

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

NTT AMERICA, INC.,
NTT COMMUNICATIONS CORPORATION,
EDGE CABLE HOLDINGS USA, LLC,
HKT GLOBAL (SINGAPORE) PTE LTD,
PLDT, INC.,
SOFTBANK CORP., AND
VADATA, INC.

Application for a License to Land and Operate
a Private Fiber-Optic Submarine Cable System
Connecting the United States, Japan, and the
Philippines ,

THE JUPITER SYSTEM

File Nos. SCL-AMD-2018-_____
SCL-LIC-20180517-00012

AMENDMENT

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, NTT America, Inc. (“NTT America”), NTT Communications Corporation (“NTT Com”), Edge Cable Holdings USA, LLC (“Edge USA”), HKT Global (Singapore) Pte Ltd (“PCCW Global”), PLDT, Inc., (“PLDT”), SoftBank Corp. (“SoftBank”), and Vadata, Inc. (“Vadata”) (collectively, the “Applicants”), hereby amend the cable landing license application for the JUPITER system¹ to add specific landing point information for Oregon.

¹ NTT America, Inc., *et al.*, Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting the United States, Japan, and the Philippines, File No. SCL-LIC-20180517-00012 (filed May 17, 2018) (“Original Application”).

I. UPDATED INFORMATION IN COMPLIANCE WITH 47 C.F.R. § 1.767

A. Additional Landing Point²

The Applicants provide specific landing point information (including geographic coordinates for the beach manhole and geographic coordinates and a street address for the cable landing station) for the Oregon landing in a new Appendix M.

B. Updated Cable Ownership Information³

The Applicants update Table 5 in the Original Application to show ownership and control of the Oregon cable landing station:

Table 5: Ownership and Control of Cable Landing Stations

| Cable Landing Station | New or Existing Facility? | Ownership/Control |
|---------------------------|---------------------------|--|
| Maruyama, Japan | Existing | SoftBank |
| Shima, Japan | Existing | NTT Com |
| Hermosa Beach, California | Existing | NTT America (control); RTI Infrastructure, Inc. (“RTI-I”) (ownership) |
| Daet, Philippines | Existing | PLDT |
| Cloverdale, Oregon | Existing | Microsoft Infrastructure Group, LLC (“MIGL”) (ownership); Edge USA (control) |

In Oregon, JUPITER will land at an existing cable landing station owned and operated by MIGL under contract to Edge USA. As stated in part II below, the Applicants seek a waiver of

² See 47 C.F.R. § 1.767(a)(5).

³ See *id.* § 1.767(a)(7).

47 C.F.R. § 1.767(h)(1), as MIGL will have no ability to affect significantly the operation of JUPITER.

C. Certification Regarding Service to Executive Branch Agencies⁴

The Applicants have sent a copy of this amendment to the U.S. Departments of State, Commerce, and Defense. Counsel has certified such service in the certificate of service attached to this application.

II. REQUEST FOR WAIVER OF 47 C.F.R. § 1.767(h)(1)

The Applicants request a waiver of 47 C.F.R. § 1.767(h)(1) so that MIGL need not be a joint applicant for the JUPITER cable landing license. “The purpose of [Section 1.767(h)(1)] is to ensure that entities having a significant ability to affect the operation of the cable system become licensees so that they are subject to the conditions and responsibilities associated with the license.”⁵ As detailed below, however, MIGL will have no ability to affect significantly JUPITER’s operation and thus MIGL’s inclusion as a joint applicant is not necessary to ensure compliance with the Cable Landing License Act, the Commission’s cable landing license rules, or the terms of any cable landing license. Grant of the waiver is therefore consistent with longstanding Commission precedent.⁶

⁴ See *id.* § 1.767(j).

⁵ See *Actions Taken Under the Cable Landing License Act*, Public Notice, 23 FCC Rcd. 227, 229 (Int’l Bur. 2008) (“*TPE Cable Landing License*”) (citing *Review of Commission Consideration of Applications under the Cable Landing License Act*, Report and Order, 16 FCC Rcd. 22,167, 22,194-95 ¶¶ 53-54 (2001)).

⁶ See, e.g., *Actions Taken Under Cable Landing License Act*, Public Notice, 32 FCC Rcd. 1436, 1437-38 (Int’l Bur. 2017) (accepting the applicant’s representations that Tata “will not have the ability to affect significantly Atisa’s operation” and declining to require Tata be a joint applicant for the cable landing license); *Actions Taken Under Cable Landing License Act*, Public Notice, 24 FCC Rcd. 7828, 7829-30 (Int’l Bur. 2009) (accepting the applicants representations that “Tata will not be able to affect significantly the operation of HANTRU-1” and declining to require Tata be a joint applicant for the cable landing license); *Actions*

For JUPITER’s Oregon landing, Edge USA will seek to have MIGL provide certain limited services that would not provide it with any ability to affect significantly JUPITER’s operation. Edge USA will construct beach manhole and bore pipes as shown in Appendix M. Under the contemplated agreement, Edge will secure long-term rights from MIGL for collocation space for power feed equipment in MIGL’s cable landing station—space over which Edge USA will have exclusive control. Edge USA will ensure that the contemplated agreement has an initial 15-year term, with the option of two five-year extensions that may be exercised at Edge USA’s sole discretion, for a maximum term of 25 years.

Edge USA will have exclusive control over the power feed equipment that it will locate in MIGL’s cable landing station. Edge USA will retain operational authority over the JUPITER landing facilities in Oregon and provide direction to MIGL in all matters relating to JUPITER. The terminal equipment for all of JUPITER’s fiber pairs in the state of Oregon will not be located in the MIGL cable landing station, but instead at Flexential Brookwood Data Center located at 5737 N.E. Huffman St, Hillsboro, Oregon 97124.

Taken Under Cable Landing License Act, Public Notice, 24 FCC Rcd. 226. 227-28 (Int’l Bur. 2009) (noting that “Applicants will retain operational authority over their ASHC System facilities and provide direction to AT&T in all matters relating to the ASHC System”); *Actions Taken Under Cable Landing License Act*, Public Notice, 23 FCC Rcd. 13,419, 13,420 (Int’l Bur. 2008) (declining to require that Tata Communications (US) Inc.—which owns the existing cable station at Piti, Guam, where the PPC 1 System will land—be a joint applicant or licensee for the PPC 1 System, noting that “Applicants will retain operational authority over PPC 1 System facilities and provide direction to [Tata] in all matters relating to the PPC 1 System.”); *TPE Cable Landing License*, 23 FCC Rcd. at 229 (declining to require that WCI Cable, Inc. (“WCIC”)—which owns an existing cable station at Nedonna Beach, Oregon—be a joint applicant or licensee for the Trans-Pacific Express Network (“TPE”), which will land at WCIC’s Nedonna Beach cable station, finding that “WCIC will not have the ability to affect the operation of the TPE Network. Verizon will retain effective operational authority and provide direction to WCIC in all matters relating to the TPE Network”).

CONCLUSION

For the reasons stated above and in the Original Application, the Commission should expeditiously grant this amended cable landing license application for the JUPITER system pursuant to streamlined processing.

Respectfully submitted,

NTT AMERICA, INC.
(as lead applicant)



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August 1, 2018

Attachments

APPENDIX M:
PACIFIC CITY, OREGON, LANDING POINT INFORMATION



Beach manhole geographic coordinates: Latitude: 45°14'52.53"N Longitude: 123°57'59.50"W
Cable landing station geographic coordinates: Latitude: 45°13'52.80"N Longitude: 123°57'26.80"W
Cable landing station street address: 31305 Sandlake Road, Cloverdale, Oregon 97112

CERTIFICATE OF SERVICE

I, Kent Bressie, hereby certify that consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing amendment to the JUPITER cable landing license application, by hand delivery or electronic mail this 1st day of August, 2018 to the following:

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