

APPLICATION FOR AUTHORITY TO TRANSFER CONTROL OF SUBMARINE CABLE LANDING LICENSE

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States¹ and Section 1.767 of the Federal Communications Commission's ("FCC") rules,² MCV Guam Holding Corp. ("MCVGH") and DOCOMO Guam Holdings, Inc. ("DOCOMO Guam") request Commission consent to the transfer of control of the submarine cable license held by Guam Cable Group, Inc., a wholly owned subsidiary of MCVGH, to DOCOMO Guam. Guam Cable Group, Inc. holds a 0.07882% interest in the China-U.S. cable, File No. SCL-LIC-19980309-00005. Although Guam Cable Group, Inc. holds less than a 5% interest in the China-U.S. cable system, this application is being filed because the FCC has found that if an entity is currently a licensee on a submarine cable, it needs to comply with transfer of control requirements.³

I. INFORMATION REQUIRED BY SECTION 1.767 OF THE COMMISSION'S RULES

In support of this Application and in accordance with Section 1.767(a)(11) of the Commission's rules, the Applicants provide the following information:

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

Transferor Information (MCV Guam Holding Corp.):

MCV Guam Holding Corp.
497 Harmon Loop Road
Dededo, GU 96929

Transferee Information (DOCOMO Guam Holdings, Inc.):

DOCOMO Guam Holdings, Inc.
c/o NTT DOCOMO, INC.
1100 13th Street NW
Suite 900
Washington, DC 20005

(2) Government, State, or Territory Under the Laws of Which Each Applicant Is Organized

MCV Guam Holding Corp. is a corporation organized under the laws of Guam.

¹ 47 U.S.C. §§ 34-39 (the "Cable Landing License Act").

² 47 C.F.R. § 1.767.

³ *Review of Commission Consideration of Applications under the Cable Landing License Act*, Report and Order, FCC 01-332, ¶ 59 (2001).

DOCOMO Guam Holdings, Inc. is a corporation organized under the laws of Guam.

(3) Contact Information

Copies of all pleadings, correspondence, notices, and other communications should also be sent to Applicants' counsel as follows:

For MCV Guam Holding Corp.:

John King
LAW OFFICE OF JOHN WELLS KING, PLLC
9016 Tropical Bend Circle
Jacksonville, FL 32256-9192
Tel: 904-647-9610
Fax 904-647-9611
Email: john@jwkinglaw.com

For DOCOMO Guam Holdings, Inc.:

Carl Frank
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006
Tel: 202-719-7269
Fax: 202-719-7049
Email: cfrank@wileyrein.com

(4) –(7) inapplicable to transfer application

(8) Certification and Ownership Information Required by Sections 63.18(h)-(k) and (o) of the Commission's Rules

Section 63.18(h)

The following entities hold a 10 percent or greater direct or indirect interest in transferee, DOCOMO Guam:

Name:	NTT DOCOMO, INC. ("DOCOMO")
Address:	2-11-1 Nagata-cho, Chiyoda-ku Tokyo 100-6150, Japan
Citizenship:	Japan
Principal Business:	Mobile telecommunications and information services
Percentage Held:	100% direct voting and equity interest in DOCOMO Guam Holdings, Inc.

Name:	NIPPON TELEGRAPH AND TELEPHONE CORPORATION ("NTT")
--------------	---

Address: 3-1, Otemachi 2-Chome, Chiyoda-ku
Tokyo 100-8116, Japan

Citizenship: Japan

Principal Business: Ownership of shares and exercise of rights as shareholder of NTT group companies

Percentage Held: 63.32% direct equity and 66.65% direct voting interest in NTT DOCOMO, INC. Other than NTT, no single entity holds more than approximately 2% of DOCOMO.

Name: Japan Ministry of Finance

Address: 3-1-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8940, Japan

Citizenship: Japan

Principal Business: Japanese government

Percentage Held: 32.59% direct voting and equity interest in NTT

Except for the Ministry of Finance, ownership of NTT is widely dispersed. No other person or entity holds a ten percent or greater direct or indirect voting or equity interest in DOCOMO Guam.

Section 63.18(i):

DOCOMO Guam certifies that it is not a foreign carrier, as that term is defined by Section 63.09 of the Commission's rules, 47 C.F.R. § 63.09.

DOCOMO Guam is directly owned by DOCOMO, a mobile telecommunications carrier in Japan. In addition, through its indirect 63.32% ownership by NTT, DOCOMO Guam certifies that it is affiliated with the following foreign carriers:

Name of the Affiliated Carrier	Locations in which carrier is authorized to provide telecommunications services to the public
NTT Communications Corporation	Japan
NTT East Corporation	Japan
NTT West Corporation	Japan
Nippon Telecommunications Network Co., Ltd.	Japan
Robi Axiata Limited	Bangladesh
NTT Com Asia Ltd.	China
NTT Com Asia Network Systems (Guangzhou) Company Limited	China
HKNet Company Ltd.	China
HKNet Wireless Co. Ltd.	China
Tata Teleservices Limited	India
NTT Korea Co., Ltd.	Korea
NTT Taiwan Ltd.	Taiwan

Section 63.18(j):

DOCOMO Guam hereby certifies that it is not a foreign carrier in any destination market, and does not control a foreign carrier in any destination market.

DOCOMO Guam hereby certifies that it provides international telecommunications services to all the destination markets identified above in which NTT controls a foreign carrier.

Section 63.18(k):

All of the countries listed above in which DOCOMO Guam is affiliated with a foreign carrier are WTO member countries.

Section 63.18(o)

DOCOMO Guam certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission's rules, that neither it, nor any of its affiliates, nor any officer or director of it or its affiliates is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. § 853a.

(9) Certification of Compliance with Routine Conditions

DOCOMO Guam certifies that it accepts and will abide by the routine conditions set forth in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).

II. ELIGIBILITY FOR STREAMLINED PROCESSING

Pursuant to Section 1.767(i) of the Commission's rules, Applicants request streamlined processing of the instant Application. The Application is eligible for streamlined processing pursuant to Section 1.767(k)(2) and (3) of the Commission's rules. DOCOMO Guam certifies that all of the countries listed above in which DOCOMO Guam is affiliated with a foreign carrier are WTO member countries.

DOCOMO Guam's affiliates in all countries identified above, except Japan, lack market power in their home countries. Except for the NTT's affiliates in Japan, all of the foreign carriers identified above lack 50 percent market share in the international transport and the local access markets in the destination markets where they provide services. None of these foreign carriers is listed on the Commission's List of Foreign Telecommunications Carriers That Are Presumed to Possess Market Power in Foreign Telecommunications Markets.⁴

The Commission has previously reviewed the following foreign carriers affiliated with NTT: NTT Communications Corporation, NTT Com Asia Ltd., NTT Com Asia Network

⁴ *The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, DA 07-233 (Jan. 26, 2007).

Systems (Guangzhou) Company Limited, HKNet Company Ltd., HKNet Wireless Co. Ltd., NTT Korea Co., Ltd., and NTT Taiwan Ltd. After reviewing these carriers, the FCC found that NTT only is dominant on the U.S.-Japan route. Consequently, these previously reviewed affiliates operating in countries other than Japan qualify for a presumption of non-dominance under Section 63.10(a)(3) of the Commission's Rules (47 C.F.R. § 63.10(a)(3)).

Robi Axiata Limited ("Robi") provides only mobile services in Bangladesh, a WTO member country. Robi lacks market power in Bangladesh and qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the Commission's rules, 47 C.F.R. § 63.10(a)(3). The company does not control bottleneck facilities and has market shares under 50 percent in all relevant markets on the foreign end of the U.S.–Bangladesh route, including the international transport and local access markets. In addition, the Commission has determined that mobile wireless service providers lack sufficient market power to affect competition adversely in the U.S. market.⁵

Tata Teleservices Limited provides mobile services in India. Tata Teleservices Limited lacks market power in India and qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the Commission's rules, 47 C.F.R. § 63.10(a)(3). The company does not control bottleneck facilities and has market shares under 50 percent in all relevant markets on the foreign end of the U.S.–India route, including the international transport and local access markets. In addition, the Commission has determined that mobile wireless service providers lack sufficient market power to affect competition adversely in the U.S. market.⁶

DOCOMO Guam is considered dominant with respect to the U.S.-Japan route. For this route, DOCOMO Guam agrees to accept and abide by the reporting requirements in Section 1.767(l) of the Commission's rules, 47 C.F.R. § 1.767(l) on the U.S.-Japan route.

⁵ *International Common Carrier Regulations – 1998 Biennial Regulatory Review, Report and Order*, 14 FCC Rcd 4909, 4922 (¶ 29) (1999).

⁶ *Id.*

Certificate of Service

I, Pam Conley, do hereby certify that I have on this 21st day of September, 2012, caused a copy of the foregoing "Application for Authority to Transfer Control of Submarine Cable Landing License" to be served by first class mail upon the following:

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

Office of Chief Counsel
National Telecommunications & Information Administration
U.S. Department of Commerce
14th St. & Constitution Ave., N.W.
Washington, DC 20230

Defense Information Systems Agency
ATTN: GC/DO1
6910 Cooper Avenue
Fort Meade, MD 20755-7088

/s/ Pam Conley
Pam Conley