

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

In the Matter of)	
)	
Hawaiki Submarine Cable USA LLC;)	File No. SCL-LIC-20160906-00019
Tillamook Lightwave IGA; ACS Cable)	
Systems, LLC, DRFortress, LLC and)	
American Samoa Telecommunications)	
Authority,)	
)	
Application for a License to Land and)	
Operate a Private Fiber-Optic Submarine)	
Cable System Connecting the United States,)	
Australia and New Zealand,)	

**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 Hawaiki Submarine Cable USA LLC (“Hawaiki”) to abide by the undertakings set forth in the December 15, 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, Australia and New Zealand (FCC File No. SCL-LIC-20160906-00019).

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 Hawaiki in connection with the above-referenced proceedings, the Agencies have 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 Hawaiki with the 2017 LOA.

Respectfully submitted,

/S/ J. Philip Ludvigson
J. Philip Ludvigson
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December 19, 2017

Attachment A (2017 Letter of Assurances)