

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

In the Matter of)
)
Edge Cable Holdings USA, LLC,) File No. SCL-LIC-20160525-00012
Microsoft Infrastructure Group, LLC,)
Telefónica International Wholesale)
Services América, S.A., and)
Telxius Cable USA, Inc. (formerly)
Telefónica International Wholesale)
Services USA, Inc.),)
)
Application for a License to Land and)
Operate a Private Fiber-Optic Submarine)
Cable System Connecting the United States)
and Spain,)
)

**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The Department of Homeland Security (“DHS”), with the concurrence of the Department of Justice (“DOJ”) and the Department of Defense (“DOD”; collectively, the “Agencies”), submits this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.¹ Through this Petition, DHS advises the Commission that the Agencies have no objection to the Commission approving the authority sought in the above-referenced proceedings, provided that the Commission conditions its approval on the commitment of Telxius Cable USA, Inc. (“Telxius”) to abide by the undertakings set forth in the April 28, 2017, Letter of Assurances (“2017 LOA”), which is attached hereto as Attachment A. The above-referenced proceedings involve an application seeking Commission approval to land and operate a fiber optic submarine cable system connecting the United States and Spain (FCC File No. SCL-LIC-20160525-00012).

¹ 47 C.F.R. § 1.41.

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In the Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc.*, 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of Telxius in connection with the above-referenced proceedings, DHS has concluded that the commitments set forth in the 2017 LOA will help ensure that those agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety can proceed appropriately to satisfy those responsibilities. Accordingly, DHS, with the concurrence of DOJ and DOD, advises the Commission that it has no objection to the Commission granting the applications in the above-referenced proceedings, provided that the Commission conditions its consent on compliance by Telxius with the 2017 LOA.

Respectfully submitted,

/S/ Janine Slade
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May 2, 2017

Attachment A (2017 Letter of Assurances)