

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

GTE HAWAIIAN
TELEPHONE
COMPANY

File No. S-C-L-93-003

Application for a license to Land
and Operate a High Capacity
Digital Submarine Cable System
wholly within the State of Hawaii,
linking the islands of Kauai,
Oahu, Maui and Hawaii

CABLE LANDING LICENSE

Adopted: October 19, 1993; Released: October 26, 1993

By the Acting Chief, Common Carrier Bureau:

1. GTE Hawaiian Telephone Company (HTC or Applicant) has applied for a license pursuant to the provisions of an "An Act Relating to the Landing and Operation of Submarine Cables in the United States," 47 U.S.C. §§34-39. HTC seeks authority to land and operate a high capacity digital submarine cable system, known as the HTC Interisland Cable, between and among islands in the State of Hawaii. The application was placed on public notice on November 25, 1992. No comments were received in response to the application.

2. The HTC Interisland Cable will be located wholly within the State of Hawaii, linking the islands of Kauai, Oahu, Maui and Hawaii. The HTC Interisland Cable will be a high capacity, fiber optic, lightguide submarine cable system with a design capacity equivalent to 24,192 digital channels of 64 kilobits per second each. The HTC Interisland Cable will be repeaterless.

3. The HTC Interisland Cable will be used to provide HTC's authorized communication services between the four most populated islands in the State of Hawaii. Traffic between the islands is currently being carried on microwave radio systems which HTC states are reaching their capacity and cannot meet projected customer demand. Upon completion of the HTC Interisland Cable, HTC states that existing traffic will be transferred to the fiber optic cable system from the existing microwave system, which will be retained for route diversity and back-up. According to the Applicant, there has been a dramatic increase in telephone subscribers in the State of Hawaii. In addition, anticipated near-term demand for high bandwidth video and data communication service to Maui and Hawaii cannot effectively be met with the existing microwave spec-

trum allocated by the Commission, using present or anticipated technology. The applicant states that the HTC Interisland Cable will enable it to respond to increased demand and will increase service reliability by adding a diverse route via a digital facility. HTC further notes that service reliability will be increased because fiber optic systems are inherently immune to adverse atmospheric conditions which may interfere with present interisland radio communications.

4. By letter dated October 5, 1993, the State Department informed the Commission that it has no objection to the application to land and operate the HTC Interisland Cable system.¹ Upon consideration of the factors set forth in the subject application and in view of the State Department's October 5, 1993 letter, we find that a grant of a cable landing license for the HTC Interisland Cable will serve the public interest.

5. Based on the information provided by the Applicant, we conclude that a grant of the requested authorization will not have a significant effect on the environment as defined by Section 1.1307 of the Commission's Rules and Regulations implementing the National Environmental Policy Act of 1969, 42 U.S.C. §§4321-4335 (1976). Consequently, HTC is not required to submit an environmental assessment with the subject application under Section 1.311 of the Commission's Rules.

6. In light of the above considerations, the Commission hereby GRANTS AND ISSUES, under the provisions of "An Act Relating to the Landing and Operation of Submarine Cables in the United States," 47 U.S.C. §§ 34-39, and pursuant to the authority delegated to this Commission under Executive Order 10530, dated May 10, 1954, 3 C.F.R. 1954-1958, Comp., p. 189 (1961), reprinted in 3 U.S.C.A. § 301 at p. 1052 (1985), to the Applicant herein a license to land and operate a high-capacity fiber optic digital submarine cable having the capacity specified in paragraph 2, supra, between the Islands of Hawaii, Maui, Oahu and Kauai. This license is subject to "An Act Relating to the Landing and Operation of Submarine Cables in the United States," 47 U.S.C. §§ 34-39; the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-609; subsequent applicable acts; all relevant rules and regulations of the Federal Communications Commission; any treaties or conventions relating to communications to which the United States of America is or may hereafter become a party; any actions by the Commission or the Congress of the United States of America rescinding, changing, modifying or amending any rights accruing to any person hereunder; and the following conditions:

- (1) The location of the cable within the territorial waters of the United States of America, its territories and possessions, and upon the foreshore thereof, shall be in conformity with plans approved by the Secretary of the Army, and the cable shall be moved or shifted by the Licensee at its expense upon the request of the Secretary of the Army whenever he or she considers such course necessary in the public

¹ The State Department's letter stated that the correspondence to the Commission had been coordinated with the National Telecommunications and Information Administration and with the Defense Information Systems Agency.

interest, for reasons of national defense, or for the maintenance or improvement of harbors for navigational purposes;

(2) The Licensee shall at all times comply with any requirements of United States Government authorities regarding the location and concealment of the cable facilities, buildings, and apparatus with a view to protecting and safeguarding the cable from injury or destruction by enemies of the United States of America;

(3) The Licensee or any persons or companies controlling it or controlled by it does not enjoy and shall not acquire any right, for the purpose of handling traffic to or from the United States, its territories or possessions, to land, connect or operate cables or landlines, to construct or operate radio stations, or to interchange traffic, which is denied to any other United States company by reason of any concession, contract, understanding, or working arrangement to which the Licensee or any persons or companies controlling it or controlled by it are parties;

(4) Neither this license, nor the rights granted herein, shall be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of or disposed of indirectly by transfer of control of the Licensee to any persons, unless the Federal Communications Commission shall give prior consent in writing;

(5) This license is revocable after due notice and opportunity for hearing by the Federal Communications Commission in the event of breach or nonfulfillment of any requirements specified in Section 2 of "An Act Relating to the Landing and Operation of Submarine Cables in the United States," 47 U.S.C. §§ 34-39, or for failure to comply with the terms of the authorization;

(6) The Licensee shall notify the Commission in writing of the date on which the cable is placed in service; and this license shall expire 25 years from that date, unless renewed or extended upon proper applications duly filed no less than six months prior to the expiration date; and, upon expiration of the license, all rights granted under it shall be terminated; and

(7) The terms and conditions upon which this license is given shall be accepted by the Licensee by filing a letter with the Secretary, Federal Communications Commission, Washington, D.C. 20554, within 30 days of the release of this order.

7. IT IS FURTHER ORDERED THAT any use of the HTC Interisland Cable for international communications will require a new Section 214 application.

8. This order is issued under Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's Rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of public notice of this order (*see* Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Kathleen B. Levitz
Acting Chief, Common Carrier Bureau