

Streamlined SCL-STA-20190730-00023
 IB2019002859
 NTT America, Inc.

Re: SCL-LIC-20180517-00012

Before the
 FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C.

Granted

date: August 22, 2019

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

signature: Denise Coca

Expires: February 18, 2020

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 No. SCL-LIC-20180517-00012

AUG 22 2019

International Bureau

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, NTT America, Inc., NTT Communications Corporation, Edge Cable Holdings USA, LLC, HKT Global (Singapore) Pte Ltd, PLDT, Inc., SoftBank Corp., and Vadata, Inc. (collectively, the "Applicants"), hereby request special temporary authority ("STA") to construct, connect the U.S. end points of, and test at their own risk those portions of the JUPITER system in U.S. territory prior to the Commission's grant of the Applicants' pending cable landing license application.¹

¹ 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, File No. SCL-LIC-20180216-00002 (filed May 17, 2018) ("Application").

Without such authority, the JUPITER system would likely be delayed at significant cost to the Applicants and thereby delay the benefits of new capacity on the U.S.-Japan and U.S.-Philippines routes. The Applicants therefore seek STA beginning no later than August 27, 2019, and ending 180 days from grant. The Applicants have notified the Team Telecom agencies of this request.

The Applicants acknowledge that grant of this request will not prejudice action by the Commission on the underlying Application and that the STA is subject to cancellation or modification upon notice. Further, the Applicants acknowledge that such STA can be revoked by the Commission on its own motion without a hearing.

I. THE GRANT OF STA WILL SERVE THE PUBLIC INTEREST AND WILL NOT FRUSTRATE THE COMMISSION’S RULES

The Applicants respectfully submit that grant of this STA request will serve the public interest, convenience, and necessity and otherwise comply with U.S. law and Commission regulations. On May 17, 2018, the Applicants jointly applied for authority to land and operate the new JUPITER system connecting California, Oregon, Japan, and the Philippines. The Commission placed the application on streamlined public notice on August 8, 2018.² The Team Telecom agencies later requested that the application be processed on a non-streamlined basis pending completion of a national security review. The JUPITER system will offer capacity in large increments until the year 2045, far beyond the useful life of many existing systems serving U.S.-Japan and U.S.-Philippines routes—routes where capacity demand continues to grow

² *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. SCL-00219S (rel. Aug. 8, 2018).

significantly.³ It will also provide critical low-latency, U.S.-Asia connectivity for data centers operated by certain of JUPITER's owners.⁴

Grant of the Applicants' request will also serve the public interest in two particular ways. *First*, it will ensure the timely construction and commencement of operations of the JUPITER system, with long-term, large-increment, low-latency capacity on the U.S.-Japan and U.S.-Philippines routes. *Second*, it will avoid imposing needless and avoidable costs on the Applicants.

II. THE FEDERAL COMMUNICATIONS COMMISSION HAS AUTHORITY TO GRANT THE STA REQUEST

The Commission has ample authority to issue an STA for construction and testing prior to the grant of a cable landing license. Neither the Cable Landing License Act nor Executive Order 10,520 (delegating submarine cable licensing authority from the President to the Commission, subject to Executive Branch review) limits the Commission's ability to issue an STA for construction, testing, and/or operational authority prior to grant of a cable landing license.⁵

To the contrary, the Commission has exercised such authority on numerous occasions and should also do so in this case. The Commission has granted, upon a showing of good cause, STA for purposes of construction in U.S. territory, connection of a system's end points, and testing in U.S. territory prior to the issuance of a cable landing license for the SEA-US, Atisa,

³ Application at 2.

⁴ *Id.*

⁵ *See* 47 U.S.C. §§ 34-39; Executive Order 10,530.


Marea, BRUSA, and Crosslake Fibre systems.⁶ The Applicants seek the same authority here to construct, connect the U.S. end points, and test the JUPITER system in U.S. territory.

CONCLUSION

For the foregoing reasons, the Commission should expeditiously grant this STA request.

Respectfully submitted,

NTT AMERICA, INC.
(as lead applicant)

DocuSigned by:


225955C778BB45F...
Jordan Kanfer
Executive Vice President and General Counsel
NTT America, Inc.
757 Third Avenue, Floor 14
New York, New York 10017
+1 212 661 0810
j.kanfer@ntta.com

Kent Bressie
Harris, Wiltshire & Grannis LLP
1919 M Street, N.W., Suite 800
Washington, D.C. 20036-3537
+1 202 730 1337 tel
kbressie@hwglaw.com

Counsel for NTT America, Inc.

July 30, 2019

⁶ See e.g., GTI Corporation *et al.*, Request for Special Temporary Authority, FCC File No. SCL-STA-20160914-00018 (granted Sept. 26, 2016) (granting STA to construct and test U.S.-territory facilities for the SEA-US submarine cable system prior to the grant of a cable landing license); DOCOMO Pacific, Inc., Application for Special Temporary Authority, FCC File No. SCL-STA-20170209-00002 (granted Feb. 15, 2017) (granting STA to construct and test U.S.-territory facilities for the Atisa submarine cable system prior to the grant of a cable landing license); Edge Cable Holdings USA, LLC, *et al.*, Request for Special Temporary Authority, FCC File No. SCL-STA-20170318-00007 (granted Mar. 24, 2017) (granting STA to construct and test U.S.-territory facilities for the Marea submarine cable system prior to the grant of a cable landing license); Telxius Cable USA, Inc., *et al.*, Request for Special Temporary Authority, FCC File No. SCL-STA-20170712-00017 (granted July 19, 2017) (granting STA to construct and test U.S.-territory facilities for the BRUSA submarine cable system prior to the grant of a cable landing license); Crosslake Fiber USA LP, Request for Special Temporary Authority, FCC File No. SCL-STA-20180606-00014 (granted June 18, 2018) (granting STA to construct and test U.S.-territory facilities for the Crosslake Fibre submarine cable system prior to the grant of a cable landing license).


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 request for special temporary authority by hand delivery or electronic mail this 30th day of July, 2019, to the following:

Robert L. Strayer
Deputy Assistant Secretary of State for Cyber and
International Communications and Information Policy
Bureau of Economic and Business Affairs
U.S. DEPARTMENT OF STATE
EB/CIP : Room 4634
2201 C Street, N.W.
Washington, D.C. 20520-4634

Kathy Smith
Chief Counsel
U.S. DEPARTMENT OF COMMERCE/NTIA
14th Street and Constitution Avenue, N.W.
Room 4713
Washington, D.C. 20230

William E. Brazis II
General Counsel
DEFENSE INFORMATION SYSTEMS AGENCY
6910 Cooper Avenue
Fort Meade, Maryland 20755



Kent Bressie