

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

In the Matter of)	
)	
GU HOLDINGS INC., AARNET PTY LTD,)	File No. SCL-LIC-2019 _____
RTI JGA PTE. LTD., and)	
RTI CONNECTIVITY PTE. LTD.)	
)	
Application for a License to Construct, Land,)	
and Operate a Submarine Cable)	
Connecting Guam and Australia)	

JOINT APPLICATION FOR A CABLE LANDING LICENSE
(STREAMLINED PROCESSING REQUESTED)

Pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39, Executive Order 10,530, and 47 C.F.R. § 1.767, GU Holdings Inc., AARNet Pty Ltd, RTI JGA Pte. Ltd., and RTI Connectivity Pte. Ltd. (collectively, “Applicants”) request a license to construct, land, and operate a private, non-common carrier fiber-optic submarine cable system connecting Guam and Australia. The cable system will be known as Japan-Guam-Australia (“JGA”) South.¹

Applicants will operate the system on a non-common-carrier basis, by using system capacity as an input for services offered by themselves and their affiliates, or by providing bulk capacity to wholesale and enterprise customers on particularized terms and conditions pursuant to individualized negotiations.

¹ JGA South will be separately owned and operated from the planned JGA North system between Guam and Japan. RTI Solutions, Inc., RTI JGA Pte. Ltd., and RTI Connectivity Pte. Ltd. are seeking a separate cable landing license from the Commission with respect to JGA North. *See* File No. SCL-LIC-20181106-00035.

Grant of the license will serve the public interest, convenience, and necessity. JGA South will provide significant new and replacement capacity on the Guam-Australia route, where demand is increasing substantially each year. JGA South will be the first new cable system to directly connect Guam to Australia since 2009.

Applicants respectfully request streamlined processing of this application. Applicants intend to commence commercial operation of the system by the fourth calendar quarter of 2019. Applicants therefore seek timely grant of a cable landing license by the Commission no later than August 2019, in order to permit construction activities to proceed on schedule.

I. COMPLIANCE WITH 47 C.F.R. § 1.767

A. Applicant Information: 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)

Applicants provide the information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k) in the following company-specific appendices:

- Appendix A: GU Holdings Inc. (“GU Holdings”)
- Appendix B: AARNet Pty Ltd (“APL”)
- Appendix C: RTI JGA Pte. Ltd. (“RTI JGA”)
- Appendix D: RTI Connectivity Pte. Ltd. (“RTI Connectivity”)

B. Description of the System: 47 C.F.R. § 1.767(a)(4)

JGA South will consist of a main trunk between Piti, Guam, and Sydney, Australia (the “Main Trunk”), which will have a total length of approximately 7,081 kilometers and consist of two fiber pairs with a design capacity of a minimum of 18 Tbps per fiber pair using current technology. JGA South will also have a branch to the Sunshine Coast in Australia (the “Sunshine Coast Branch” will have a total length of approximately 552 kilometers and consist of two fiber

pairs with a design capacity of a minimum of 18 Tbps per fiber pair using current technology). Applicants provide a route map for the system in Appendix E.

C. Description of Cable Landing Stations: 47 C.F.R. § 1.767(a)(5)

Applicants provide descriptions of the cable landing stations in Piti, Sydney, and the Sunshine Coast in Appendices F, G, and H, respectively.

D. Regulatory Classification: 47 C.F.R. § 1.767(a)(6)

Applicants will operate the system on a non-common carrier basis. Non-common-carrier classification is consistent with established Commission policy and judicial precedent.

First, the system will not operate on a common-carrier basis as defined in *NARUC I*.² The courts have stated that “[t]he 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.’”³ On the JGA South system, however, Applicants will not sell capacity indifferently to the user public. System capacity will be used by Applicants and their affiliates to meet their own internal needs for bandwidth or it will be made available to third parties 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 purchase. The Commission has consistently found that such offerings do not make an applicant a common carrier.⁴

² 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).

³ *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)).

⁴ 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,

Second, under the *NARUC I* test, the Commission must determine whether the public interest requires common-carrier operation of the submarine cable system.⁵ Traditionally, the Commission has focused on whether an applicant has sufficient market power to warrant common-carrier regulation,⁶ although the Commission “is not limited to that reasoning” and has looked more broadly to determine whether common-carrier regulation is in the public interest.⁷ The system poses no such competitive or other public interest concerns.

JGA South will compete vigorously with PIPE Pacific Cable-1 (PPC-1) and the Australia-Japan Cable (AJC), which already directly connect Guam to Australia. JGA South will also compete with cable systems providing indirect connectivity between Guam and Australia, such as Endeavour and Asia-America Gateway (AAG), which connect Guam to Australia via Hawaii. The Commission has found that facilities need not be identical in order to offer pro-competitive benefits.⁸ There are thus sufficient alternative facilities providing Guam-Australia

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).

⁵ *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”).

⁶ *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,893 ¶ 30.

⁷ 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 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”).

⁸ *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”).

connectivity to preclude the system from becoming a bottleneck facility on that route.

Applicants' intended operation of the system will therefore serve the Commission's long-standing policy to encourage competition through private submarine cable transmission, pursuant to which the Commission has granted numerous cable landing licenses.⁹

For these reasons, the Commission should grant a cable landing license for the system on a non-common carrier basis.

E. System Ownership: 47 C.F.R. § 1.767(a)(7)

Applicants will own and control the system as shown in Tables 1 through 3 below.

Table 1: Main Trunk (Guam-Sydney)

Party	Participation Interest	Voting Interest
RTI JGA	62.5%	62.5%
APL	12.5%	12.5%
<ul style="list-style-type: none">• GU Holdings (portion in U.S. territory)• Google Infrastructure Bermuda Limited ("GIB") (portion in international waters)• Google Australia Pty Ltd (portion in Australian territory)¹⁰	25.0%	25.0%

As described in more detail in Appendix D, RTI Connectivity serves as Asset Manager of its affiliate RTI JGA pursuant to an Asset Management Agreement by and between the two companies. Consequently, RTI Connectivity will control the 62.5-percent voting and participation interests in the Main Trunk owned by RTI JGA.

⁹ See *Tel-Optik Ltd.*, Memorandum Opinion and Order, 100 FCC.2d 1033, 1040-41 (1985).

¹⁰ Because neither GIB nor Google Australia Pty Ltd will use the U.S. endpoints of the system, neither of these entities is required to be an applicant for the cable landing license. See 47 C.F.R. § 1.767(h)(2).

Table 2: Sunshine Coast Branch

Owner	Participation Interest	Voting Interest
RTI Connectivity	100%	100%

RTI JGA will own the branching unit connecting the Sunshine Coast Branch to the Main Trunk.

Table 3: Cable Landing Stations

Cable Landing Station	New or Existing Facility?	Owner
Piti	Existing	TeleGuam Holdings, LLC
Sydney	Existing	SCCL Australia Limited
Sunshine Coast	New	Sunshine Coast Regional Council

TeleGuam Holdings, LLC (“GTA”) is providing collocation space in the Piti cable landing station for JGA South through its affiliate Gateway Network Connections, LLC (“GNC”).

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

Applicants request a waiver of 47 C.F.R. § 1.767(h)(1) so that GTA—the owner of the Piti cable landing station—is not required to be an applicant for a cable landing license for JGA South. “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.”¹¹ GTA will have no independent

¹¹ 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*

ability to affect the operation of JGA South. Including GTA as a joint applicant also is not necessary to ensure compliance by 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 will thus be consistent with Commission precedent.¹²

GTA, through its affiliate GNC, will by contract provide certain limited services that would not provide it with any ability to affect significantly the operation of JGA South. Specifically, Applicants will enter into a long-term agreement to use collocation space in the Piti cable landing station, including for JGA South common equipment such as power feed equipment. Applicants will retain operational authority over JGA South landing facilities and provide direction to GTA, through GNC, in all matters relating to JGA South. Applicants will seek to ensure that the lease agreement will have an initial term, with extension options at

Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd. 22,167, 22,194-95 ¶¶ 53-54 (2001)).

¹² See, e.g., *Actions Taken Under Cable Landing License Act*, Public Notice, 32 FCC Rcd. 1436, 1437-38 (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 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”).

Applicants' sole discretion, for a total of 25 years each, coextensive with the term of the cable landing license. In addition, Applicants will contract with GNC for specified operation and maintenance services for JGA South, which will be provided at the joint direction of the Applicants.

III. CERTIFICATE OF SERVICE

As required by 47 C.F.R. § 1.767(j) for applicants requesting streamlined processing, 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.

IV. CONCLUSION

For the reasons set forth above, the Commission should grant this application for a license to construct, land, and operate a submarine cable between Guam and Australia pursuant to streamlined processing.

Respectfully submitted,

/s/ Ulises R. Pin

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Counsel for GU Holdings Inc.

Dated: May 2, 2019

LIST OF APPENDICES

- APPENDIX A: GU Holdings Inc.**
- APPENDIX B: AARNet Pty Ltd**
- APPENDIX C: RTI JGA Pte. Ltd.**
- APPENDIX D: RTI Connectivity Pte. Ltd.**
- APPENDIX E: System Route Map**
- APPENDIX F: Piti Landing**
- APPENDIX G: Sydney Landing**
- APPENDIX H: Sunshine Coast Landing**

APPENDIX A

GU Holdings Inc.

GU Holdings Inc. (“GU Holdings,” FRN 0017777483), a Delaware corporation with its principal place of business in Mountain View, California, will—with its affiliates—hold 100 percent of the participation (*i.e.* economic) and voting interests in the Main Trunk of the system, as described in part I.E. of the main narrative application.

GU Holdings is an indirect, wholly-owned subsidiary of Google LLC (“Google”), whose innovative search technologies and other Internet applications connect millions of people around the world with information every day.

GU Holdings currently holds FCC cable landing licenses for the Unity, Monet, and FASTER systems.¹ GU Holdings is an applicant to the Commission for a cable landing license for the PLCN, Havfrue, Curie, and Dunant systems.² Below, GU Holdings 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 Number³

GU Holdings Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043
+1 650 253 0000

(2) Applicant’s Place of Incorporation⁴

GU Holdings is a Delaware corporation.

(3) Contact Information⁵

Correspondence concerning the application should be sent to the following:

¹ File Nos. SCL-LIC-20080516-00010 (Unity), SCL-LIC-20150408-00008 (Monet), and SCL-LIC-20150626-00015 (FASTER).

² File Nos. SCL-LIC-20170421-00012 (PLCN), SCL-LIC-20180511-00010 (Havfrue), SCL-LIC-20181008-00034 (Curie), and SCL-LIC-20190410-00015 (Dunant).

³ *See* 47 C.F.R. § 1.767(a)(1).

⁴ *See id.* § 1.767(a)(2).

⁵ *See id.* § 1.767(a)(3).

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(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁶

GU Holdings certifies that it has the following 10-percent-or-greater direct or indirect interest holders as of April 22, 2019:

Name:	Google International LLC (“Google International”)
Address:	1600 Amphitheatre Parkway, Mountain View, CA 94043
Citizenship:	Delaware
Principal Business:	Holding company
Relationship:	Google International holds a 100-percent voting and equity interest in GU Holdings.

Name:	Google LLC
Address:	1600 Amphitheatre Parkway, Mountain View, CA 94043
Citizenship:	Delaware
Principal Business:	Technology search services and advertising

⁶ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Relationship: Google directly holds a 97-percent voting and equity interest in Google International.

Name: XXVI Holdings Inc. (“XXVI Holdings”)
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043
Citizenship: Delaware
Principal Business: Holding company
Relationship: XXVI Holdings holds a 100-percent voting and equity interest in Google LLC.

Name: Alphabet Inc. (“Alphabet”)
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043
Citizenship: Delaware
Principal Business: Holding company
Relationship: Alphabet holds more than 99 percent of the voting and equity interest in XXVI Holdings.

Name: Larry Page
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043
Citizenship: USA
Principal Business: CEO, Co-Founder, and Director of Alphabet
Relationship: Mr. Page holds 42.9 percent of Alphabet’s Class B common stock, giving him a 26.1-percent voting interest in Alphabet.

Name: Sergey Brin
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043
Citizenship: USA
Principal Business: Co-Founder, President, and Director of Alphabet
Relationship: Mr. Brin holds 41.3 percent of Alphabet’s Class B common stock, giving him a 25.2-percent voting interest in Alphabet.

Alphabet’s shares trade publicly on the NASDAQ Stock Market under the ticker symbols “GOOG” and “GOOGL.” As there is an active market in Alphabet’s shares, Alphabet’s share ownership is always fluid. Moreover, Alphabet 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 April 22, 2019, Alphabet has no 10-percent-or-greater direct or indirect shareholders other than Messrs. Page and Brin.

GU Holdings further certifies that no corporate officer or director of GU Holdings is also an officer or director of any foreign carrier.

(5) Certification Regarding the Anti-Drug Abuse Act of 1988⁷

GU Holdings certifies that it is not subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.⁸

(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations⁹

GU Holdings 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 affiliated with foreign carriers as noted in Table 1 below; and

Table 1: Affiliated Foreign Carriers¹⁰

Entity	Country
Google Cable Japan G.K.	Japan
Google Infraestrutura Brasil Ltda.	Brazil
Google Korea, LLC	Korea
Google Singapore Pte Ltd	Singapore
Infraco (Hong Kong) Limited	Hong Kong
Google Voice Ltd.	Denmark

⁷ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

⁸ 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.

⁹ See 47 C.F.R. § 1.767(a)(8)(ii).

¹⁰ GU Holdings is affiliated with Inversiones y Servicios Dataluna Limitada and Google Taiwan Limited, which are currently applying for telecommunications authorizations in Chile and Taiwan, respectively.

	France Ireland Netherlands Spain Sweden Switzerland United Kingdom
Google Voice Canada Corp.	Canada

(D) is affiliated with the entities owning or controlling cable landing stations in Table 2 below:

Table 2: Affiliated Entities Owning Cable Landing Stations

Entity	CLS Location	Ownership
Google Infraestrutura Brasil Ltda.	Santos, Brazil (Monet cable)	100% ownership interest
Dapsi International ApS	Blaaberg, Denmark (Havfrue cable)	Non-controlling ownership interest of 25%

(7) Certification Regarding Destination Countries¹¹

GU Holdings certifies to the following: (A) GU Holdings is not a foreign carrier in Australia, the only foreign destination market in which the system will land; (B) GU Holdings does not control a foreign carrier in Australia; (C) no entity owning more than 25 percent of GU Holdings or controlling it, controls a foreign carrier in Australia; and (D) no grouping of two or more foreign carriers in Australia (or parties that control foreign carriers in Australia) own, in aggregate, more than 25 percent of GU Holdings 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 system in the United States.

(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets¹²

¹¹ See *id.* § 1.767(a)(8)(iii).

¹² See *id.* § 1.767(a)(8)(iv).

No response is required.

(9) Certification Regarding Routine Conditions¹³

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

(10) Streamlining—Market Power¹⁴

GU Holdings requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). GU Holdings certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in Australia, the only foreign destination market in which the system will land.

(11) Streamlining—CZMA¹⁵

GU Holdings certifies that it is 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). Guam does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.¹⁶

¹³ *See id.* § 1.767(a)(9).

¹⁴ *See id.* § 1.767(j), (k).

¹⁵ *See id.*

¹⁶ *See* Guam's Listed Federal Actions, National Oceanic and Atmospheric Administration, Office for Coastal Management, <https://coast.noaa.gov/czm/consistency/media/guam.pdf>.

CERTIFICATION

On behalf of GU Holdings, 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.



Austin Schlick
Director, GU Holdings Inc.
25 Massachusetts Avenue NW, 9th Floor
Washington, DC 20001

May 2, 2019

APPENDIX B

AARNet Pty Ltd

AARNet Pty Ltd (“APL”) owns and operates Australia’s Academic and Research Network (“AARNet”). APL is a not-for-profit National Research and Education Network (“NREN”) and each of the Australian universities and the Commonwealth Scientific and Industrial Research Organisation (“CSIRO”) hold an equal shareholding in APL.

The AARNet network connects over one million users—researchers, faculty, staff and students—at institutions across Australia to the commercial Internet, to their peers nationally and globally, to scientific tools and to a wide array of cloud services and specialist online resources, supporting education across the life-long learning spectrum and research across a diverse range disciplines in the sciences and humanities, including high energy physics, climate science, genomics, radio astronomy and the arts.

AARNet does not hold a FCC license. Below, APL provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

(1) AARNet Pty Ltd’s Name, Address, and Telephone Number¹

AARNet Pty Ltd
Level 7, Tower A
Citadel Towers
799 Pacific Highway
Chatswood, NSW 2067, Australia
+61 2 6222 3530

(2) AARNet Pty Ltd’s Place of Incorporation²

AARNet Pty Ltd is incorporated under the Corporations Act 2001 (Cth).

¹ See 47 C.F.R. § 1.767(a)(1).

² See *id.* § 1.767(a)(2).

(3) Contact Information³

Correspondence concerning the application should be sent to the following:

Ms Mary Fleming
Director of International Business
AARNet
Level 7, Tower A
Citadel Towers
799 Pacific Highway
Chatswood, NSW 2067, Australia,
Mary.fleming@aarnet.edu.au

With a copy to:

Ms Sabrina Gao
Commercial Manager
AARNet
Level 7, Tower A
Citadel Towers, 799 Pacific Highway, Chatswood, NSW 2067, Australia,
Sabrina.gao@aarnet.edu.au

(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁴

APL certifies that it does not have 10-percent-or-greater direct or indirect interest holders. Rather, the shares of APL are owned equally by 38 Australian Universities and CSIRO⁵ none of which individually owns or controls a 10-percent or more of the shares.

APL certifies that it has no interlocking directorates with foreign carriers.

(5) Certification Regarding the Anti-Drug Abuse Act of 1988⁶

APL certifies that it is not subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.⁷

³ See *id.* § 1.767(a)(3).

⁴ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

⁵ CSIRO is an Australian Government corporate entity.

⁶ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

⁷ 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-

(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations⁸

APL certifies that: (A) it is a licensed telecommunication carrier #61 under the Australian *Telecommunications Act 1997* (Cth) in Australia; (B) APL does not own or control a cable landing station in Australia although APL will control a space dedicated to JGA South within the cable landing station in Sydney, Australia, which is owned by SCCL Australia Limited; and (C) APL is not affiliated with any foreign carrier, or with any entity that owns or controls a cable landing station, in a foreign country.

(7) Certification Regarding Destination Countries⁹

APL certifies that it is a licensed telecommunication carrier #61 under the Australian *Telecommunications Act 1997* (Cth) in Australia, the only destination market in which the system will land.

(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets¹⁰

Australia is a member of the World Trade Organization.

(9) Certification Regarding Routine Conditions¹¹

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

(10) Streamlining—Market Power¹²

APL requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2), which requires an applicant that is a foreign carrier in the destination market, in this case Australia, to demonstrate pursuant to 47 C.F.R. § 63.12(c)(1)(i) through (iii) that it lacks market power (*i.e.*, is non-dominant) in the destination market. Section 63.12(c)(1)(ii) permits streamlined process for a foreign carrier that demonstrates it qualifies for a presumption

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.

⁸ See 47 C.F.R. § 1.767(a)(8)(ii).

⁹ See *id.* § 1.767(a)(8)(iii).

¹⁰ See *id.* § 1.767(a)(8)(iv).

¹¹ See *id.* § 1.767(a)(9).

¹² See *id.* § 1.767(j), (k).

of non-dominance under Section 63.10(a)(3).¹³ Consistent with Section 63.10(a)(3), APL is presumptively classified as non-dominant on this route because APL lacks 50 percent market share in the international transport and the local access markets in Australia. Further, APL is not on the Commission's List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets, released on January 26, 2007,¹⁴ which lists Telstra Corporation Limited as the only foreign carrier with market power in Australia. APL therefore poses no risk to competition on the U.S.(Guam)-Australia route and APL qualifies for a presumption non-dominant treatment pursuant to 47 C.F.R. §§ 63.10(a)(3) and 63.12(c)(1)(ii).

(11) Streamlining—CZMA¹⁵

APL certifies that it is 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). Guam does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.¹⁶

¹³ 47 C.F.R. § 63.10(a)(3).

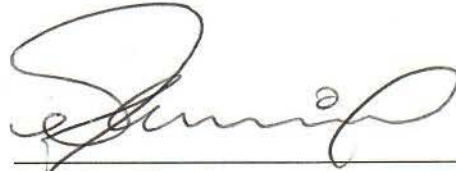
¹⁴ See Public Notice, *The International bureau Revises and Reissues the Commission's List of foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, DA 07-233 (rel. Jan. 26, 2007)

¹⁵ See 47 C.F.R. § 1.767(j), (k).

¹⁶ See Guam's Listed Federal Actions, National Oceanic and Atmospheric Administration, Office for Coastal Management, <https://coast.noaa.gov/czm/consistency/media/guam.pdf>.

CERTIFICATION

On behalf of AARNet Pty Ltd, 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.



Ms Mary Fleming
Director of International Business
AARNet Pty Ltd
Level 7, Tower A
Citadel Towers
799 Pacific Highway
Chatswood, NSW 2067, Australia

SIGNATURE DATE *26 April 2019*

APPENDIX C
RTI JGA PTE. LTD.

RTI JGA Pte. Ltd. (“RTI JGA,” FRN 0027759299) is a Singapore private limited company with its principal place of business in Singapore. RTI JGA holds 62.5 percent of the voting and participation interests in the common infrastructure of the Main Trunk of the JGA South system and the branching unit connecting the Sunshine Coast Branch to the Main Trunk, as described in part I.E of the main narrative application. RTI JGA is also a joint applicant for the cable landing license for the JGA North system, FCC File No. SCL-LIC-20181106-00035. RTI JGA and its affiliates (including RTI Connectivity Pte. Ltd., RAM Telecom International Inc., and other entities) comprise the RTI Group, a developer of global telecommunications infrastructure and large-scale data connectivity and a carrier-neutral service provider. Below, RTI JGA 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 Number¹

RTI JGA’s name, address, and telephone number are as follows:

RTI JGA Pte. Ltd.
4 Robinson Road #05-01
The House of Eden
Singapore 048543
+65 6438 4307

(2) Applicant’s Place of Incorporation²

RTI JGA is a Singapore private limited company.

¹ See 47 C.F.R. § 1.767(a)(1).

² See *id.* § 1.767(a)(2).

(3) Contact Information³

Russell Matulich
Chief Executive Officer
RTI Group
268 Bush Street #77
San Francisco, California 94104
+1 415 837 3511
russ.matulich@rticable.com

and

Grace Guang
General Counsel
RTI Group
8 Eu Tong Sen Street #14-94
The Central
Singapore 059818
+65 8511 7567
grace.guang@rticable.com

with a copy to:

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Colleen Sechrest
Harris, Wiltshire & Grannis LLP
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+1 202 730 1337
kbressie@hwglaw.com
csechrest@hwglaw.com

Counsel for RTI JGA Pte. Ltd.

(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁴

RTI JGA certifies that it has the following 10-percent-or-greater direct or indirect interest holders, as illustrated in Attachment 1 to this Appendix:

³ See *id.* § 1.767(a)(3).

⁴ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Fund Corporation for the Overseas Development of Japan’s ICT and Postal Services, Inc. (“JICT”)

Address: 1-2-1, Uchisaiwai-cho, Chiyoda-ku, Tokyo

Place of Organization: Japan

Principal Business: investments

Relationship: JICT holds a 37.5-percent economic interest in RTI JGA through its ownership of 100 percent of JGA Class A Preferred Shares. The Japanese Ministry of Finance holds a 50-percent voting-and-equity interest in JICT. The remaining voting and economic interests of JICT are held by 21 Japanese corporations, none of which has a 10-percent-or-greater voting or economic interest in RTI JGA.

NEC Corporation (“NEC”)

Address: 7-1, Shiba 5-chome, Minato-ku, Tokyo 108-8001, Japan

Place of Organization: Japan

Principal Business: information technology

Relationship: NEC holds a 37.5-percent economic interest in RTI JGA through its ownership of 100 percent of JGA Class B Preference Shares. NEC is a publicly traded corporation with no 10-percent-or-greater shareholders.

Russell Alan Matulich

Address: 955 Serendipity Way, Napa, California 94558

Citizenship: USA

Principal Business: telecommunications

Relationship: Mr. Matulich holds a 16.7-percent economic interest in RTI JGA through his ownership of 51 percent of JGA Class C shares.

The RTI JGA Share Trust (“RTI JGA Trust”)

Address: 4 Robinson Road #05-01, Singapore 048543

Place of Organization: Singapore

Principal Business: investments

Relationship: RTI JGA Trust holds all of the shares of RTI JGA in trust for the economic interest holders. It owns one ordinary share of RTI JGA.

Singapore Trust Company Pte. Ltd. (“STC”)

Address: 4 Robinson Road #05-01, Singapore 048543

Place of Organization: Singapore

Principal Business: regulated trust company in Singapore

Relationship: STC serves as the Trustee of the RTI JGA Trust.

STC Group Ltd. (“STC Group”)

Address: Vistra Corporate Services Centre, Wickhams Cay II, Road Town, Tortola, VG1110, British Virgin Islands

Place of Organization: British Virgin Islands

Principal Business: holding company

Relationship: STC Group holds a 100-percent voting and economic interest in STC.

Tan Boon Aun Rudy

Address: 4 Robinson Road #05-01, Singapore 048543

Place of Citizenship: Singapore

Principal Business: Managing Director, STC

Relationship: Mr. Tan holds a 20-percent voting and economic interest in STC Group.

Ocorian Limited (“Ocorian”)

Address: 26 New Street, St Helier, Jersey JE2 3RA

Place of Organization: Bailiwick of Jersey

Principal Business: trust administration

Relationship: Ocorian holds an 80-percent voting and economic interest in STC.

Inflexion Supplemental Fund IV (No. 1) LP (“Inflexion Supplemental”)

Address: Third Floor, La Plaiderie Chambers, La Plaiderie, St. Peter Port, Guernsey GY1 WG

Place of Organization: Guernsey

Principal Business: investments

Relationship: Inflexion Supplemental holds a 16-percent voting and economic interest in Ocorian. Inflexion Supplemental has no controlling interest holder.

Inflexion Buyout Fund IV (No. 1) LP (“Inflexion No. 1”)

Address: Third Floor, La Plaiderie Chambers, La Plaiderie, St. Peter Port, Guernsey GY1 WG

Place of Organization: Guernsey

Principal Business: investments

Relationship: Inflexion No. 1 holds a 29-percent voting and economic interest in Ocorian. Inflexion No. 1 has no controlling interest holder.

Other than the entities listed above, no person or entity holds a 10-percent-or-greater voting or economic interest in RTI JGA. RTI JGA has no interlocking directorates with foreign carriers.

(5) Certification Regarding the Anti-Drug Abuse Act of 1988⁵

RTI JGA certifies that it is not subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.⁶

(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations⁷

RTI JGA 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 not affiliated with any foreign carrier, or with any entity that owns or controls a cable landing station, in a foreign country.

(7) Certification Regarding Destination Countries⁸

RTI JGA certifies to the following: (A) it is not a foreign carrier in Australia, the only foreign destination market in which the system will land; (B) it does not control a foreign carrier in Australia; (C) no entity owning more than 25 percent of it, or controlling it, controls a foreign carrier in Australia; and (D) no grouping of two or more foreign carriers in Australia (or parties that control foreign carriers in Australia) own, in aggregate, more than 25 percent of RTI JGA 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 system in the United States.

⁵ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

⁶ 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.

⁷ See 47 C.F.R. § 1.767(a)(8)(ii).

⁸ See *id.* § 1.767(a)(8)(iii).

(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets⁹

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

(9) Certification Regarding Routine Conditions¹⁰

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

(10) Streamlining—Market Power¹¹

RTI JGA requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). RTI JGA certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in Australia, the only foreign destination market in which the system will land.

(11) Streamlining—CZMA¹²

RTI JGA certifies that it is 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). Guam does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.¹³

⁹ *See id.* § 1.767(a)(8)(iv).

¹⁰ *See id.* § 1.767(a)(9).

¹¹ *See id.* § 1.767(j), (k).

¹² *See id.*

¹³ *See* Guam's Listed Federal Actions, National Oceanic and Atmospheric Administration, Office for Coastal Management, <https://coast.noaa.gov/czm/consistency/media/guam.pdf>.

CERTIFICATION

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



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Kam Kian Kok
Director
RTI JGA Pte. Ltd.
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The House of Eden
Singapore 048543

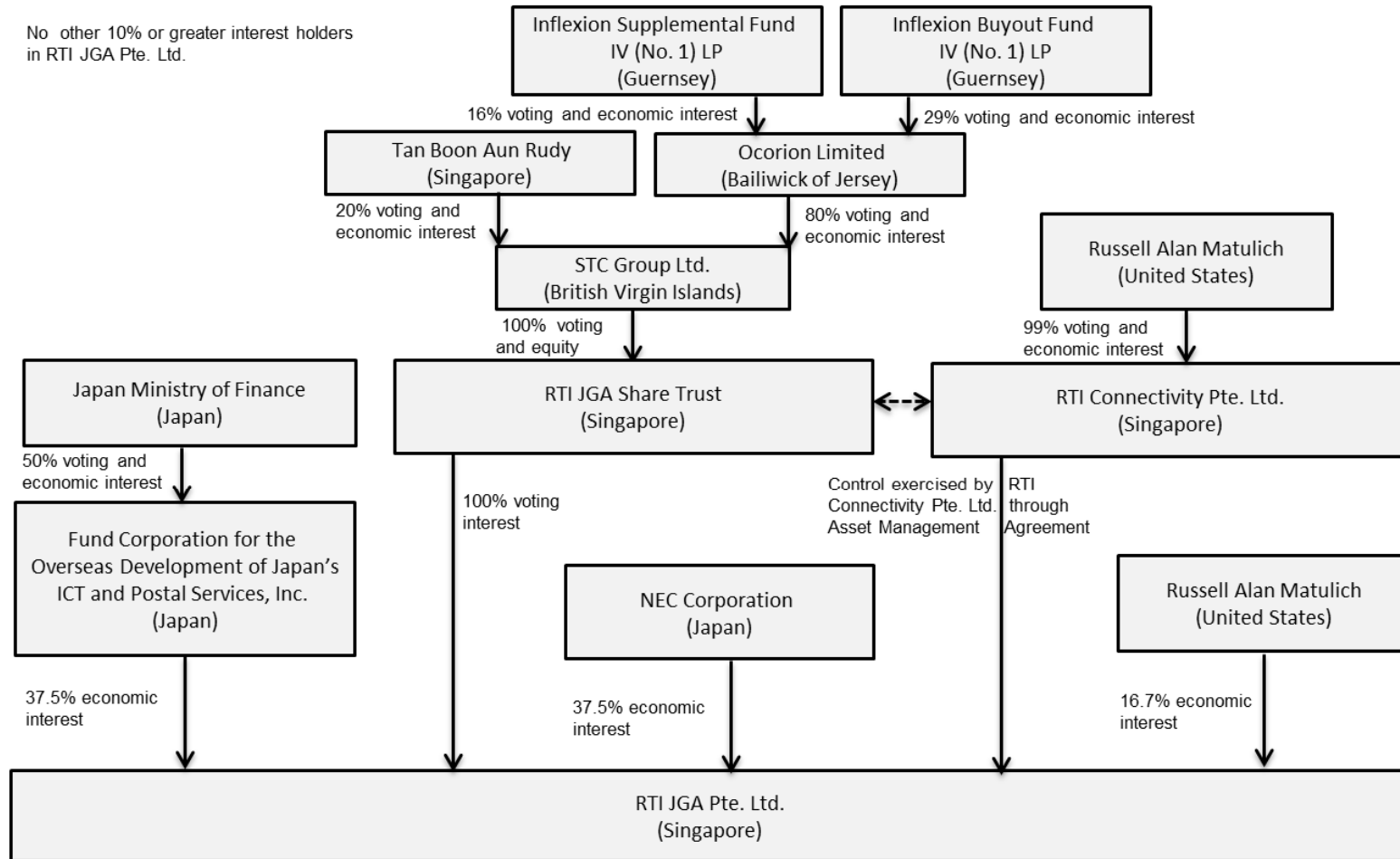
Counsel for RTI JGA Pte. Ltd.

Dated: April 25, 2019

ATTACHMENT 1:

OWNERSHIP AND CONTROL OF RTI JGA PTE. LTD.

No other 10% or greater interest holders in RTI JGA Pte. Ltd.



←--> Asset Management Agreement

APPENDIX D

RTI CONNECTIVITY PTE. LTD.

RTI Connectivity Pte. Ltd. (“RTI Connectivity,” FRN 0027759307) is a Singapore private limited company with its principal place of business in Singapore. RTI Connectivity will control the 62.5-percent voting and participation interests in the Main Trunk of the JGA South system owned by its affiliate and license co-applicant RTI JGA Pte. Ltd. (“RTI JGA”), as described in part I.E of the main narrative application. RTI Connectivity also owns a 100-percent voting and participation interest in the Sunshine Coast Branch of the JGA South system. RTI Connectivity serves as Asset Manager of RTI JGA pursuant to an Asset Management Agreement by and between the two companies. RTI Connectivity may not be removed as Asset Manager except for cause or in the event RTI Connectivity’s majority shareholder, Russ Matulich, holds less than a 50-percent interest in RTI Connectivity. RTI Connectivity is also a joint applicant for the cable landing license for the JGA North system, FCC File No. SCL-LIC-20181106-00035. RTI Connectivity, RTI JGA, and their affiliates (including RAM Telecom International Inc., and other entities) comprise the RTI Group, a developer of global telecommunications infrastructure and large-scale data connectivity and a carrier-neutral service provider. Below, RTI Connectivity 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 Number¹

RTI Connectivity’s name, address, and telephone number are as follows:

RTI Connectivity Pte. Ltd.
8 Eu Tong Sen Street #14-94
The Central

¹ See 47 C.F.R. § 1.767(a)(1).

Singapore 059818
+65 6438 4307

(2) Applicant's Place of Incorporation²

RTI Connectivity is a Singapore private limited company.

(3) Contact Information³

Russell Matulich
Chief Executive Officer
RTI Group
268 Bush Street #77
San Francisco, California 94104
+1 415 837 3511
russ.matulich@rticable.com

and

Grace Guang
General Counsel
RTI Group
8 Eu Tong Sen Street #14-94
The Central
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grace.guang@rticable.com

with a copy to:

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Colleen Sechrest
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+1 202 730 1337
kbressie@hwglaw.com
csechrest@hwglaw.com

Counsel for RTI Connectivity Pte. Ltd.

² See *id.* § 1.767(a)(2).

³ See *id.* § 1.767(a)(3).

(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁴

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

Russell Matulich

Address: 955 Serendipity Way, Napa, California 94558

Citizenship: USA

Principal Business: telecommunications

Relationship: Mr. Matulich holds a 99-percent voting and economic interest in RTI Connectivity.

Other than the person listed above, no person or entity holds a 10-percent-or-greater voting or economic interest in RTI Connectivity. RTI Connectivity has no interlocking directorates with foreign carriers.

(5) Certification Regarding the Anti-Drug Abuse Act of 1988⁵

RTI Connectivity certifies that it is not subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.⁶

(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations⁷

RTI Connectivity 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 not affiliated with any foreign carrier, or with any entity that owns or controls a cable landing station, in a foreign country.

⁴ See *id.* §§ 1.767(a)(8)(i), 63.18(h).

⁵ See *id.* §§ 1.767(a)(8)(i), 63.18(o).

⁶ 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.

⁷ See 47 C.F.R. § 1.767(a)(8)(ii).

(7) Certification Regarding Destination Countries⁸

RTI Connectivity certifies to the following: (A) it is not a foreign carrier in Australia, the only foreign destination market in which the system will land; (B) it does not control a foreign carrier in Australia; (C) no entity owning more than 25 percent of it, or controlling it, controls a foreign carrier in Australia; and (D) no grouping of two or more foreign carriers in Australia (or parties that control foreign carriers in Australia) own, in aggregate, more than 25 percent of RTI Connectivity 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 system in the United States.

(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets⁹

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

(9) Certification Regarding Routine Conditions¹⁰

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

(10) Streamlining—Market Power¹¹

RTI Connectivity requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). RTI Connectivity certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in Australia, the only foreign destination market in which the system will land.

⁸ See *id.* § 1.767(a)(8)(iii).

⁹ See *id.* § 1.767(a)(8)(iv).

¹⁰ See *id.* § 1.767(a)(9).

¹¹ See *id.* § 1.767(j), (k).

(11) Streamlining—CZMA¹²

RTI Connectivity certifies that it is 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). Guam does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.¹³

¹² *See id.*

¹³ *See* Guam’s Listed Federal Actions, National Oceanic and Atmospheric Administration, Office for Coastal Management, <https://coast.noaa.gov/czm/consistency/media/guam.pdf>.


CERTIFICATION

On behalf of RTI Connectivity, I certify that all of the information contained in this Appendix D and application to which it is attached is true and correct to the best of my knowledge and belief.

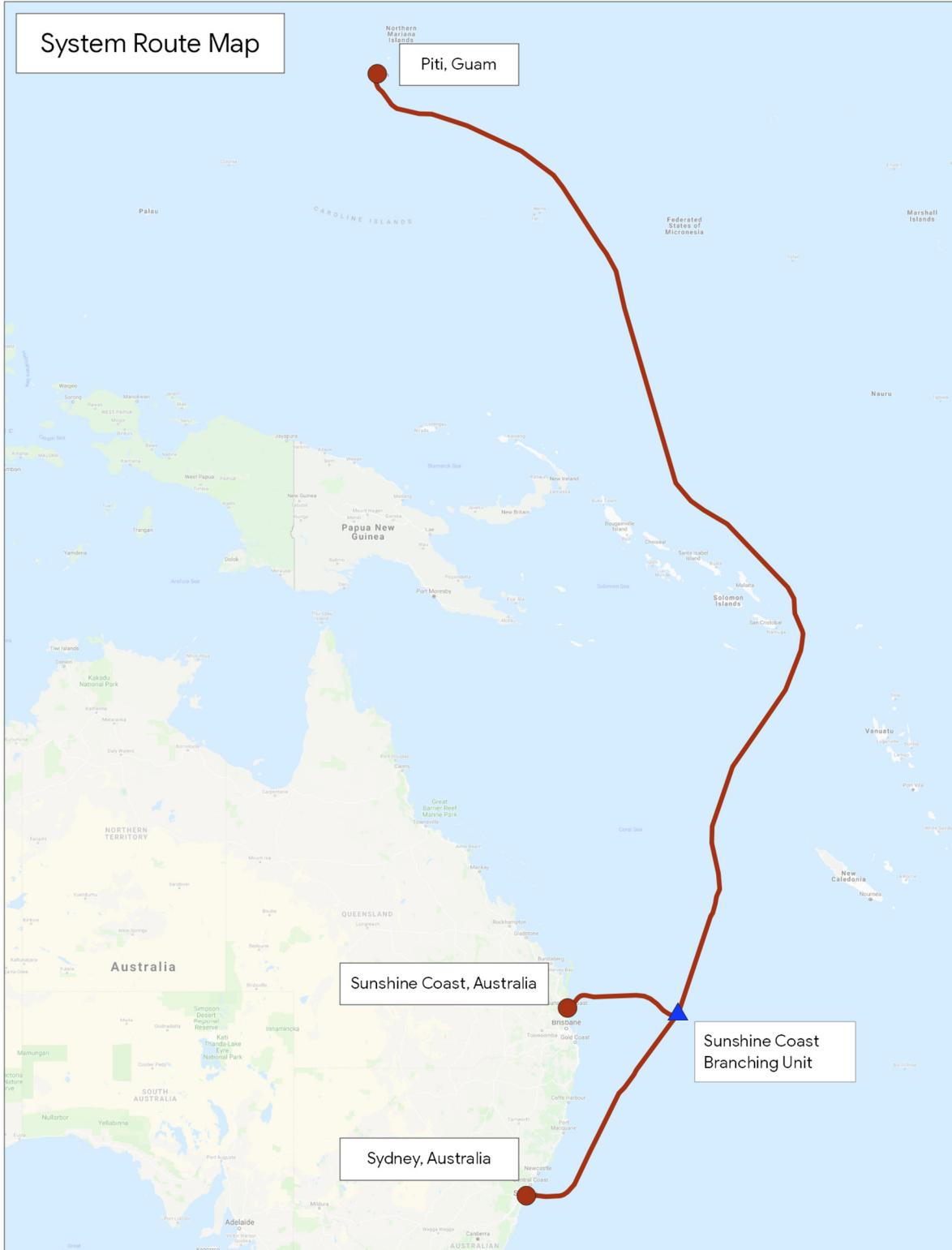
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Counsel for RTI Connectivity Pte. Ltd.

Dated: April 25, 2019


Brett Lay
President
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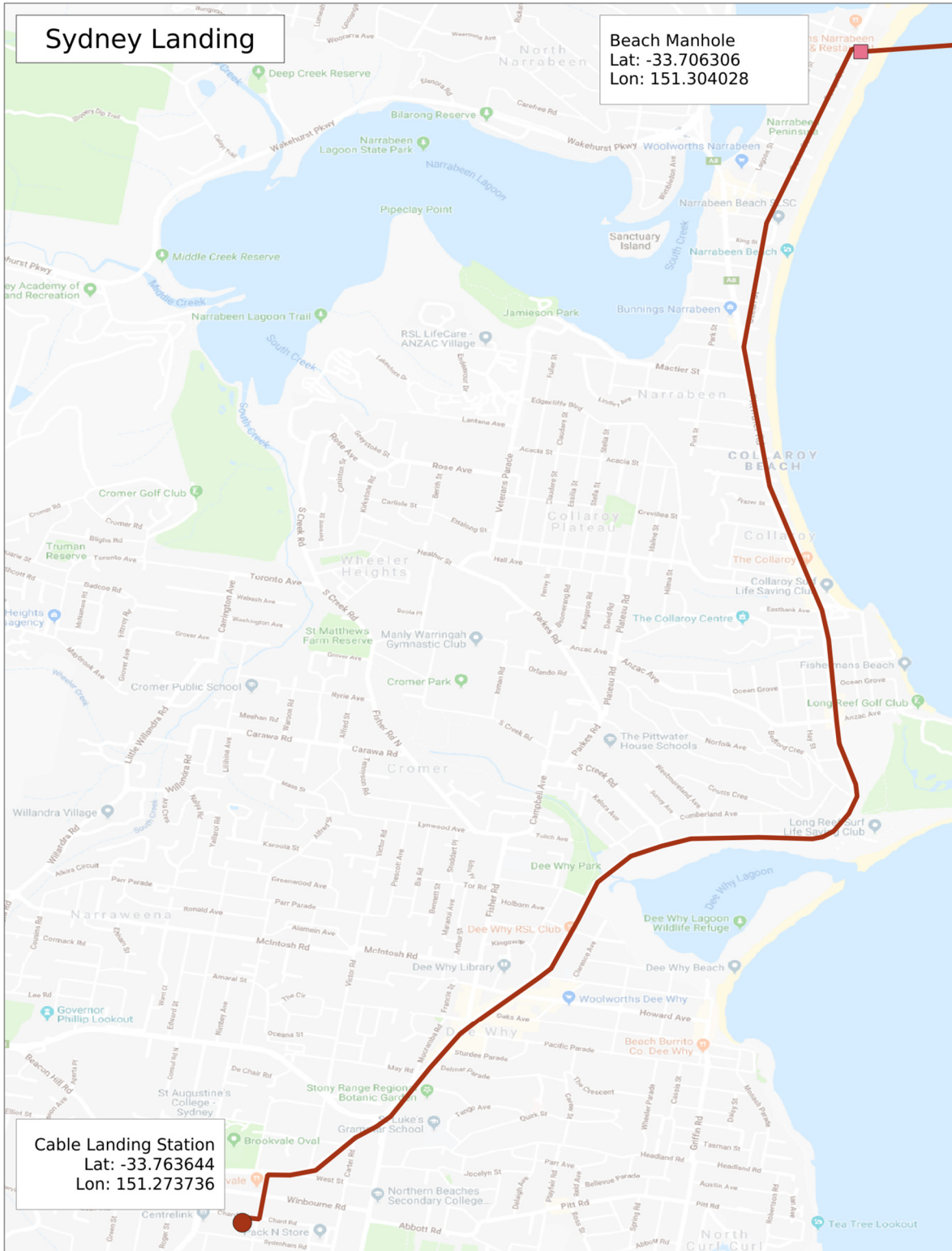
APPENDIX E



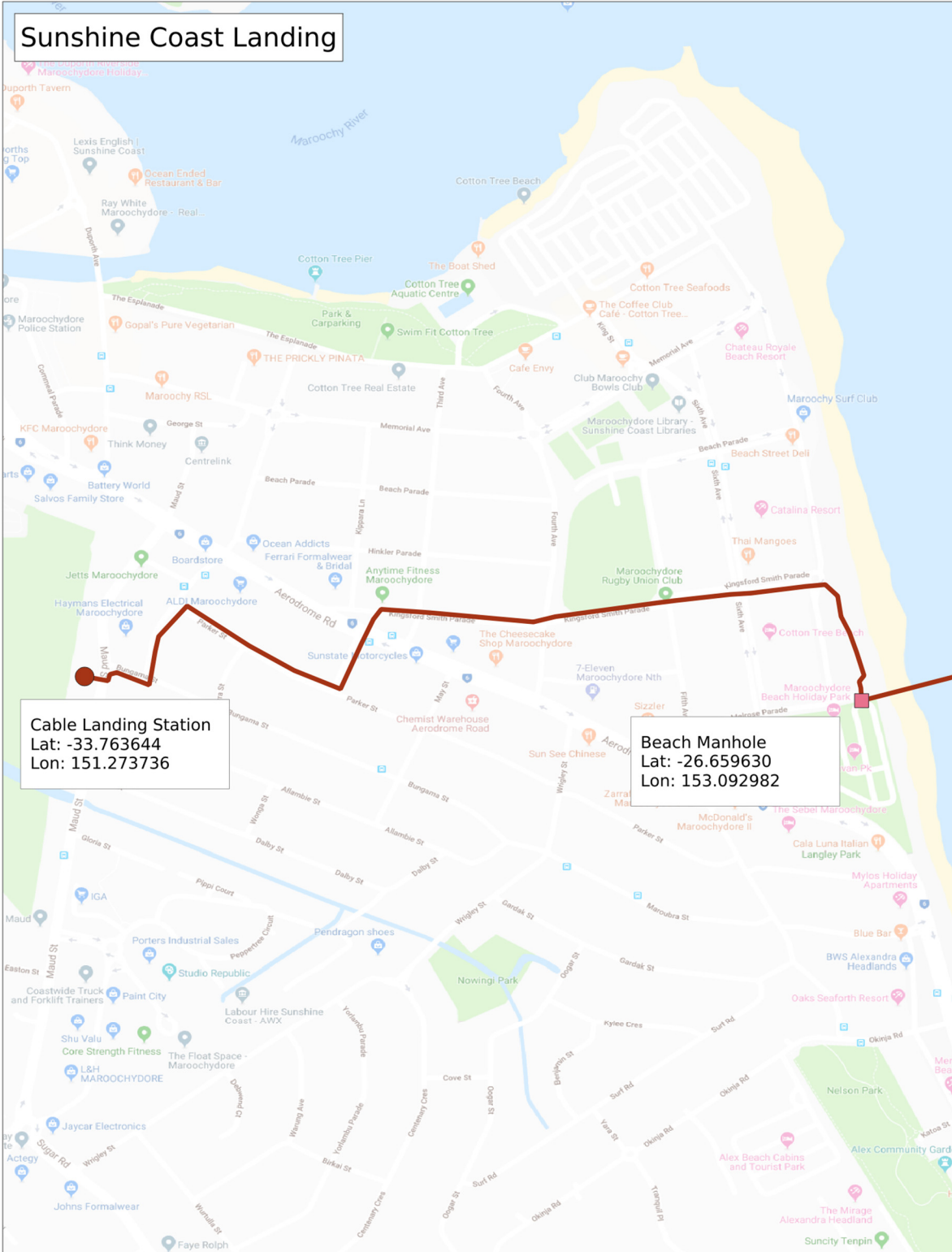
APPENDIX F



APPENDIX G



APPENDIX H



CERTIFICATE OF SERVICE

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

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(via first class U.S. mail, postage prepaid)

U.S. Coordinator
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U.S. Department of State
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David Krech
International Bureau
Federal Communications Commission
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Fort Meade, MD 20755-7088
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Washington, DC 20554
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/s/ Brett P. Ferenchak

Brett P. Ferenchak
May 2, 2019