

Granted

date: July 11, 2016

authorized by: Chief, Telecommunications and Analysis Division, International Bureau

signature: Heuse Coca

Expires: January 6, 2017

Re: SCL-LIC-20150408-00008

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

In the Matter of)
)
ALGAR TELECOM S/A, ANGOLA)
CABLES S.A., ADMINISTRACIÓN)
NACIONAL DE TELECOMUNICACIONES)
and GU HOLDINGS INC.)
)
Application for a License to Construct, Land,)
and Operate an Undersea Fiber Optic Cable)
Connecting the U.S. and Brazil)

File No. SCL-LIC-20150408-00008

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

GU Holdings Inc. (“GU Holdings”),¹ Algar Telecom S/A (“Algar Telecom”), Angola Cables S.A. (“Angola Cables”), Administración Nacional de Telecomunicaciones (“ANTEL”) (collectively, the “Parties” or the “Applicants”), pursuant to 47 U.S.C. §§ 34-39 and Executive Order 10,520, hereby request Special Temporary Authority (“STA”) to begin constructing and testing the Monet Cable System (“Monet”) during the Commission’s consideration of the above captioned pending application for a license to construct, land, and operate Monet. Specifically, the Parties seek a 180-day STA commencing on July 21, 2016, in order to avoid potentially costly delays. The Parties seek an STA only to proceed with construction and construction-related testing of Monet. The cable will not be put into commercial service until all necessary authorizations have been received. Further, 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

¹ GU Holdings is an indirectly wholly-owned subsidiary of Alphabet Inc.

Commission has authority to issue the STA² and has previously granted STAs seeking similar relief.³

I. BACKGROUND

On April 6, 2015, the Parties filed an application (the “Application”) for authority to construct, land, and operate Monet, a high-capacity fiber optic that will link the U.S. and Brazil.⁴ On May 4, 2015, the commission placed the Application on public notice.⁵ No comments or petitions to deny have been filed in this docket. The Parties are engaged in the governmental and commercial discussions necessary for the operation of Monet’s facilities in the United States; 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 July 21, 2016. On June, 16, 2016, the Parties notified the Executive Branch, through the Department of Homeland Security, of their intent to file the STA request. The Executive Branch has notified the Parties that it has no concerns regarding, or objections to, a grant of the STA.

² The Parties note that the Commission has the authority to issue an STA to begin testing and operation of a submarine cable prior to the grant of an FCC license. Neither the Cable Landing License Act (47 U.S.C. 34-39) nor Executive Order 10,520 (delegating submarine cable licensing authority from the President to the FCC) limits the Commission’s ability to issue an STA to permit construction, testing, and operation prior to the grant of a cable landing license.

³ See, e.g. Application for Special Temporary Authority, *GU Holdings Inc.*, File No. SCL-STA-20150804-00025 (granted Aug. 12, 2015); Application for Special Temporary Authority, *GU Holdings Inc.*, File No. SCL-STA-20090401-00007 (granted Apr. 16, 2009); Application for Special Temporary Authority, *Cedar Cable Ltd.*, File No. SCL-STA-20081209-00020 (granted Dec. 18, 2008); 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).

⁴ File No. SCL-LIC-20150408-00008.

⁵ Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00163S (rel. May 4, 2015).

II. THE PARTIES REQUEST AN STA TO COMMENCE CONSTRUCTION

Authorization to begin construction in July is needed to avoid potentially costly delays due to supplier and ship availability. The supplier for Monet, Tyco Electronics Subsea Communications LLC ("TE SubCom"), is involved in multiple cable projects around the globe. In order to adhere to the Plan of Work and complete Monet on schedule by August 12, 2017, TE SubCom must dedicate a cable ship to the Monet project by July 21, 2016. To do so, TE SubCom requires that Monet have received the appropriate authority from the Commission in the form of an STA or cable landing license by that date.

Once authorization is obtained and a ship is dedicated, TE SubCom will then commence the process of transiting the cable ship to TE SubCom's fiber optic cable and repeater manufacturing facility in Newington, New Hampshire, 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 Boca Raton, Florida, to commence installation by September 19, 2016. This Plan of Work will allow TE SubCom to complete installation and testing in a timely manner and ensure that Monet can be placed into operation by the Parties on schedule on August 12, 2017.

If construction cannot start on September 19, 2016, and the scheduled window for installation is missed, the ship dedicated by TE SubCom would cease to be available for the installation. Obtaining and deploying a replacement cable laying ship would have very significant costs for the Parties. Moreover, cable laying ships are scarce resources, and securing a replacement ship would bring significant delays to this project.

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

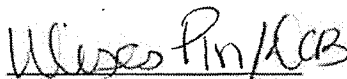
Upon deployment, Monet will help connect U.S. Internet users and businesses to South America, one of the world's strongest markets for Internet growth, increase competition on the U.S.-South America route, and enhance the service quality, redundancy, and resilience of communications systems used by U.S. businesses and customers. The Monet project, moreover, provides opportunities for both short-term job creation and long-term employment in this country.

Delaying the construction start date for Monet would delay the availability of the substantial transmission capacity of Monet and impose significant economic costs on the Parties. Depending on the length of the delay, the financial viability of the project could be at risk. Conversely, grant of the requested authorization would help ensure realization of the project's public benefits.

IV. CONCLUSION

The public interest, convenience, and necessity will be served by a grant of this STA request to construct and test the Monet cable system between the U.S. and Brazil. The Parties respectfully request that the Commission grant this request as expeditiously as possible, and in any event no later than Thursday, July 21.

Respectfully submitted,



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Counsel for GU Holdings Inc.

Dated: June 30, 2016

CERTIFICATE OF SERVICE

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

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Danielle Burt
June 30, 2016