

**Granted**

Streamlined SCL-STA-20170721-00018  
IB2017001986  
Hawaiki Submarine Cable USA LLC

JUL 28 2017

date: July 28, 2017

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

International Bureau

Before the

Re: SCL-LIC-20160906-00019

signature: 

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Expires: January 24, 2018

In the Matter of )  
)  
Hawaiki Submarine Cable USA LLC; )  
Tillamook Lightwave IGA; ACS Cable Systems, )  
LLC; DRFortress, LLC and )  
American Samoa Telecommunications Authority )  
)  
Joint Application for a License to Construct, Land, )  
and Operate an Undersea Fiber Optic Cable )  
Connecting the U.S. to Australia and New )  
Zealand )

File No. SCL-LIC-20160906-00019

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**

Hawaiki Submarine Cable USA LLC (“HSC USA”), Tillamook Lightwave IGA (an ORS Chapter 190 Intergovernmental Agency) (“Tillamook Lightwave”), ACS Cable Systems, LLC (“ACS”), DRFortress, LLC (“DRFortress”) and American Samoa Telecommunications Authority (“ASTCA”) (collectively, the “Applicants” or “Parties”), 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 Hawaiki Cable System (“Hawaiki”) during the Commission’s consideration of the above captioned pending application for a license to construct, land, and operate Hawaiki. Specifically, the Parties seek a 180-day STA commencing on July 28, 2017, in order to avoid potentially costly delays. The Parties seek an STA only to proceed with construction and construction-related testing of Hawaiki. 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 Commission has authority to issue the STA<sup>1</sup> and has previously granted STAs seeking similar relief.<sup>2</sup>

## I. BACKGROUND

On September 6, 2016, the Parties filed an application (the “Application”) for authority to construct, land, and operate Hawaiki, a non-common carrier fiber-optic submarine telecommunications cable extending between the U.S. and Australia and New Zealand.<sup>3</sup> On October 6, 2016, the Commission placed the Application on public notice.<sup>4</sup> 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 Hawaiki’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 28, 2017. On July 20, 2017, 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.

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<sup>1</sup> 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.

<sup>2</sup> See, e.g. Application for Special Temporary Authority, *GU Holdings Inc.*, SCL-STA-20160630-00014 (granted July 11, 2016); 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).

<sup>3</sup> File No. SCL-LIC-20160906-00019.

<sup>4</sup> Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00188S (rel. Oct. 6, 2016).

## **II. THE PARTIES REQUEST 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 Hawaiki, 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 Hawaiki on schedule, TE SubCom is scheduled to commence loading cable dedicated to the northern portion of the system, including Hawaii and Oregon on July 28, 2017. To do so, TE SubCom requires that Hawaiki has received the appropriate authority from the Commission in the form of STA or cable landing license by that date.

Once authorization is obtained and a ship is dedicated, TE SubCom will then commence loading cable and transiting from Newington, New Hampshire to Astoria, Oregon to commence installation of the cable to be laid in U.S. waters off the coasts of Oregon and Hawaii by October 7, 2017. This Plan of Work will allow TE SubCom to complete installation and testing in a timely manner and ensure that Hawaiki can be placed into operation by the Parties on schedule by the second quarter of 2018.

If the scheduled window for installation is missed, the ships dedicated by TE SubCom would cease to be available for the installation. Obtaining and deploying replacement cable laying ships 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, Hawaiki will make advanced facilities-based telecommunications services available between the U.S. and foreign points. Specifically, Hawaiki will (i) increase

competition on U.S.-Australia-New Zealand routes, and (ii) enhance the service quality, redundancy, and resilience of communications systems in the region.

Delaying the construction start date for Hawaiki would delay the availability of the substantial transmission capacity of Hawaiki 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 Hawaiki cable system. The Parties respectfully request that the Commission grant this request as expeditiously as possible, and in any event no later than July 28, 2017.

Respectfully submitted,

/s/ Ulises Pin

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*Counsel for Hawaiki Submarine Cable USA LLC*

Dated: July 21, 2017

**CERTIFICATE OF SERVICE**

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

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/s/ Denise Wood

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Denise Wood  
July 21, 2017