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July 14, 2008

Colleen King
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VIA HAND DELIVERY

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

FILED/ACCEPTED
JUL 14 2008
Federal Communications Commission
Office of the Secretary

Dear Ms. Dortch:

Attached please find an application to modify the Trans-Pacific Express Cable Network. If you have any questions, please contact Nancy J. Victory (202-719-7344 or nvictory@wileyrein.com) or the undersigned.

Sincerely,

Colleen King

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

In the Matter of)
)
)
Trans-Pacific Express Cable Network)
Consortium) File No. SCL-MOD-2008-_____
)
Application to Modify the Trans-Pacific)
Express Cable Network)
)
)

**APPLICATION TO MODIFY THE TRANS-PACIFIC
EXPRESS CABLE NETWORK**

The Trans-Pacific Express Cable Network (“TPE”) Consortium,¹ pursuant to Section 1.767 of the rules of the Federal Communications Commission (“Commission” or “FCC”), 47 C.F.R. § 1.767, hereby seeks to modify the authorization to construct, land, and operate the Trans-Pacific Express Cable Network. Specifically, the TPE Consortium seeks to add NTT Communications Corporation (“NTT Com”) as a licensee on the TPE cable and to extend the TPE cable to add a landing station in Shinmaruyama, Japan. MCI International, Inc. (“Verizon”), a member of the TPE Consortium, requests that the FCC condition the grant of this modification application on the continued compliance of Verizon with the commitments and undertakings contained in its December 20, 2007 Agreement with the Executive Branch Agencies.²

¹ The TPE Consortium is composed of the original six parties to the Trans-Pacific Express Cable Network Construction and Maintenance Agreement.

² See Actions Taken Under Cable Landing License Act, Report No. SCL-00052, DA No. 08-66, File No. SCL-LIC-20070222-00002 at 3 (granted Jan. 10, 2008) (“TPE Public Notice”).

I. REQUEST FOR MODIFICATION

On February 20, 2007, the TPE Consortium applied for a license to construct, land, and operate the TPE cable.³ This authorization was granted on January 10, 2008.⁴ As explained in the TPE Application, each of the six original TPE Consortium parties owns a 16.666666% interest in all international waters segments of the cable network. The individual parties own and control each landing station and the portion of the cable that connects that landing station to the portion of the cable system in international waters.⁵ Each party, except China Unicom, is responsible for operating the landing terminal equipment for the cable in the respective home service territories: Verizon – Nedonna Beach/Hillsboro landing station; China Netcom – Qingdao landing station; China Telecom – Chongming landing station; Chunghwa Telecom – Tanshui landing station; and, KT – Keoje landing station.⁶

On March 21, 2008, the TPE Consortium filed an application to add AT&T Corp. (“ATTC”) as a licensee on the TPE cable.⁷ Under this modification, and with the FCC’s approval, ATTC will join the TPE Consortium and acquire a 9.43% interest in the international

³ Trans-Pacific Express Cable Network Consortium, Application for a License to Construct, Land and Operate an Undersea Optical Cable System Linking Mainland China, South Korea, Taiwan and the United States, File No. SCL-LIC-20070222-00002 (filed Feb. 20, 2007) (“TPE Application”).

⁴ TPE Public Notice.

⁵ See TPE Application at 11-12. WCI Cable Inc. (“WCIC”) owns and operates the cable landing station at Nedonna Beach and will provide certain services to Verizon in support of the TPE Network operations. The FCC granted Verizon a waiver of section 1.767(h)(1) and did not require WCIC to be on this Cable Landing License because WCIC will not have the ability to affect the operation of the TPE Network. See TPE Public Notice at 3.

⁶ TPE Public Notice at 2.

⁷ See Trans-Pacific Express Cable Network Consortium, Application to Modify the Trans-Pacific Express Cable Network, File No. SCL-MOD-20080321-00003 (filed Mar. 21, 2008). This modification application was placed on public notice on April 11, 2008. See Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00060S, File No. SCL-MOD-20080321-00003 (Apr. 11, 2008).

waters segments of the TPE cable. The ownership of all other parties in the international waters segments will be reduced from 16.66% to 15.09%.

This application seeks FCC approval to add NTT Com as an additional licensee of the TPE cable and to extend the cable to add a landing station in Shinmaruyama, Japan. On March 14, 2008, the TPE Consortium entered into an agreement with NTT Com. Under this agreement, and with the Commission's approval, NTT Com will join the TPE Consortium and acquire a 13.11% interest in the international waters segments of the TPE cable. With the addition of NTT Com, all parties except for ATTC will hold a 13.11% interest in the international waters segments, and ATTC will hold a 8.20% interest in the international waters segment of the cable. The addition of NTT Com as a licensee/owner will not affect ownership in any of the existing landing stations.

This application also seeks to add a landing station for the TPE cable in Shinmaruyama, Japan. As described in the TPE Application, currently operational cable landing stations in Qingdao, China; Chongming, China; Tanshui, Taiwan; and Keoje, South Korea are connected via branching units ("BU") to form an intra-Asian ring.⁸ The Shinmaruyama landing station, which will be operated by NTT Com, will be added to this intra-Asian ring via an additional BU. Other than the addition of NTT Com as a licensee and the addition of the cable landing station in Shinmaruyama, Japan, this application does not seek to modify any portion of the TPE cable license.

Grant of this application to modify the license for the TPE cable to add NTT Com as a licensee and to add a landing station in Japan will serve the public interest. Grant of the application will enable NTT Com to become a part of the TPE Consortium and to bring

⁸ See TPE Application at 2.

additional experience, expertise and financial resources that will further ensure the successful construction and operation of the cable. Moreover, the addition of a landing station in Shinmaruyama, Japan to the TPE cable's configuration will enable the TPE cable to provide an alternate cable route to Japan and will expand the ability of consumers to reach an additional point of communication. Finally, the proposed modification will not consolidate any market served by the TPE cable nor distort competition in any U.S. market.

II. INFORMATION REQUIRED BY 47 C.F.R. § 1.767

The information requested by Sections 1.767(a)(1)-(3) and (8)-(9) of the Commission's rules, 47 C.F.R. § 1.767(a)(1)-(3) and (8)-(9), for NTT Com can be found in the attached Appendix A.

The information requested by Section 1.767(a)(5) of the Commission's rules, 47 C.F.R. § 1.767(a)(5), regarding the cable landing station in Shinmaruyama, Japan can be found in the attached Appendix B.

III. REQUEST FOR STREAMLINED PROCESSING

This application is eligible for streamlined processing under Section 1.767(k) of the Commission's rules. 47 C.F.R. § 1.767(k). The demonstration that this application meets the eligibility requirements for streamlining is included in the attached Appendix A.

IV. CONCLUSION

The TPE Consortium respectfully requests that the Commission grant this modification application.

Respectfully submitted,

**MCI International, Inc. ("Verizon"), on
behalf of the TPE Consortium⁹**

By: Leslie V. Owsley

Leslie V. Owsley
VERIZON
1515 North Court House Road
Suite 500
Arlington, VA 22201-2909
Tel: (703) 351-3158
Fax: (703) 351-3662

July 14, 2008

⁹ Section 1.767(m)(1) of the Commission's rules permits joint applicants or licensees to appoint one party to act as proxy to sign applications to modify a license. 47 C.F.R. § 1.767(m)(1).

APPENDIX A

NTT Communications Corporation (“NTT Com”) is a telecommunications and information service provider in Japan. NTT Com provides diverse high-quality IP, Web-based, and managed network solutions combining network management, security, Web portals/engines, and global services. The Commission previously approved the transfer of control of NTT America, Inc. to NTT Com.¹

INFORMATION REQUIRED BY 47 C.F.R. § 1.767(a)

(1) Name, Address and Telephone Number of the Applicant

NTT Communications Corporation
1-1-6 Uchisaiwai-cho, Chiyoda-ku
Tokyo 100-8019, Japan
Tel: 81-3-3500-8111

(2) Place of Formation

NTT Com is incorporated under the laws of Japan.

(3) Correspondence concerning the application should be sent to the following:

Yoshio Sato
Senior Manager, Global Network Solution
Network Business Division
NTT Hibiya Building 6F
1-1-6 Uchisaiwai-cho Chiyoda-ku
Tokyo 100-8019, Japan
Tel: +81-3-6700-7550
Fax: +81-3-5157-0658
Email: yoshi.sato@ntt.com

(4) Certification and Ownership Information Requested by Sections 63.18(h)-(k) and (o) of the Commission’s Rules

Information requested by Section 63.18(h):

NTT Com is a direct, wholly-owned subsidiary of Nippon Telegraph and Telephone Corporation (“NTT”). NTT’s address is 3-1, Otemachi 2-chome, Chiyoda-ku, Tokyo 100-8116, Japan and it is incorporated under the laws of Japan. NTT is a holding company that owns operating subsidiaries that provide a range of communications services, and is the research and development body for the entire NTT group. As of September 30, 2007, the Japanese Minister of Finance held 33.72% of issued shares in NTT. The address for the Japanese Minister of

¹ See Public Notice, International Authorizations Granted, Report No. TEL-01034, DA 06-1235, File No. ITC-T/C-20060320-00163 (June 8, 2006).

Finance is 3-1-1 Kasumigaseki Chiyoda-ku, Tokyo 100-8940 Japan. No other shareholder holds 10 percent or more of the equity of NTT.

Mr. Osamu Inoue and Mr. Jun Sawada are members of the Board of Directors of both NTT Com and NTT America, Inc.

Information requested by Section 63.18(i):

NTT Com is a foreign carrier in Japan and has affiliations with the following foreign carriers:

Name of the Affiliated Carrier	Locations in which carrier is authorized to provide telecommunications services to the public:
NTT Com Asia Ltd.	China
NTT Com Asia Network Systems (Guangzhou) Company Limited	China
HKNet Company Ltd.	China
HKNet Wireless Co. Ltd.	China
NTT Taiwan Ltd.	Taiwan
NTT Korea Co., Ltd.	Korea

Information requested by Section 63.18(j):

NTT Com seeks to provide service in Japan, where the company is a foreign carrier and is affiliated with foreign carriers. NTT Com also seeks to provide service in mainland China, Korea and Taiwan, where NTT Com is affiliated with the following foreign carriers:

Name of Affiliated Carrier	Location	Ownership by NTT Com
NTT Com Asia Ltd.	China	Wholly owned
NTT Com Asia Network Systems (Guangzhou) Company Limited	China	Wholly owned (indirect)
HKNet Company Ltd.	China	Wholly owned
HKNet Wireless Co. Ltd.	China	Wholly owned (indirect)
NTT Taiwan Ltd.	Taiwan	Wholly owned
NTT Korea Co., Ltd.	Korea	Wholly owned

Information requested by Section 63.18(k):

Mainland China, Japan, Korea and Taiwan are all members of the WTO.

Information requested by Section 63.18(o):

NTT Com certifies pursuant to sections 1.2001 through 1.2003 of the Commission's rules that it is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

- (5) **Routine Conditions Specified in Section 1.767(g) of the Commission's Rules, 47 C.F.R. § 1.767(g).**

NTT Com certifies that it accepts and will abide by the routine conditions specified in Section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).


ELIGIBILITY FOR STREAMLINED PROCESSING – 47 C.F.R. § 1.767(k)

NTT Com hereby certifies that it is a foreign carrier in Japan, which is a member of the WTO, and that it agrees to accept and abide by the reporting requirements contained in Section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l).

Certification

I am authorized to enter this certification on behalf of NTT Com.

All of the information contained in this application is true and correct to the best of my knowledge and belief.

By: 

Yoshimasa Tokui
Senior Executive Manager and Member of
the Board
Network Business Division
1-1-6 Uchisaiwai-cho Chiyoda-ku,
Tokyo 100-8019 Japan
Tel: 81-3-6700-7000

**For and on behalf of NTT
Communications Corporation**

Dated: July 4, 2008

APPENDIX B

The Shinmaruyama, Japan landing station will be operated by NTT Com.

Location of the Shinmaruyama landing station:

2698 Shirako aza Kawauchi,
Minamibousou-shi, Chiba Pref. 299-2521

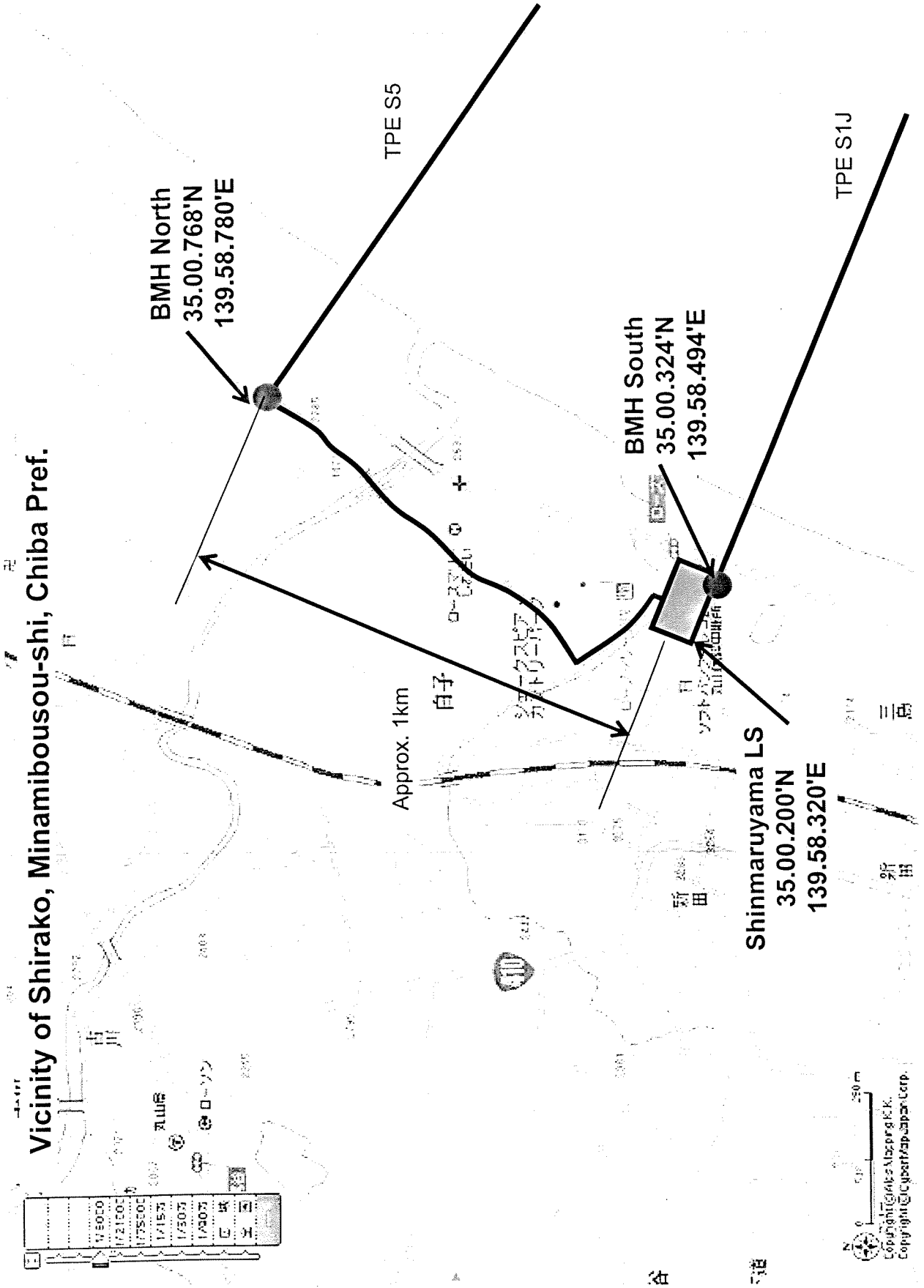
35° 00.200' N
139° 58.320' E

Beach Manholes:

Beach Manhole South
35° 00.324' N
139° 58.494' E

Beach Manhole North
35° 00.768' N
139° 58.780' E

Vicinity of Shirako, Minamibousou-shi, Chiba Pref.



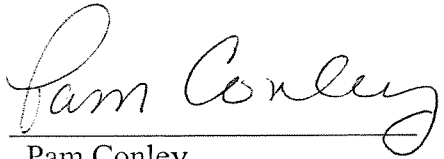
CERTIFICATE OF SERVICE

I, Pam Conley, do hereby certify that on July 14, 2008, I served a copy of the Application to Modify the Trans-Pacific Express Cable Network upon the following parties by U.S. first-class mail, postage pre-paid:

Ambassador David Gross
U.S. Coordinator
EB/CIP
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520-5818

Kathy Smith
Office of Chief Counsel/NTIA
U.S. Department of Commerce
14th Street and Constitution Ave., N.W.
Washington, D.C. 20230

Hillary Morgan
Defense Information Systems Agency
Code RGC
701 S. Courthouse Road
Arlington, VA 22204


Pam Conley