

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Application for Special Temporary Authority)
to Own and Operate a Private Fiber Optic)
Cable System Linking the United States and)
Japan)
) File No. _____
)

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

AT&T Corp. (“ATTC”), pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (the “Cable Landing License Act”), Executive Order 10,530, and Section 1.767 of the Commission’s rules, 47 C.F.R. § 1.767, hereby applies for Special Temporary Authority (“STA”) to own and operate one segment of the retired TPC-5 fiber-optic submarine cable system on a private carriage basis for six months in order to provide additional capacity between Tumon Bay, Guam, and Miyazaki, Japan.

ATTC seeks to reactivate one segment of the TPC-5 cable system, which was retired from service on June 30, 2010, in order to provide additional capacity between Guam and Japan.¹ The segment to be reactivated links a cable station in Tumon Bay, Guam, owned by an affiliate of ATTC, to a cable station in Miyazaki, Japan, owned and operated by KDDI Corporation (“KDDI”). The reactivated cable will provide transmission capacity of up to 20 gigabits per second between Guam and Japan. Grant of this application will advance the public interest by providing additional capacity and redundancy on this route.

¹ ATTC has also applied for permanent authority to reconfigure this cable to serve other destinations in Japan. The STA will allow ATTC to use the existing cable to provide additional capacity on this route required as a result of the recent earthquake in Japan, pending the beginning of work on this proposed new system.

In support of this Application, ATTC submits the following information pursuant to Section 1.767.

1. The name, address and telephone number of the Applicant:

AT&T Corp. ("ATTC")
One AT&T Way
Bedminster
New Jersey 07921
USA
(908) 532-1971

2. The Government, State or Territory under the laws of which each corporate or partnership applicant is organized:

ATTC is a New York corporation.

3. The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed:

John Langhauser
Senior Vice President & General Counsel
AT&T Corp.
One AT&T Way
Bedminster, New Jersey 07921
(908) 234-3001

With copies to:

James Talbot
General Attorney
AT&T Services, Inc.
1120 20th Street, N.W.
Suite 1000
Washington, D.C. 20036
(202) 457-3048
jjtalbot@att.com

4. A description of the submarine cable, including the type and number of channels and the capacity thereof:

The cable will provide capacity of up to 20 gigabits per second. The US landing point is ATTC's cable landing station at Tumon Bay, Guam. In Japan, the landing point is the cable station in Miyazaki owned and operated by KDDI.

5. A specific description of the cable landing stations on the shore of the United States and in foreign countries where the cable will land:

a. United States: Tumon Bay Cable Landing Station Information

The Tumon Bay Cable Station is located on the Northwest coast of Guam. The address of the cable landing station is: 1169 North Marine Corps Drive, Tamuning, Guam, USA 96913.

The map attached as Exhibit A shows the location of the cable station and beach manhole with coordinates.

b. Japan:

Miyazaki Cable Landing Station Information

The Miyazaki Cable Station is located on the eastern coast of Kyushu Island, Japan. The address of the cable station is: 18225-7 Shimotajima, Sadowara-cho, Miyazaki-City, 880-0211, Japan.

The map attached as Exhibit B shows the location of the cable station and beach manhole with coordinates.

6. A statement as to whether the cable will be operated on a common carrier or non-common carrier basis:

The cable will be operated as a private, non-common carrier cable. Private carriage is fully consistent with established Commission policy and will advance the public interest. In determining whether a submarine cable qualifies to be operated on a non-common carrier basis,

the Commission follows the two-part test established in *NARUC*.² Under this test, a submarine cable may be operated on a non-common carrier basis if: (1) there is no legal compulsion to serve the public indifferently; and (2) there are no reasons implicit in the nature of the operations to expect that the applicant would make capacity available to the public indifferently and indiscriminately.³

The cable satisfies both prongs of this two-part test. First, the Commission has previously held that there is no legal compulsion to serve the public indifferently where there is no public interest reason to require facilities to be offered on a common carrier basis,⁴ and the Commission has focused this public interest analysis on whether an applicant will be able to exercise market power because of the lack of alternative facilities.⁵ Because the Asia-Pacific region presently is served by many other cable systems, there is no lack of alternative facilities under the first factor.⁶ Accordingly, there is no reason to compel the cable to offer service on a common carrier basis.

² *Nat'l Ass'n of Regulatory Util. Comm'ners v. FCC*, 525 F.2d 630, 642 (D.C. Cir. 1976) ("*NARUC*"), *cert. denied*, 425 U.S. 992 (1976).

³ *See* Cable & Wireless Order, 12 FCC Rcd. 8516, 8520-23, ¶¶ 11-17 (1997); *see also* *Optel Communications, Inc., Application for a license to land and operate in the United States a submarine cable extending between Canada and the United States*, File No. SCL-92-004, Conditional Cable Landing License, 8 FCC Rcd. 2267 (1993); *National Association of Regulatory Utility Commissioners v. FCC*, 525 F.2d 630, 642 (D.C. Cir.) (*NARUC I*), *cert. denied*, 425 U.S. 992 (1976).

⁴ *See, e.g.*, Cable & Wireless Order, 12 FCC Rcd. at 8522, ¶¶ 14-15.

⁵ *Id.*

⁶ The existing cables that extend to the countries, other than the United States, in which GOKI will land include: (1) Australia-Japan Cable ("AJC") serves Australia, Guam and Japan; (2) China-US Cable Network ("China-US") serves the United States, China, Taiwan, Japan, Korea, and Guam; (3) Japan-US Cable Network ("Japan-US") serves the United States and Japan; (4) Pacific Crossing ("PC-1") serves the United States and Japan; (5) Tycom Pacific Cable System ("TGN-Pacific") serves the United States, Guam and Japan; (6) Asia Pacific Cable Network ("APCN") serves Thailand, Malaysia, Singapore, Indonesia, Hong Kong, Philippines, Taiwan, Korea, and Japan; (7) Asia Pacific Cable Network 2 ("APCN-2") serves China, Hong Kong, Japan, Korea, Malaysia, Philippines, Singapore, and Taiwan; (8) City-To-City ("C2C") North Ring serves Hong Kong, Philippines, Taiwan, China, Korea, and Japan; (9) East Asia Crossing ("EAC")

Second, the cable will not hold itself out as a common carrier, and it will not offer capacity to the public indifferently. Rather, as with other private, non-common carrier cable systems, the available capacity will be used by ATTC and offered to customers on terms tailored to their particular needs. Accordingly, the cable will not be operated on a common carrier basis.

7. Cable Ownership Information

The cable will operate under the sole ownership of ATTC or its affiliates. As stated above, KDDI owns the cable landing station in Japan.

8. Corporate Control and Affiliate Information

ATTC submits the following information specified in Sections 63.18(h) through (k) and Section 63.18(o) of the Commission's rules:

a. Certification Regarding Ownership, Citizenship, Principal Businesses, and Interlocking Directorates

ATTC is a direct, wholly-owned subsidiary of AT&T Inc., which is a publicly traded corporation whose stock is widely held by the public. The address of AT&T Inc. is 208 S. Akard St., Dallas, Texas 75202. AT&T Inc. is a telecommunications holding company incorporated under the laws of Delaware. No person or entity holds a ten percent or greater ownership interest in AT&T Inc.

ATTC has interlocking directorates with AT&T Global Network Services International Inc., which is a carrier in Israel, New Zealand, and Pakistan; AT&T Global Network Services Norge LLC, which is a carrier in Norway; AT&T Global Network Services Venezuela LLC, which is a carrier in Venezuela; AT&T Japan LLC, which is a carrier in Japan; and BellSouth Long Distance, Inc., which is a carrier in Canada. Richard P. Resnick, Senior Vice President –

serves Singapore, Hong Kong, Taiwan, Philippines, Korea, and Japan; (10) FLAG/REACH North Asia Loop ("FNAL" or "RNAL") serves Hong Kong, Taiwan, Korea, and Japan; (11) South East Asia – Middle East – Western Europe ("SMW-3") serves 39 landing points in Southeast Asia, the Middle East, and Western Europe.

Service Management of ATTC, is President of BellSouth Long Distance, Inc. George B. Goeke, Treasurer of ATTC, is a director and Treasurer of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, and AT&T Global Network Services Venezuela LLC. Mr. Goeke is also Vice President and Treasurer of BellSouth Long Distance, Inc. Tod A. Clarno, Vice President - Taxes of ATTC, is a director of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, and AT&T Global Network Services Venezuela LLC. Ellen Spano, Vice President and Assistant Secretary of ATTC, is Vice President of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, AT&T Japan LLC, and AT&T Global Network Services Venezuela LLC. Jeffrey Tutnauer, Vice President – Property Tax of ATTC, is Assistant Secretary of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, AT&T Global Network Services Venezuela LLC. and BellSouth Long Distance, Inc. Karen Diorio, Director – Taxes of ATTC, is Assistant Secretary of AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, and AT&T Global Network Services Venezuela LLC. Additionally, Jeston Dumas and Elaine Lou, who are Assistant Treasurers of ATTC, hold the same positions with AT&T Global Network Services International Inc., AT&T Global Network Services Norge LLC, AT&T Global Network Services Venezuela LLC, and BellSouth Long Distance, Inc.

b. Certification Regarding Foreign Carrier Status and Foreign Affiliation

ATTC certifies that it is not a foreign carrier. ATTC is affiliated with the following foreign carriers authorized to provide telecommunications services to the public in the countries listed below.

| <u>Affiliate Name</u> | <u>Country</u> |
|--|----------------|
| AT&T Communications Services Argentina S.R.L. | Argentina |
| AT&T Global Network Services Australia Pty. Ltd. | Australia |
| AT&T Global Network Services Austria GmbH | Austria |
| AT&T Global Network Services Belgium Luxembourg S.P.R.L. | Belgium |
| AT&T Global Network Services Brazil Ltda. | Brazil |
| AT&T Global Network Services Bulgaria Ltd. | Bulgaria |
| AT&T Global Services Canada Co. | Canada |
| AT&T Enterprises Canada Co. | Canada |
| BellSouth Long Distance, Inc. | Canada |
| AT&T Chile SA | Chile |
| AT&T Red Global Telecommunications Ltda. | Chile |
| AT&T Global Network Services Colombia (Ltda.) | Colombia |
| AT&T Global Network Services Hrvatska d.o.o. | Croatia |
| AT&T Global Network Services Czech Republic s.r.o. | Czech Republic |
| AT&T Global Network Services Ltd. | Cyprus |
| AT&T Global Network Services Danmark ApS | Denmark |
| AT&T Global Network Services Ecuador Cia. Ltda. | Ecuador |
| AT&T Global Network Services Estonia Ou | Estonia |
| AT&T Global Network Services Finland Oy | Finland |
| AT&T Global Network Services France SAS | France |
| AT&T Global Network Services Deutschland GmbH | Germany |
| AT&T Global Network Services (Hellas) E.P.E. (Limited) | Greece |
| AT&T Servicios de Comunicaciones de Guatemala SA | Guatemala |
| AT&T Global Network Services Hong Kong Limited | Hong Kong |
| AT&T Global Network Services Hungary Kft | Hungary |
| AT&T Global Network Services Private Limited | India |
| AT&T Global Network Services Ireland Limited | Ireland |
| AT&T Global Network Services International Inc. | Israel |
| AT&T Global Network Services Italia S.p.A. | Italy |
| AT&T Japan Ltd. | Japan |
| AT&T Japan KK | Japan |
| AT&T Communications Services (Japan) Ltd. | Japan |
| AT&T Japan LLC | Japan |

| | |
|---|-------------------|
| AT&T GNS Korea Limited (Yuhan Hoesa) | Korea |
| AT&T Global Network Services Latvia SIA | Latvia |
| UAB AT&T Lietuva (Lithuania) | Lithuania |
| AT&T Global Network Services Belgium Luxembourg S.P.R.L. (Branch Office) | Luxembourg |
| AT&T Worldwide Network Services (Malaysia) Sdn. Bhd. | Malaysia |
| Alestra, S. de R.L. de C.V. | Mexico |
| AT&T Global Network Services Morocco sarl au | Morocco |
| AT&T Global Network Services Nederland B.V. | Netherlands |
| AT&T Global Network Services International Inc. | New Zealand |
| AT&T Global Network Services Norge LLC | Norway |
| AT&T Global Network Services International Inc. | Pakistan |
| AT&T Communications Services de Panama S. de R.L. | Panama |
| AT&T Global Network Services del Peru S.R.L. | Peru |
| AT&T Global Network Services Polska Sp. z.o.o. | Poland |
| AT&T Serviços de Telecomunicações, Sociedade Unipessoal, Lda. | Portugal |
| AT&T Global Network Services Romania S.R.L. | Romania |
| AT&T Global Network Services OOO | Russia |
| AT&T Worldwide Telecommunications Services Singapore Pte Ltd. | Singapore |
| AT&T Global Network Services Slovakia s.r.o. | Slovakia |
| AT&T Globalne Omrezne Storitve d.o.o. | Slovenia |
| AT&T South Africa (Proprietary) Limited | South Africa |
| AT&T Global Network Services Espana, S.L. | Spain |
| AT&T Global Network Services Sweden AB | Sweden |
| AT&T Global Network Services Switzerland GmbH | Switzerland |
| AT&T Global Network Services Taiwan Ltd. | Taiwan |
| AT&T Global Iletism Servisleri Limited Sirteki Ltd. STI | Turkey |
| AT&T Global Network Services (UK) B.V. | United Kingdom |
| AT&T Global Network Services Venezuela LLC | Venezuela |

c. Telecommunications Services to Destination Countries

ATTC holds Section 214 global authority to provide all facilities-based and resale services, including to Japan. *See, e.g.*, ITC-214-19960830-00414 (Previous File Number ITC-96-487) (global facilities-based services); ITC-95-298 (resale of international voice services between the United States and overseas points). ATTC controls the following foreign carriers in Japan: AT&T Japan Ltd., AT&T Japan KK, AT&T Communications Services (Japan) Ltd., and

AT&T Japan LLC.

d. Certification Regarding WTO Status, Market Power, and the Effective Competitive Opportunities Test

Japan is a Member of the WTO.

e. Certification Regarding the Anti-Drug Abuse Act of 1988

ATTC 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.

f. Certification Regarding Routine Conditions Set Forth in Section 1.767(g) of the Commission's rules

ATTC certifies that it accepts and will abide by the routine conditions specified in Section 1.767(g) of the Commission's rules.

CONCLUSION

As demonstrated above, the public interest, convenience and necessity will be served by a grant of this application for Special Temporary Authority to own and operate this retired facility on a temporary basis. ATTC respectfully requests that the Commission grant this application.

Respectfully submitted,

AT&T Corp.

By: James Talbot

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(202) 736-8058
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Dated: March 31, 2011

Certification

I am authorized to enter this Certification on behalf of AT&T Corp.

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

I hereby certify for AT&T Corp. that AT&T Corp. is aware of the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. Sect. 1456 (CZMA), and will abide by the CZMA and the National Oceanic and Atmospheric Administration (NOAA) rules implementing the CZMA, 15 C.F.R. part 930.

By: 

John J. Langhauser
Senior Vice President & General Counsel
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(908) 234-3001

For and on behalf of AT&T Corp.

Dated: March 28, 2011

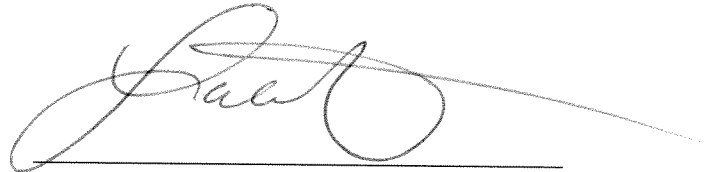
CERTIFICATE OF SERVICE

I hereby certify that the foregoing application was served on the following by first-class mail on March 31, 2011.

U.S. Coordinator, EB/CIP
U.S. Department of State
2201 C Street, NW
Washington, DC 20520-5818

Office of Chief Counsel/NTIA
U.S. Department of Commerce
14th St., NW and Constitution Ave., NW
Washington, DC 20230

Defense Information Systems Agency
Code RCG
701 S. Courthouse Road
Arlington, VA 22204

A handwritten signature in cursive script, appearing to read "Loretta Hill", is written over a horizontal line. The signature is fluid and extends to the right of the line.

Loretta Hill

EXHIBIT A

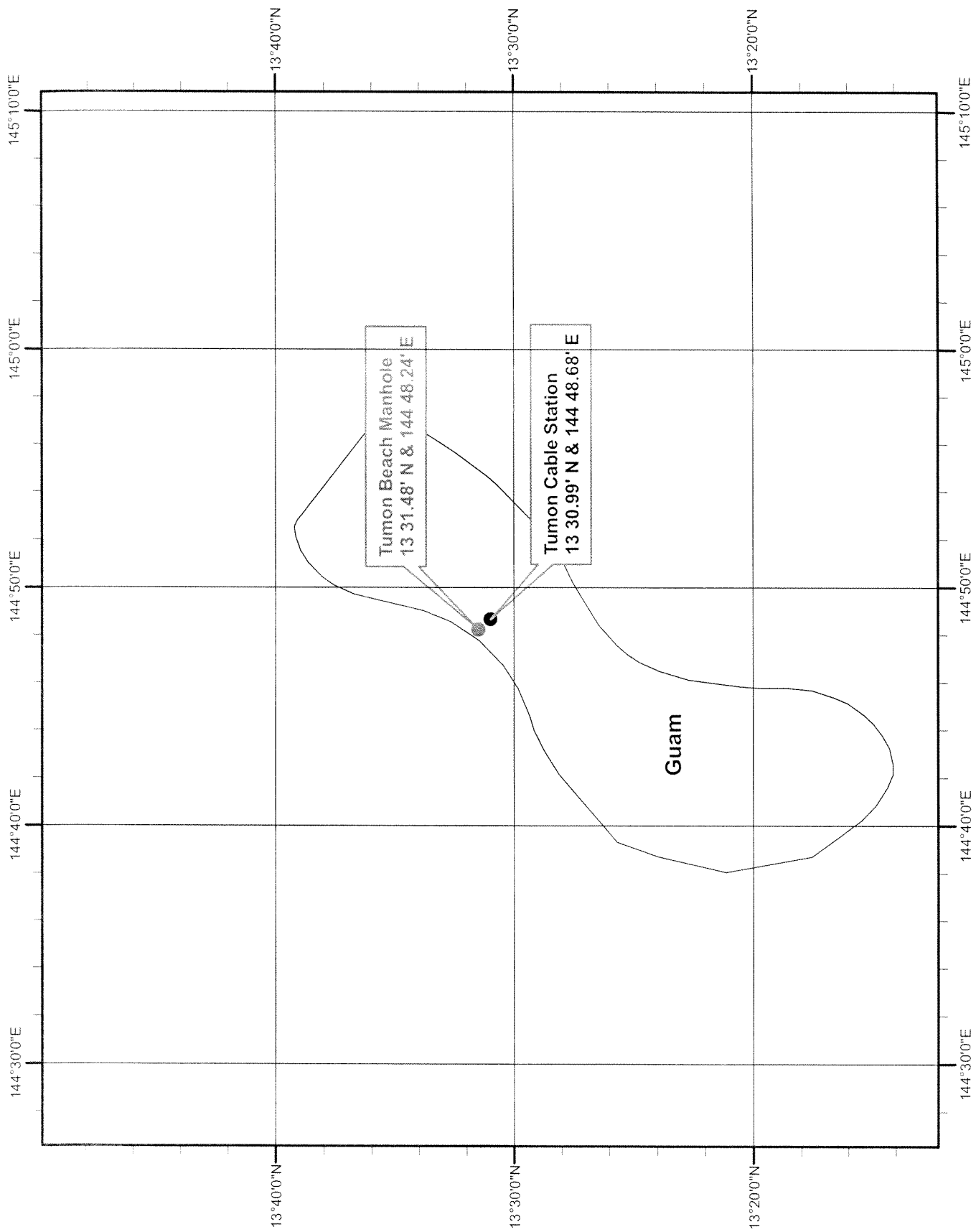


EXHIBIT B

