coordinates: 13°50'28.92"S, 171°44'29.42"W

Cable station geographic coordinates: 13°50'52.53"S, 171°44'47.25"W

Cable landing station street address: 1 Vaivase Uta Rd, Fagali'i, Apia, Samoa

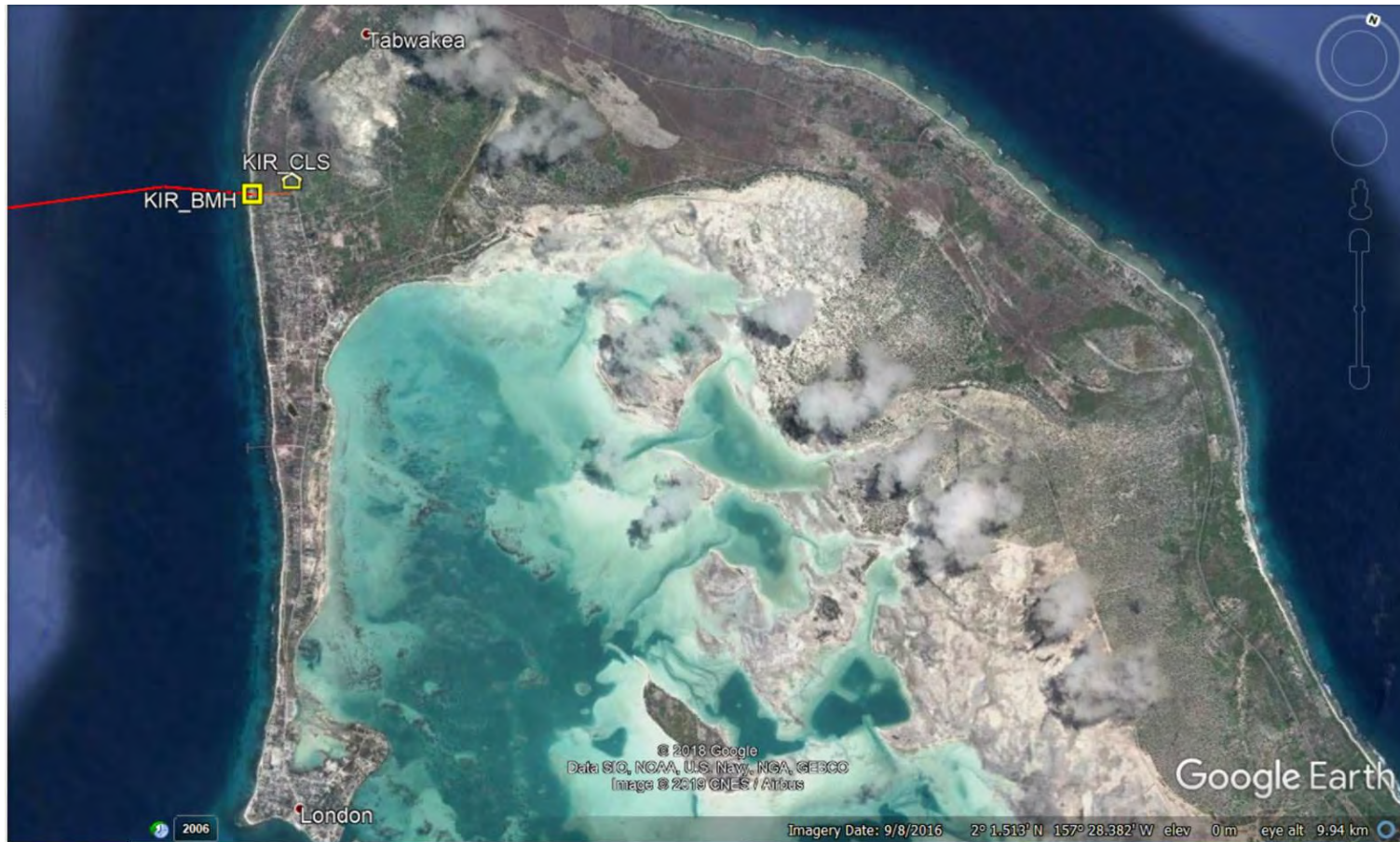
APPENDIX G:
NUKUNONU, TOKELAU, LANDING POINT INFORMATION



Beach manhole geographic coordinates: 9°11'50.91"S, 171°51'7.44"W
Cable station geographic coordinates: 9°11'50.47"S, 171°51'6.90"W
Cable landing station street address: Teletok Office, Nukunonu, Tokelau

APPENDIX H:

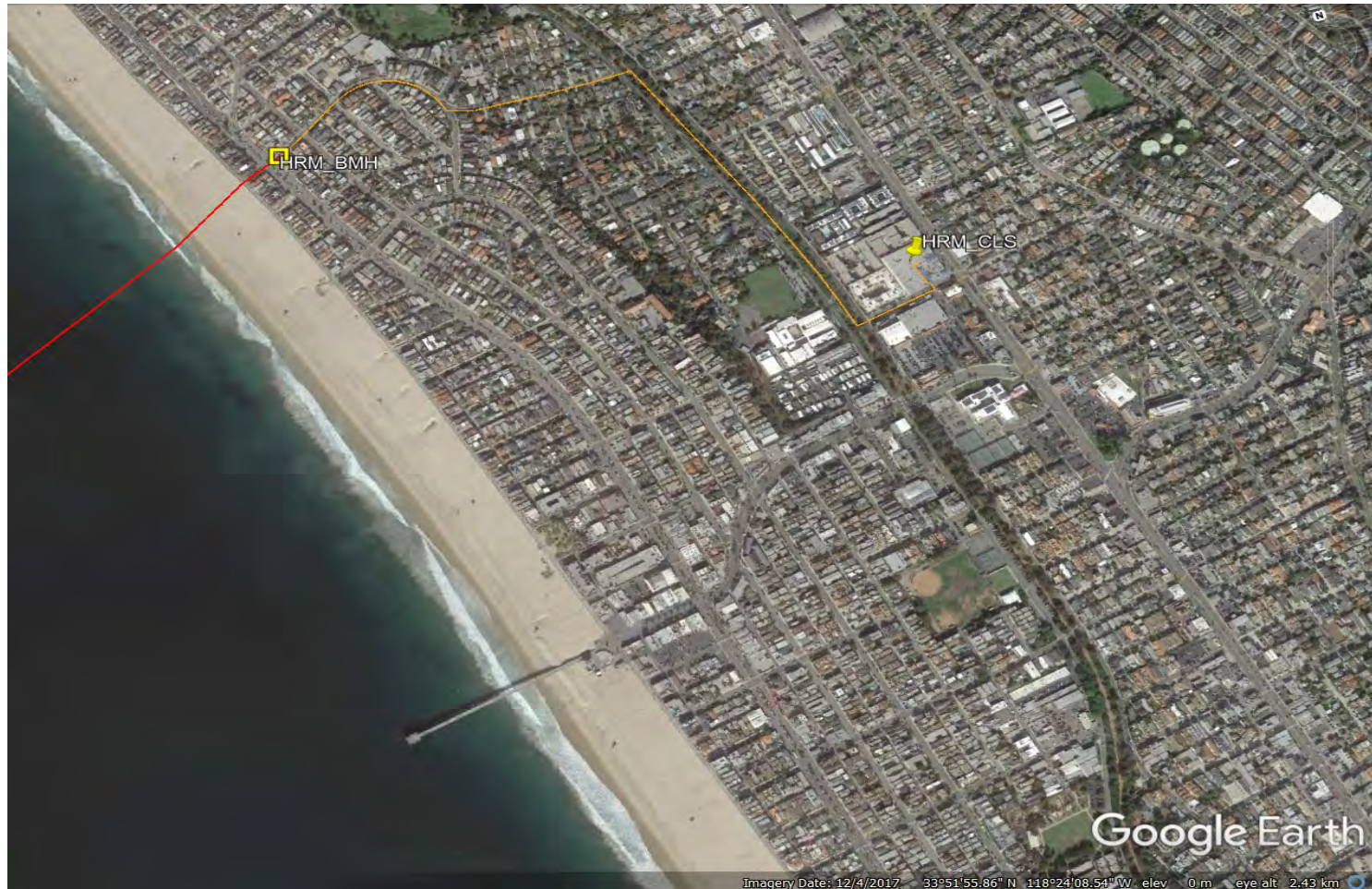
TABWAKEA, KIRITIMATI, KIRIBATI, LANDING POINT INFORMATION



Beach manhole geographic coordinates:	2°1'27.09"N, 157°29'6.33"W
Cable station geographic coordinates:	2°1.536'N, 157°29.490'W
Cable landing station street address:	none

APPENDIX I:

HERMOSA BEACH, CALIFORNIA, LANDING POINT INFORMATION

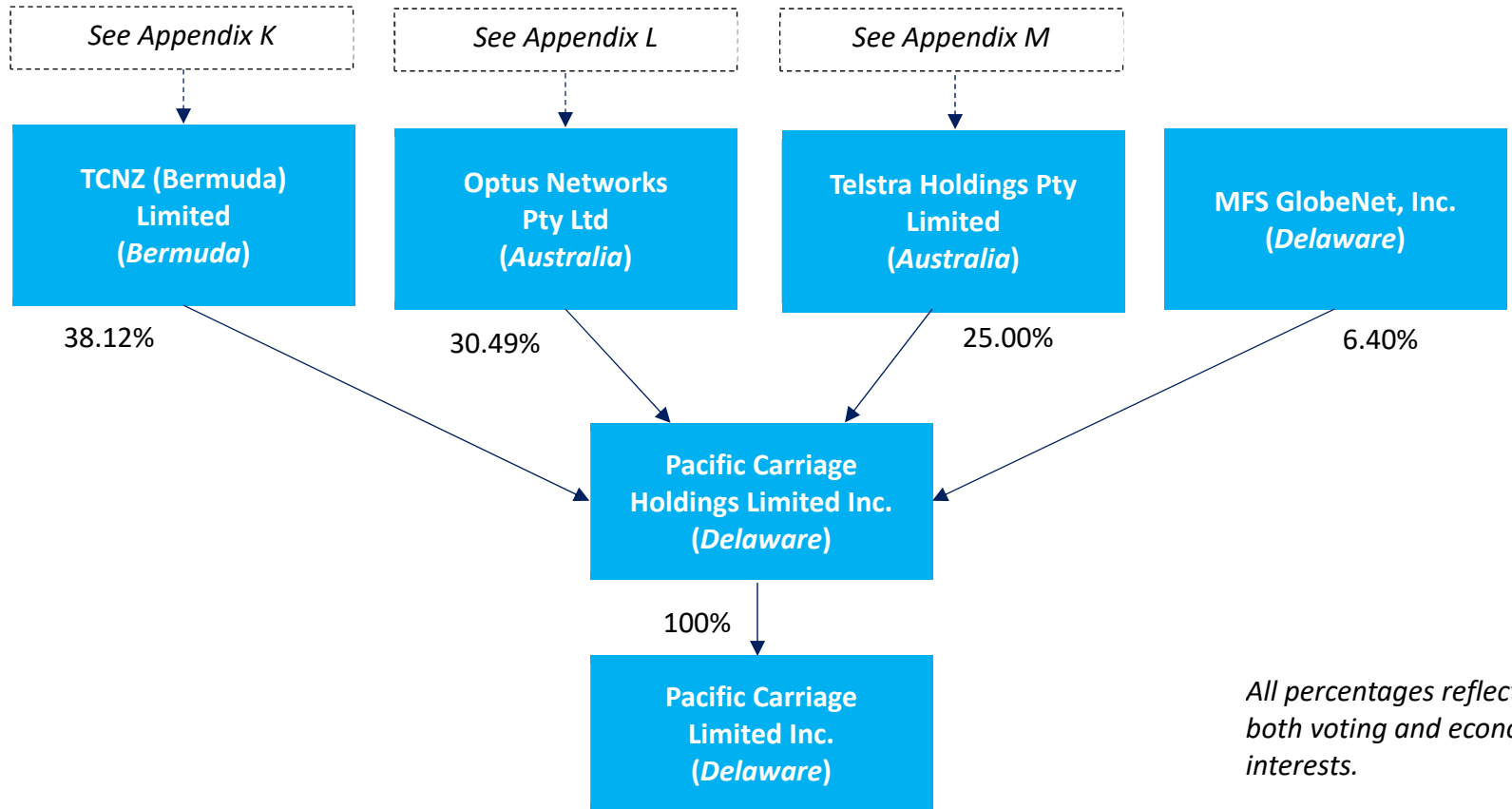


Beach manhole geographic coordinates: 33° 52.287'N, 118° 24.277'W

Cable station geographic coordinates: 33°52'1.14"N, 118°23'39.00"W

Cable landing station street address: 1601 Pacific Coast Highway, Suite 290, Hermosa Beach, California 90524, USA

APPENDIX J:
OWNERSHIP DIAGRAM FOR PACIFIC CARRIAGE LIMITED INC.



All percentages reflect both voting and economic interests.

APPENDIX K:
OWNERSHIP OF TCNZ (BERMUDA) LIMITED

TCNZ (Bermuda) Limited (“TCNZ Bermuda”) has the following interest holders with a 10-percent-or-greater direct or indirect interest in SCCL:

Spark New Zealand Limited (“Spark”)

Address: Level 2, Spark City, 167 Victoria Street West, Auckland 1010, New Zealand

Place of Organization: New Zealand

Principal Business: telecommunications

Relationship: Spark holds a 100-percent voting and economic interest in TSCL.

Spark’s shares trade publicly on New Zealand’s Exchange and are widely held. No investor holding a direct or indirect voting or economic interest in Spark holds a 10-percent-or-greater direct or indirect voting or economic interest in PCHLI or SCCL.

APPENDIX L:
OWNERSHIP OF OPTUS NETWORKS PTY LTD

Optus Networks Pty Ltd (“Optus”) has the following interest holders with a 10-percent-or-greater direct or indirect interest in PCHLI:

Singtel Optus Pty Limited (“Singtel Optus”)

Address: 1 Lyon Park Road, Macquarie Park, NSW 2113, Australia

Place of Organization: Australia

Principal Business: telecommunications

Relationship: Singtel Optus holds a 100-percent voting and economic interest in Optus.

Singapore Telecom Australia Investments Pty Limited (“STAI”)

Address: 1 Lyon Park Road, Macquarie Park, NSW 2113, Australia

Place of Organization: Australia

Principal Business: investment holding company

Relationship: STAI holds a 100-percent voting and economic interest in Singtel Optus.

SingTel Australia Investment Ltd (“Singtel Australia”)

Address: 1 Lyon Park Road, Macquarie Park, NSW 2113, Australia

Place of Organization: Australia

Principal Business: investment holding company

Relationship: Singtel Australia holds a 100-percent voting and economic interest in STAI.

Singapore Telecommunications Limited (“Singtel”)

Address: Comcentre, 31 Exeter Road, Singapore 239732

Place of Organization: Singapore

Principal Business: telecommunications

Relationship: Singtel holds a 100-percent voting and economic interest in Singtel Australia.

Temasek Holdings (Private) Limited (“Temasek”)

Address: 60B Orchard Road #06-18, The Atrium@Orchard, Singapore 238891

Place of Organization: Singapore

Principal Business: investment holding company

Relationship: Temasek holds a 49.81-percent voting and economic interest in Singtel.

Temasek is wholly owned by the Government of Singapore through the Minister for Finance.

Singtel's shares trade on the Singapore Exchange and are widely held. No investor holding any of

Singtel's publicly-traded shares holds a 10-percent-or-greater direct or indirect interest in PCLI.

APPENDIX M:
OWNERSHIP OF TELSTRA HOLDINGS PTY LIMITED

Telstra Holdings Pty Limited (“Telstra Holdings”) has the following interest holders with a 10-percent-or-greater direct or indirect interest in PCHLI:

Telstra Corporation Limited (“Telstra”)

Address: Level 41, 242 Exhibition Street, Melbourne 3000, Australia

Place of Organization: Australia

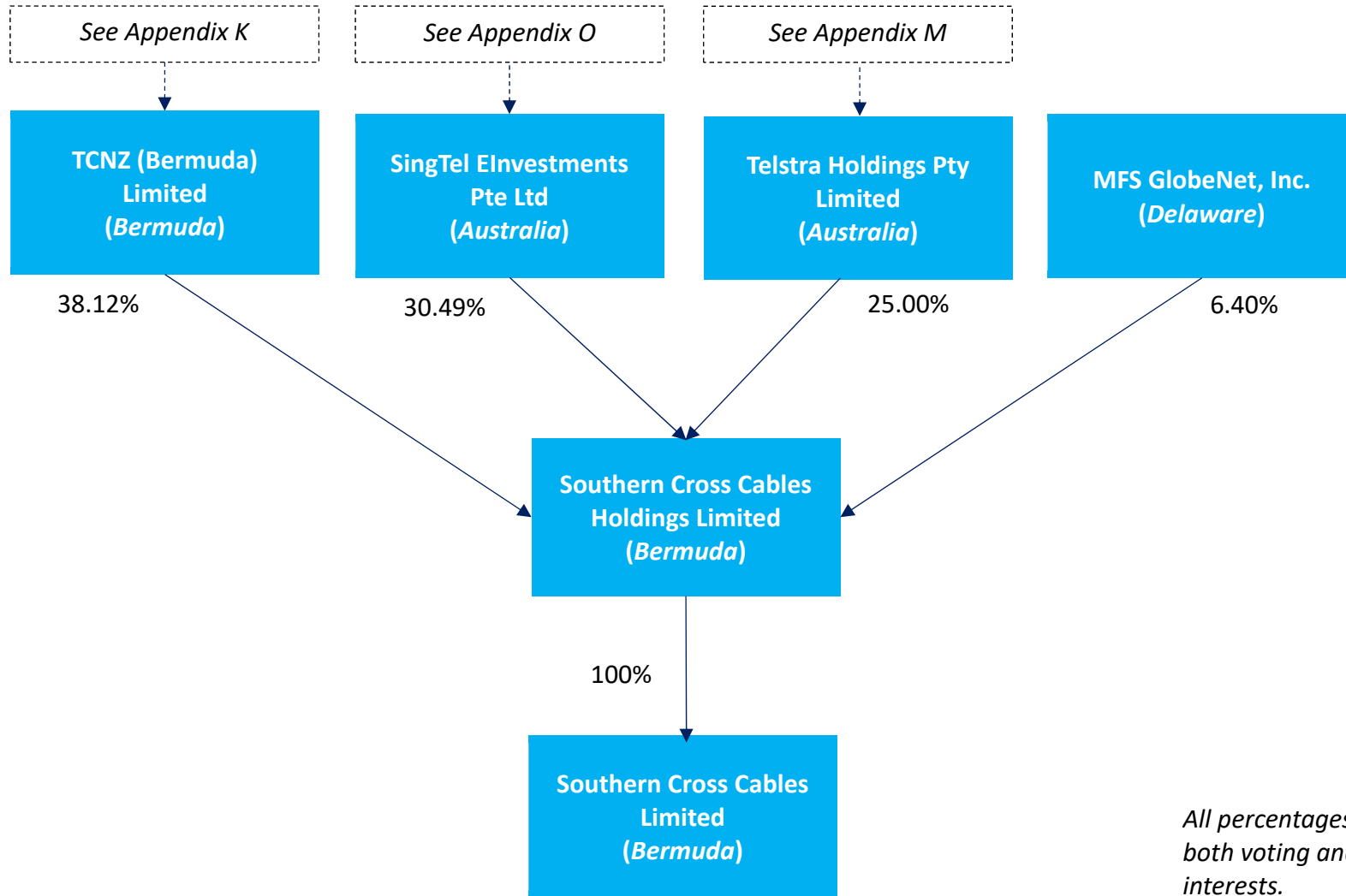
Principal Business: telecommunications

Relationship: Telstra holds a 100-percent voting and economic interest in Telstra Holdings.

Telstra’s shares trade publicly on the Australian Securities Exchange and are widely held. No party holding a direct or indirect voting or economic interest in Telstra holds a 10-percent-or-greater direct or indirect voting or economic interest in PCHLI

APPENDIX N:

OWNERSHIP DIAGRAM FOR SOUTHERN CROSS CABLES LIMITED



All percentages reflect both voting and economic interests.

APPENDIX O:

OWNERSHIP OF SINGTEL EINVESTMENTS PTE LTD

SingTel EInvestments Pte Ltd (“SingTel EInvestments”) has the following interest holders with a 10-percent-or-greater direct or indirect voting or economic interest in SCCL:

Singapore Telecommunications Limited (“Singtel”)

Address: Comcentre, 31 Exeter Road, Singapore 239732

Place of Organization: Singapore

Principal Business: telecommunications

Relationship: Singtel holds a 100-percent voting and economic interest in SingTel EInvestments.

Temasek Holdings (Private) Limited (“Temasek”)

Address: 60B Orchard Road #06-18, The Atrium@Orchard, Singapore 238891

Place of Organization: Singapore

Principal Business: investment holding company

Relationship: Temasek holds a 49.81-percent voting and economic interest in Singtel.

Temasek is wholly owned by the Government of Singapore through the Minister for Finance.

Singtel’s shares trade on the Singapore Exchange and are widely held. No investor holding any of Singtel’s publicly-traded shares holds a 10-percent-or-greater direct or indirect interest in SCCL.

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 Southern Cross NEXT submarine cable system, by hand delivery or electronic mail this 9th day of August 2019, to the following:

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Kent Bressie