

April 1, 2009

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
International Bureau Applications
P.O. Box 979093
St. Louis, MO 63197-9000

Re: Request for Special Temporary Authority

**File No. SCL-LIC-20080516-00010 - Application for a License
to Construct, Land, and Operate an Undersea Fiber Optic
Cable Connecting the United States and Japan**

Dear Ms. Dortch:

On behalf of Bharti Airtel Limited (“Bharti Airtel”), Global Transit Limited (“GTL”), GU Holdings Inc. (“GU Holdings”), KDDI Corporation (“KDDI”), Pacnet Services (USA) Inc. (“Pacnet”), and Singapore Telecommunications Limited (“SingTel”) (collectively, the “Parties” or the “Applicants”), enclosed is a Request for Special Temporary Authority in association with the above referenced application.

This filing and the applicable credit card payment in the amount of \$965.00, which satisfies the filing fee required for this Application under line 2.b of Section 1.1105 of the Commission’s rules, are being submitted electronically through the Commission’s MyIBFS.

Please Direct any questions regarding this filing to the undersigned.

Respectfully submitted,



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

In the Matter of)	
)	
BHARTI AIRTEL LIMITED, GLOBAL)	
TRANSIT LIMITED, GU HOLDINGS INC.,)	
KDDI CORPORATION, PACNET SERVICES)	
(USA) INC., and SINGAPORE TELECOM)	File No. SCL-LIC-20080516-00010
USA, INC.)	
)	
Application for a License to Construct, Land,)	
and Operate an Undersea Fiber Optic Cable)	
Connecting the United States and Japan)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

Bharti Airtel Limited (“Bharti Airtel”), Global Transit Limited (“GTL”), GU Holdings Inc. (“GU Holdings”), KDDI Corporation (“KDDI”), Pacnet Services (USA) Inc. (“Pacnet”), and Singapore Telecom USA, Inc. (“SingTel USA”) (collectively, the “Parties” or the “Applicants”), pursuant to 47 U.S.C. §§ 34-39 and 47 C.F.R. § 63.25, through their undersigned counsel, request Special Temporary Authority (“STA”) to begin constructing and testing the Unity Cable System (“Unity”), prior to the Commission’s grant of the Parties’ pending application for a license to construct, land and operate Unity. Specifically, the Parties seek an 180-day STA to permit them to begin construction of Unity on or about May 1, 2009. Construction must commence on or about this date in order to avoid potential delays due to the availability of cable-laying ships and weather considerations.

I. BACKGROUND

On May 16, 2008, the Parties filed an application (the “Application”) for authority to construct, land and operate Unity, a high-capacity fiber optic submarine cable that will link the

United States and Japan.¹ The Commission placed the Application on public notice on June 18, 2008.² Since the Application was filed, the Parties have been working with the Executive Branch and have been in discussions with U.S. commercial parties for the operation of Unity's terrestrial facilities in the United States. The Parties have notified the Executive Branch about this STA request and have provided them with copies of this filing.

II. THE GRANT OF AN STA WILL SERVE THE PUBLIC INTEREST

The Parties respectfully request an STA so that they may begin construction of Unity on or about May 1, 2009. It is essential that activity begin under Unity's Plan of Work in May so that Unity can be completed and operational by February 2010. To meet that deadline, Unity's supplier must dedicate a cable laying ship to Unity on or about May 1, 2009. Furthermore, work must begin in May so that construction can begin before the onset of winter weather in the North Pacific.

As discussed in detail in the Application, Unity is critical to meeting the increasing demand for transmission capacity in the trans-Pacific market. Upon deployment, Unity will increase bandwidth between the United States and Asia by nearly 20 percent. The entry of the Unity system will increase competition in the trans-Pacific market, will enhance service quality, and will improve the redundancy and resilience of communications systems in the Pacific basin.

¹ *In re Matter of Bharti Airtel Limited, Global Transit Limited, GU Holdings Inc., KDDI Corporation, Pacnet Services (USA) Inc., and Singapore Telecommunications Limited, Application for a License to Construct, Land, and Operate an Undersea Fiber Optic Cable Connecting the United States and Japan, Application for Cable Landing License, Streamlined Process Requested, File No. SCL-LIC-20080516-00010 (May 16, 2008). The Parties have also filed several supplements and amendments to the Application.*

² *Streamlined Submarine Cable Landing License Applications Accepted for Filing, Public Notice, Report No. SCL-00066S (June 18, 2008). Application was subsequently removed from streamlining. See Streamlined Submarine Cable Landing License Applications Accepted for Filing, Public Notice, Report No. SCL-00071S (July 18, 2008).*

For these reasons and the others discussed in the Application, the grant of the Application and this STA request are in the public interest.

The grant of the requested STA is essential to ensure that Unity can be completed on schedule by February 2010. The supplier for Unity, Tyco Telecommunications (US) Inc. (“Tyco Telecom”), is involved in multiple cable projects around the globe. In order to adhere to the Unity Plan of Work and complete Unity on schedule, Tyco Telecom must dedicate a cable laying ship to the Unity project. Tyco Telecom will then commence the process of transiting the cable ship to the Tyco Telecom fiber optic cable and repeater manufacturing facility in Newington, NH where the fiber optic cable and associated equipment to be used in the project will be loaded onto the ship. After the cable and repeaters are loaded, the ship will transit to California to commence installation by summer 2009. This will allow Tyco Telecom to complete installation and testing in a timely manner and ensure that Unity can be placed into operation by the Parties on schedule in February 2010.

The first step in the installation process is for Tyco Telecom to dedicate a cable laying ship to the Unity project. To do so, Tyco Telecom requires that Unity has received appropriate authority from the FCC in the form of an STA or a cable landing license. As discussed in the Application, Unity’s cable landing station and other terrestrial facilities in the U.S. will be operated and managed by commercial vendors on a contractual basis. Commercial arrangements for these services are proceeding in due course, which will be followed by further discussions with Executive Branch agencies; however, the Parties do not expect that those discussions will be concluded in time for the Commission to fully consider and grant the underlying Application by May 1, 2009. If that date is missed, it is uncertain when Tyco Telecom will be able to make another cable laying ship available and it is possible that Unity will miss the scheduled February

2010 completion date. Such an outcome would delay the availability of the substantial transmission capacity of Unity. A delay in the start of construction also would impose significant economic costs on the Parties and, depending on the length of the delay, could put the financial viability of the project at risk.

In addition to reserving ship capacity, an STA is needed to ensure that construction activities can begin during the spring and summer and thus avoid potential weather-related delays. The requested date allows preparatory activities to begin during the spring and will ensure that undersea installation activities can be completed during the summer and fall of 2009 before the onset of winter weather. Winter storms, oceanic swells, and offshore winds are common in the North Pacific from November to February and can slow down or prevent installation activities, especially close to the coast. The grant of the STA will thus ensure that Tyco Telecom can complete its work before the arrival of winter. The important public interest benefits conferred by Unity as an important addition to U.S. telecommunications infrastructure and the considerations discussed herein thus favor the grant of an STA.

The Unity project, when complete, will form an important part of an enhanced communications infrastructure between the U.S. and Asia. Further, the project provides the opportunity for both short-term job creation and long-term employment. In the short term, the construction of Unity will involve employees from Tyco Telecom, the Unity landing vendor, the Parties, and various legal, environmental, and regulatory experts and consultants who are needed to carry the project to completion. The grant of the STA will lead to the immediate creation or retention of jobs in the U.S., which is critical given the current state of the U.S. economy. Upon completion in 2010, Unity will help ensure the continued growth of the information economy and the high-quality jobs it provides by enhancing the communications infrastructure between

the United States and Asia. Additionally, Unity will create additional permanent U.S.-based jobs that are required to monitor and maintain the infrastructure of Unity.

III. THE FCC HAS AUTHORITY TO GRANT AN STA

The Parties note that the Commission has the authority to issue an STA to begin the testing and operation of a submarine cable prior to the grant of an FCC license. Neither the Cable Landing License Act³ nor Executive Order 10,520 (delegating submarine cable licensing authority from the President to the FCC) limits the FCC's ability to issue an STA to permit construction, testing and operation prior to the grant of a cable landing license. The Parties acknowledge that grant of this request will not prejudice action by the Commission on the underlying Application and that any authority granted pursuant to this request is subject to cancellation or modification upon notice. The Commission has previously granted STAs in analogous circumstances.⁴ The Parties note that they are currently seeking authority *only* to construct and test the Unity system; they are not seeking authority to operate Unity in this filing and will not begin to provide service using the Unity system until a cable landing license is issued.

IV. CONCLUSION

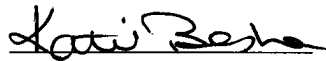
As demonstrated above, the public interest, convenience and necessity will be served by a grant of this request for Special Temporary Authority to construct and test the Unity Cable

³ 47 U.S.C. §§ 34-39.

⁴ See, e.g., Application for Special Temporary Authority, *Cedar Cable Ltd.*, File No. SCL-STA-20081209-00020 (granted Dec. 18, 2008) (STA granted to test and operate the CB-1 cable system); Application for Special Temporary Authority, *Asia America Gateway Consortium*, File No. SCL-STA-20080509-00213 (granted May 16, 2008); Application for Special Temporary Authority, *Trans-Pacific Express Cable Network Consortium*, File No. SCL-STA-20070906-00016 (granted Sep. 19, 2007); *In re Williams Communications, Inc., SBC Communications Inc., SBCS Pacific Cable Holdings, Inc., and SBCI-Pacific Networks, Inc., Application for Authority for Transfer of Control of Cable Landing Licenses*, 15 FCC Rcd 19610 (IB 2000) (a new licensee was authorized to operate two cable systems pursuant to an STA prior to formal approval being given from the Executive Branch.)

System between the United States and Japan. The Parties respectfully request that the Commission grant this request as expeditiously as possible.

Respectfully submitted,



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Dated: April 1, 2009

CERTIFICATE OF SERVICE

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

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Dated: April 1, 2009