

Holland & Knight

195 Broadway | New York, NY 10007 | T 212.513.3200 | F 212.385.9010
Holland & Knight LLP | www.hkllaw.com

December 1, 2009

BY ELECTRONIC FILING

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

Re: FCC File Nos. SCL-LIC-20081008-00017 and ITC-214-20081008-00453

Dear Ms. Dortch:

Through its counsel, l'Office des Postes et Télécommunications de Polynésie française ("OPT") urges the Commission to expedite its consideration of the applications for a cable landing license, Section 214 authority, and a related waiver for the Honotua undersea cable system, which will provide critical connectivity between the United States and French Polynesia. These applications were filed with the Commission on September 29, 2008, and amended on May 18, 2009, to address concerns previously discussed with International Bureau staff. The amended applications were placed on public notice on July 2, 2009, and no objections or other comments were filed in response.

Time is of the essence, as shore-end construction has already started on the French Polynesia end (at Bora Bora). Marine installation on the French Polynesia started on November 24, 2009.

OPT also believes the time is ripe for action, as the Commission now has a complete record, including fulsome responses and proposed accommodations to address concerns expressed by International Bureau staff. By seeking a waiver of Section 63.10(c)(1) premised on international comity, OPT does not seek to evade Commission regulations. To the contrary, OPT has proposed to comply with a variety of alternative safeguards which would impose significant burdens and costs on OPT. OPT has nevertheless offered to abide by these safeguards as it believes they address the substantive core of International Bureau staff concerns and would serve OPT's overriding objective of timely Commission licensing for the project. Given the conflict between French Polynesia's public-integrity law for government-owned enterprises and Section 63.10(c)(1), OPT believes that it has proposed a workable, good-faith compromise and asks that the Commission act on that proposal.

Moreover, OPT does not believe that this waiver request will trigger a wave of "me-too" waiver requests with respect to Section 63.10(c)(1). The circumstances in this particular case are

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highly unusual—where longstanding foreign law has been interpreted to preclude compliance with a Commission rule, and where the longstanding foreign law was adopted for legitimate reasons wholly unrelated to the Commission rule.

Concurrent with this letter, OPT has filed a request for Special Temporary Authority (“STA”) under the Cable Landing License Act and Section 214 of the Communications Act of 1934, as amended. OPT has sought the STA request to address an immediate concern about the costs of suspending installation of the Tahiti-Hawaii segment after construction of that segment commences. Notwithstanding any grant of the STA request, OPT respectfully requests that the Commission proceed to act expeditiously on the underlying applications and waiver request.

Installation of the Tahiti-Hawaii segment is scheduled to commence on the Tahiti end on December 16, 2009, and cannot easily be suspended without incurring significant costs. Honotua is still scheduled to enter into commercial service between May and July 2009.

Should you have any questions or require further information, please contact the undersigned.

Respectfully submitted,



Kent D. Bressie
WILTSHIRE & GRANNIS LLP
1200 18th Street, N.W., Suite 1200
Washington, D.C. 20036-2516
+1 202 730 1337 tel

Eric Fishman
HOLLAND & KNIGHT LLP
195 Broadway
New York, New York 10007-3189
+1 212 513 3268 tel

*Counsel for Office des Postes et
Télécommunications de Polynésie française*

*Counsel for Office des Postes et
Télécommunications de Polynésie française*

cc: Priya Aiyar
Jim Ball
David Krech
Susan O’Connell
Steve Lett (U.S. Department of State/CIP)
Hillary Morgan (DISA)
Josephine Arnold (U.S. Department of Commerce/NTIA)

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

In the Matters of

OFFICE DES POSTES ET TELECOMMUNICATIONS
DE POLYNESIE FRANÇAISE,

Application for License to Land and Operate a
Fiber-Optic Submarine Cable System between
the United States and French Polynesia

File No. SCL-LIC-20081008-00017

Application for Section 214 Authority to
Construct and Operate a Fiber-Optic
Submarine Cable System on a Common
Carrier Basis Linking the United States and
French Polynesia

File No. ITC-214-20081008-00453

THE HONOTUA SYSTEM

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Office des Postes et Télécommunications de Polynésie française (“OPT”), by its attorneys, and pursuant to 47 U.S.C. §§ 34-39 and 214 and 47 C.F.R. § 63.25, hereby requests special temporary authority to begin constructing and testing the Honotua submarine fiber optic system prior to the Commission's grant of OPT's pending applications for a cable landing license and international Section 214 authorization to construct, land and operate the Honotua network. Specifically, OPT seeks special temporary authority beginning no later than December 16, 2009, and ending 180 days from grant, or until such date as the Commission grants OPT's underlying applications, whichever event occurs first. Construction must commence on or about this date in order to avoid potential costly delays as set forth below.

I. BACKGROUND

On October 8, 2008 OPT filed applications for authority to construct, land and operate Honotua, a high-capacity fiber optic submarine cable that will link the United States and French Polynesia. The Commission placed the applications, as amended, on Public Notice on July 2, 2009.¹ No party has opposed the grant of the applications. As indicated in the attached certificate of service, OPT has served copies of the STA request on the Executive Branch agencies.

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

OPT respectfully submits that grant of this request would serve the public interest, convenience and necessity. As the Commission is aware, the proposed Honotua system, once constructed, will be the first submarine fiber optic cable network linking the United States and French Polynesia. Designed to provide faster, more reliable, and more affordable international broadband internet connectivity, it will furnish vital services critical to the economic development in French Polynesia, and to planned initiatives in scientific research, distance learning and telemedicine.

OPT requires an STA in order to avoid construction delays on the Hawaii end and significant costs associated with such delay. OPT's contractor Alcatel-Lucent Submarine Networks ("ASN") commenced marine installation on the French Polynesia end on November 24th, 2009, . Installation of the Tahiti-Hawaii segment is scheduled to commence on the Tahiti end on December 16, 2009. Progressing northward from Tahiti, construction within the U.S. territorial sea off the coast of Hawaii is scheduled to commence no later than February 1, 2010. Installation of the Tahiti-Hawaii segment cannot easily be suspended without incurring

¹ Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing, Public Notice Report No. SCL-00089NS, released July 2, 2009; Non-Streamlined International Applications/Petitions Accepted for Filing, Public Notice Report No. TEL-01371NS, released July 2, 2009.

significant costs. To suspend installation activities outside the U.S. territorial sea, ASN would need to cut the cable, tether it to a buoy, offload cable and equipment at a depot (most likely in Fiji), and undertake significant additional transit. Remobilization would require similar undertakings. Under the terms of its supply contract with ASN, OPT would bear the cost of these delay-related activities, which is estimated at an additional US\$3,374,867, as reflected in the attached spreadsheet. Consequently, OPT seeks grant of this STA request before ASN's cable ship, *Île de Ré*, departs Tahiti on December 16, 2009.

III. THE FCC HAS AUTHORITY TO GRANT AN STA

The Commission has ample authority to issue an STA authorizing construction and testing of a submarine cable prior to the grant of a cable landing license and associated Section 214 authority. It has exercised that authority on numerous occasions and should also do so in this case. Neither the Cable Landing License Act nor Executive Order 10,520 (delegating submarine cable licensing authority from the President to the Commission, subject to Executive Branch review) nor Section 214 of the Communications Act of 1934, as amended, limits the Commission's ability to issue an STA to permit construction or testing prior to grant of a cable landing license and associated Section 214 authority.² The Commission has previously granted STAs in analogous situations.³

OPT seeks the same authority here: to construct, land and test the Honotua system. It will not connect the cable on the U.S. end or use Honotua to transport traffic on the Honotua

² See 47 U.S.C. §§ 34-39; Executive Order 10,520; 47 U.S.C. § 214.

³ See, e.g., Application for Special Temporary Authority, *Bharti Airtel Limited et al.*, File No. SCL-STA-20090401-00007) (STA granted to test and operate the Unity System); Application for Special Temporary Authority, *Cedar Cable Ltd.*, File No. SCL-LIC-20081209-00020 (granted December 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); *In re Williams Communications, Inc. et al.*, 15 FCC Rcd 19610 (IB 2000) (a new license was authorized to operate two cable systems pursuant to an STA prior to formal approval being given by the Executive Branch).


system absent the Commission's grant of a cable landing license and associated Section 214 authority. OPT acknowledges that grant of this request will not prejudice action by the Commission on OPT's underlying applications and that any authority granted pursuant to this request is subject to cancellation or modification upon notice.

IV. CONCLUSION

As demonstrated above, Commission grant of an STA is consistent with the Cable Landing License Act and the Communications Act and will serve the public interest, convenience and necessity. OPT respectfully urges the Commission to grant this request as soon as possible and no later than December 16, 2009.

Respectfully submitted,

**OFFICE DES POSTES ET TELECOMMUNICATIONS
DE POLYNESIE FRANÇAISE**



Eric Fishman
HOLLAND & KNIGHT LLP
195 Broadway
New York, New York 10007-3189
Tel: 212-513-3268

Jean-Paul Barral, Chairman
P.O. Box 605
Papeete, 98713
Tahiti, French Polynesia

*Counsel for Office des Postes et
Télécommunications de Polynésie française*

Kent D. Bressie
WILTSHIRE & GRANNIS LLP
1200 18th Street, N.W.
Suite 1200
Washington, D.C. 20036-2516
+1 202 730 1337 tel

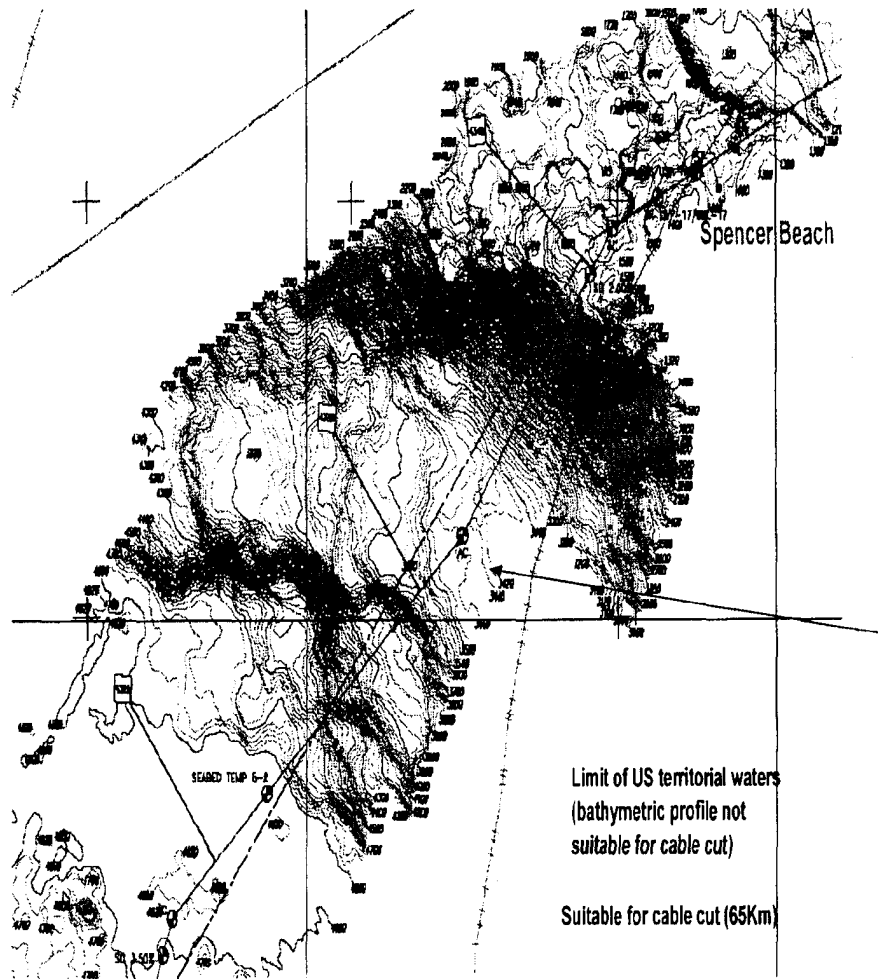
*Counsel for Office des Postes et
Télécommunications de Polynésie française*

December 1, 2009

Case study of marine operation if no right to install Honotua cable in February 2010

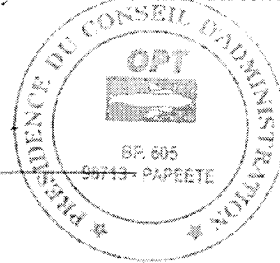
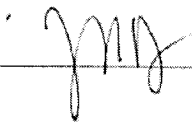
Cut and stream (4500m WD)	2 d	
Transit to Suva (11.5knots)	10 d	2783 NM
Clear in	1 d	
Offload (65km)	2 d	
Transit to Noumea	3 d	738 NM
Transit to Fiji	3 d	738 NM
Clear in Suva port	1 d	
Load (65km)	2 d	
Transit to Honolulu	10 d	2783 NM
Clear in	1 d	
Transit to site	1 d	
Recover and joint	2 d	
Total before contingencies	38 d	
10% weather contingencies	3 d	
Number of extra days	41 d	

Ile de Ré contract daily rate (€)	54,648
Total marine extra cost (€)	2,227,777
Total marine extra cost (USD)	3,319,388
Loading costs (USD)	20,000
Port call fees (USD)	10,000
Joining box (USD)	25,479
Total operation extra cost (USD)	3,374,867



**CERTIFICATION OF
OFFICE DES POSTES ET TELECOMMUNICATIONS**

The undersigned respectfully certifies under penalty of perjury that he has read the foregoing Application for Special Temporary Authority and that the statements contained therein, and in this certification, are true and correct.



By: Jean-Paul Barral
Chairman
Office des postes et télécommunications de Polynésie française
PO BOX 605
Papeete 98713
Tahiti, French Polynesia

November 30, 2009

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CERTIFICATE OF SERVICE

I, Eric Fishman, hereby certify that I have served copies of the foregoing Request for Special Temporary Authority, by hand- or overnight delivery on this 1st of December 2009, to the following:

Ambassador Philip Verveer
U.S. Coordinator
Int'l Communications & Information Policy
Bureau of Economic, Energy & Business Affairs
U.S. DEPARTMENT OF STATE
EB/CIP : Room 4826
2201 C Street, N.W.
Washington, D.C. 20520-5818

Kathy Smith
Chief Counsel
U.S. DEPARTMENT OF COMMERCE/NTIA
14th Street and Constitution Avenue, N.W.
Room 4713
Washington, D.C. 20230

Hillary Morgan
Deputy General Counsel, Regulatory &
International Law
Code RGC
DEFENSE INFORMATION SYSTEMS AGENCY
701 South Courthouse Road
Arlington, Virginia 22204


Eric Fishman