

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

In the Matter of )  
 )  
GU HOLDINGS INC. ) File No. SCL-LIC-2019 \_\_\_\_\_  
 )  
Application for a License to Construct, Land, )  
and Operate a Submarine Cable )  
Connecting the United States and France )

**APPLICATION FOR A CABLE LANDING LICENSE**  
**(STREAMLINED PROCESSING REQUESTED)**

GU Holdings Inc. (“GU Holdings”), pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39, Executive Order 10,530, and 47 C.F.R. § 1.767, requests a license to construct, land, and operate a private, non-common carrier fiber-optic submarine cable system connecting Virginia Beach, Virginia, and Saint-Hilaire-de-Riez, France. The cable system is known as Dunant, after Henri Dunant, the first Nobel Peace Prize winner and founder of the Red Cross.

The system will provide capacity to connect GU Holdings’ affiliates’ data centers and points of presence (“POPs”) in the U.S. and Europe. GU Holdings will operate the system on a non-common-carrier basis, by using system capacity as an input for services offered by its affiliates or by providing bulk capacity to wholesale and enterprise customers on particularized terms and conditions pursuant to individualized negotiations.

Grant of the license will serve the public interest, convenience, and necessity. Dunant will provide significant new and replacement capacity on U.S.-Europe routes, where demand continues to increase substantially each year and where some existing systems are nearing the end of their useful lives. Dunant will also provide geographically-diverse capacity, as most

existing trans-Atlantic systems connect the U.S. with the United Kingdom, Ireland, and other Northern European countries. Additional, direct U.S.-France capacity will further strengthen the resilience of trans-Atlantic telecommunications.

GU Holdings respectfully requests streamlined processing of this application. GU Holdings intends to commence commercial operation of the cable system in the third quarter of 2020. GU Holdings therefore seeks timely grant of a cable landing license by the Commission no later than June 2020 in order to permit construction activities to proceed on schedule.

**I. COMPLIANCE WITH 47 C.F.R. § 1.767**

**A. Applicant Information: 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k)**

Appendix A provides the information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

**B. Description of the System: 47 C.F.R. § 1.767(a)(4)**

Dunant will have a total length of 6,600 kilometers, with a single segment between Virginia Beach and Saint-Hilaire-de-Riez. Dunant will consist of twelve fiber pairs, with a total design capacity of 25 Tb/s per fiber pair. GU Holdings provides a route map in Appendix B.

**C. Description of Cable Landing Stations: 47 C.F.R. § 1.767(a)(5)**

GU Holdings provides descriptions of the cable landing stations in Virginia Beach and Saint-Hilaire-de-Riez in Appendices C and D, respectively.

**D. Regulatory Classification: 47 C.F.R. § 1.767(a)(6)**

GU Holdings will operate the system on a non-common carrier basis. Non-common-carrier classification is consistent with established Commission policy and judicial precedent.

First, the system will not operate on a common-carrier basis as defined in *NARUC I*.<sup>1</sup> The courts have stated that “the primary sine qua non of common carrier status is a quasi-public character, which arises out of the undertaking ‘to carry for all people indifferently.’”<sup>2</sup> On this system, however, capacity will either be used by GU Holdings and its affiliates to meet their own internal needs for bandwidth, or made available to third parties pursuant to individually-negotiated indefeasible rights of use (“IRUs”) and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchase. The Commission has consistently found that such offerings do not make an applicant a common carrier.<sup>3</sup>

Second, under the *NARUC I* test, the Commission must determine whether the public interest requires common-carrier operation of the submarine cable system.<sup>4</sup> Traditionally, the Commission has focused on whether an applicant has sufficient market power to warrant common-carrier regulation,<sup>5</sup> although the Commission “is not limited to that reasoning” and has

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<sup>1</sup> See *Nat’l Ass’n of Regulatory Utility Comm’rs v. FCC*, 525 F.2d 630, 642 (D.C. Cir. 1976) (“*NARUC P*”) (stating that the court must inquire “whether there are reasons implicit in the nature of [the] operations to expect an indifferent holding out to the eligible user public”), *cert. denied*, 425 U.S. 992 (1976); see also *Virgin Islands Tel. Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999) (affirming FCC’s use of *NARUC I* test for distinguishing common-carrier and private-carrier services following enactment of the Telecommunications Act of 1996).

<sup>2</sup> *Nat’l Ass’n of Regulatory Utility Comm’rs v. FCC*, 533 F.2d 601, 608 (D.C. Cir. 1976) (quoting *Semon v. Royal Indemnity Co.*, 279 F.2d 737, 739 (5th Cir. 1960)).

<sup>3</sup> See *AT&T Corp. et al.*, Cable Landing License, 13 FCC Rcd. 16,232, 16,238 (Int’l Bur. 1998) (finding that individualized decisions concerning the sale or lease of capacity on the China-U.S. Cable Network would not constitute the effective provision of a service to the public so as to make the applicant a common carrier); *AT&T Submarine Systems, Inc.*, Cable Landing License, 11 FCC Rcd. 14,885, 14,904 ¶ 64 (Int’l Bur. 1996) (“*St. Thomas-St. Croix Cable Order*”) (finding that an “offer of access, nondiscriminatory terms and conditions and market pricing of IRUs does not rise to the level of an ‘indiscriminate’ offering” so as to constitute common carriage), *aff’d* 13 FCC Rcd. 21,585 (1998), *aff’d sub nom. Virgin Islands Telephone Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999).

<sup>4</sup> *NARUC I* at 642 (stating that the court must inquire “whether there will be any legal compulsion . . . to serve [the public] indifferently”).

<sup>5</sup> *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,893 ¶ 30.

looked more broadly to determine whether common-carrier regulation is in the public interest.<sup>6</sup> The system poses no such competitive or other public interest concerns.

Dunant will compete directly with the existing Apollo and FLAG systems on the U.S.-France route. It will also compete on broader U.S.-Europe routes with, for example, AECConnect-1, Atlantic Crossing-1, GTT Atlantic, Marea, TAT-14, TGN-Atlantic, and Yellow/AC-2, which have onward connectivity to France via other submarine cable systems and terrestrial networks. The Commission has found that facilities need not be identical in order to offer pro-competitive benefits.<sup>7</sup> There are thus sufficient alternative facilities providing U.S.-Europe connectivity to preclude the system from becoming a bottleneck facility on that route. GU Holdings' intended operation of the system will therefore serve the Commission's long-standing policy to encourage competition through private submarine cable transmission, pursuant to which the Commission has granted numerous cable landing licenses.<sup>8</sup>

For these reasons, the Commission should grant a cable landing license for the system on a non-common carrier basis.

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<sup>6</sup> See *AT&T Corp. et al.*, Cable Landing License, 14 FCC Rcd. 13,066, 13,080 ¶ 39 (1999) (stating that “[a]lthough this public interest analysis has generally focused on the availability of alternative facilities, we are not limited to that reasoning”); *Australia-Japan Cable (Guam) Limited*, Cable Landing License, 15 FCC Rcd. 24,057, 24,062 ¶ 13 (Int’l Bur. 2000) (stating that “[t]his public interest analysis generally has focused on whether an applicant will be able to exercise market power because of the lack of alternative facilities, although the Commission has not limited itself to that reasoning”); *Telefonica SAM USA, Inc. et al.*, Cable Landing License, 15 FCC Rcd. 14,915, 14,920 ¶ 11 (Int’l Bur. 2000) (stating that “[t]his public interest analysis has focused on the availability of alternative facilities, although the Commission has stated it is not limited to that reasoning”).

<sup>7</sup> *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14,898 ¶ 44 (stating that “requiring current identical substitute common carrier facilities before non-common carrier facilities will be authorized would serve as a disincentive for entities to take risks and expend capital to expand and upgrade facilities”).

<sup>8</sup> See *Tel-Optik Ltd.*, Memorandum Opinion and Order, 100 FCC.2d 1033, 1040-41 (1985).

**E. System Ownership: 47 C.F.R. § 1.767(a)(7)**

GU Holdings and its affiliates will own and control the system as shown in Table 1 below.

**Table 1: Ownership and Control of System**

<b>GU Holdings Affiliates</b>	<b>Participation Interest</b>	<b>Voting Interest</b>
<ul style="list-style-type: none"><li>● GU Holdings (portion in U.S. territory)</li><li>● Google Infrastructure Bermuda Limited (“GIB”) (portion in international waters)</li><li>● Google France Sarl (“Google France”) (portion in French territory)</li></ul>	100%	100%

Because neither GIB nor Google France will use the U.S. endpoints of the system, neither of these entities is required to be an applicant for the cable landing license.<sup>9</sup>

Google France has contracted with Orange S.A. (“Orange”) to be the landing party in France. A landing party agreement governs the relationship between Google France and Orange and provides that, upon completion of Dunant, the supplier will convey to Orange ownership of the portion of the system that extends 12 nautical miles from the shores of France. Orange will then grant Google France an IRU for the same portion of the system. Further, Orange will receive an IRU for two fiber pairs for the entire length of the system. GU Holdings and its affiliates will maintain control of the system in U.S. territory and international waters. Because Orange will neither (1) own or control a cable landing station in the U.S. nor (2) own or control a

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<sup>9</sup> See 47 C.F.R. § 1.767(h)(2).

five percent or greater ownership interest in the system, it is not required to be an applicant for the cable landing license.<sup>10</sup>

The system’s cable landing stations will be owned and controlled as shown in Table 2 below.

**Table 2: Ownership and Control of Cable Landing Stations**

<b>Cable Landing Station</b>	<b>New or Existing Facility?</b>	<b>Ownership</b>	<b>Control</b>
Telxius Virginia Beach <sup>11</sup>	Existing	Telxius Cable USA, Inc. (“Telxius”) <sup>12</sup>	GU Holdings
France Télécom La Parée Préneau	Existing	Orange	Orange

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

GU Holdings requests a waiver of 47 § C.F.R. 1.767(h)(1) rules so that Telxius is not required to be an applicant for a cable landing license for the system. “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.”<sup>13</sup> Telxius will have no independent ability to affect the system’s operation. Including Telxius as an applicant is also not necessary to ensure compliance by GU

<sup>10</sup> See 47 C.F.R. § 1.767(h).

<sup>11</sup> Use of the Telxius station is subject to final execution of contractual agreements.

<sup>12</sup> The cable landing station in Virginia Beach is operated as a commercial condominium. Telxius manages and operates the entire cable landing station on a day-to-day basis. The power feed equipment for Dunant will be located in a unit within the cable landing station that is owned exclusively by Telxius.

<sup>13</sup> 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)).

Holdings 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 will thus be consistent with Commission precedent.<sup>14</sup>

For the Virginia Beach cable landing station, Telxius will provide certain limited services that will not enable Telxius to significantly affect the system’s operation. GU Holdings intends to contract with Telxius for the right to use separately-caged collocation space in the cable landing station. GU Holdings also intends to contract with Telxius for certain operation and maintenance services at the cable landing station. Telxius will not have access to GU Holdings’ cage, except: (i) to perform certain smart hands maintenance services as per GU Holdings’ direction and instructions; (ii) to conduct work at the cage unrelated to the system, after providing GU Holdings advance notice and opportunity to supervise any such work; or (iii) in cases of emergency. The agreement with Telxius will have a term of 25 years. GU Holdings will

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<sup>14</sup> 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 Communications (US) Inc. (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 HANTRU1” 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. 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—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. 227, 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”).

thus retain operational authority over the landing in Virginia Beach and provide direction to Telxius in all matters relating to the system.

### **III. CERTIFICATE OF SERVICE**

As required by 47 C.F.R. § 1.767(j) for applicants requesting streamlined processing, GU Holdings has sent a complete copy of this application to the U.S. Departments of State, Commerce, and Defense. Counsel has certified such service in the certificate of service attached to this application.

### **IV. CONCLUSION**

For the reasons set forth above, the Commission should grant this application for a license to construct, land, and operate a submarine cable between the U.S. and France pursuant to streamlined processing.

Respectfully submitted,

*/s/ Ulises R. Pin*

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*Counsel for GU Holdings Inc.*

Dated: April 10, 2019



**LIST OF APPENDICES**

- APPENDIX A:**      **GU Holdings Inc.**
- APPENDIX B:**      **System Route Map**
- APPENDIX C:**      **Virginia Beach Landing**
- APPENDIX D:**      **Saint-Hilaire-de-Riez Landing**

## APPENDIX A

### **GU Holdings Inc.**

GU Holdings Inc. (“GU Holdings,” FRN 0017777483), a Delaware corporation with its principal place of business in Mountain View, California, will—with its affiliates—hold 100 percent of the participation (*i.e.* economic) and voting interests in the system, as described in part I.E. of the main narrative application.

GU Holdings is an indirect, wholly-owned subsidiary of Google LLC (“Google”), whose innovative search technologies and other Internet applications connect millions of people around the world with information every day.

GU Holdings currently holds FCC cable landing licenses for the Unity, Monet, and FASTER systems.<sup>15</sup> GU Holdings is an applicant to the Commission for a cable landing license for the PLCN, Havfrue, and Curie systems.<sup>16</sup> Below, GU Holdings provides information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k).

#### **(1) Applicant’s Name, Address, and Telephone Number<sup>17</sup>**

GU Holdings Inc.  
1600 Amphitheatre Parkway  
Mountain View, CA 94043  
+1 650 253 0000

#### **(2) Applicant’s Place of Incorporation<sup>18</sup>**

GU Holdings is a Delaware corporation.

#### **(3) Contact Information<sup>19</sup>**

Correspondence concerning the application should be sent to the following:

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<sup>15</sup> File Nos. SCL-LIC-20080516-00010 (Unity), SCL-LIC-20150408-00008 (Monet), and SCL-LIC-20150626-00015 (FASTER).

<sup>16</sup> File Nos. SCL-LIC-20170421-00012 (PLCN), SCL-LIC-20180511-00010 (Havfrue), and SCL-LIC-20181008-00034 (Curie).

<sup>17</sup> See 47 C.F.R. § 1.767(a)(1).

<sup>18</sup> See *id.* § 1.767(a)(2).

<sup>19</sup> See *id.* § 1.767(a)(3).

Stephanie Selmer  
Counsel  
Google LLC  
25 Massachusetts Avenue NW, 9th Floor  
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+1 202 346 1404  
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With a copy to:

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ulises.pin@morganlewis.com  
brett.ferenchak@morganlewis.com

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>20</sup>**

GU Holdings certifies that it has the following 10-percent-or-greater direct or indirect interest holders as of March 29, 2018:

Name:	Google International LLC (“Google International”)
Address:	1600 Amphitheatre Parkway, Mountain View, CA 94043
Citizenship:	Delaware
Principal Business:	Holding company
Relationship:	Google International holds a 100-percent voting and equity interest in GU Holdings.

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<sup>20</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Name: Google LLC  
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043  
Citizenship: Delaware  
Principal Business: Technology search services and advertising  
Relationship: Google directly holds a 97-percent voting and equity interest in Google International.<sup>21</sup>

Name: XXVI Holdings Inc. (“XXVI Holdings”)  
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043  
Citizenship: Delaware  
Principal Business: Holding company  
Relationship: XXVI Holdings holds a 100-percent voting and equity interest in Google LLC.

Name: Alphabet Inc. (“Alphabet”)  
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043  
Citizenship: Delaware  
Principal Business: Holding company  
Relationship: Alphabet holds a 100-percent voting and equity interest in XXVI Holdings.

Name: Larry Page  
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043  
Citizenship: USA  
Principal Business: CEO, Co-Founder, and Director of Alphabet  
Relationship: Mr. Page holds 42.5 percent of Alphabet’s Class B common stock, giving him a 25.9-percent voting interest in Alphabet.

Name: Sergey Brin  
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043  
Citizenship: USA  
Principal Business: Co-Founder, President, and Director of Alphabet  
Relationship: Mr. Brin holds 41.1 percent of Alphabet’s Class B common stock, giving him a 25.1-percent voting interest in Alphabet.

Alphabet’s shares trade publicly on the NASDAQ Stock Market under the ticker symbols “GOOG” and “GOOGL.” As there is an active market in Alphabet’s shares, Alphabet’s share

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<sup>21</sup> YouTube, LLC (“YouTube”) holds a 3-percent voting and equity interest in Google International. Google holds a 100-percent voting and equity interest in YouTube.

ownership is always fluid. Moreover, Alphabet can ascertain its significant shareholders only on the basis of its records and may not know of possibly related or affiliated shareholders that are not disclosed to it. Recognizing these limitations, as the most recent date when this information is publicly available, March 29, 2018, Alphabet has no 10-percent-or-greater direct or indirect shareholders other than Messrs. Page and Brin.

GU Holdings further certifies that no corporate officer or director of GU Holdings is also an officer or director of any foreign carrier.

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>22</sup>**

GU Holdings certifies that it is not subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.<sup>23</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>24</sup>**

GU Holdings certifies that it:

- (A) is not a foreign carrier in any foreign country;
- (B) does not own or control a cable landing station in any foreign country;
- (C) is affiliated with foreign carriers as noted in Table 1 below; and

**Table 1: Affiliated Foreign Carriers<sup>25</sup>**

Entity	Country
Google Cable Japan G.K.	Japan
Google Infraestrutura Brasil Ltda.	Brazil
Google Korea, LLC	Korea

<sup>22</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>23</sup> 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, §5301, 102 Stat. 4310 (1988), which related to denial of Federal benefits to drug traffickers and possessors—previously codified at 21 U.S.C. § 853(a)—was renumbered section 421 of the Controlled Substances Act by Public Law 101-647, title X, § 1002(d)(1), 104 Stat. 4827 (1990), and has been recodified as 21 U.S.C. § 862(a). 47 C.F.R. § 63.18(o) does not reflect this recodification.

<sup>24</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

<sup>25</sup> GU Holdings is affiliated with Inversiones y Servicios Dataluna Limitada and Google Taiwan Limited, which are currently applying for telecommunications authorizations in Chile and Taiwan, respectively.

Entity	Country
Google Singapore Pte Ltd	Singapore
Infraco (Hong Kong) Limited	Hong Kong
Google Voice Ltd.	Denmark France Ireland Netherlands Spain Sweden Switzerland United Kingdom
Google Voice Canada Corp.	Canada

(D) is affiliated with the entities owning or controlling cable landing stations in Table 2 below:

**Table 2: Affiliated Entities Owning Cable Landing Stations**

Entity	CLS Location	Ownership
Google Infraestrutura Brasil Ltda.	Santos, Brazil (Monet cable)	100% ownership interest
Dapsi International ApS	Blaaberg, Denmark (Havfrue cable)	Non-controlling ownership interest of 25%

**(7) Certification Regarding Destination Countries<sup>26</sup>**

GU Holdings certifies to the following:

- (A) GU Holdings is not a foreign carrier in France, the only foreign destination market in which the system will land.
- (B) GU Holdings does not control a foreign carrier in France.
- (C) GU Holdings' ultimate parent company, Alphabet Inc., also indirectly controls a foreign carrier in France, Google Voice Ltd. This entity recently registered as a

<sup>26</sup> See *id.* § 1.767(a)(8)(iii).

competitive enterprise telephony service provider in France effective as of April 3, 2019. Google Voice Ltd. is a new entrant into the French telecommunications market and lacks any market share or market power.

- (D) No grouping of two or more foreign carriers in France (or parties that control foreign carriers in France) own, in aggregate, more than 25 percent of GU Holdings and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the system in the United States.

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>27</sup>**

France is a member of the World Trade Organization (WTO).

**(9) Certification Regarding Routine Conditions<sup>28</sup>**

GU Holdings certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

**(10) Streamlining—Market Power<sup>29</sup>**

GU Holdings requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). GU Holdings certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in France, the only foreign destination market in which the system will land.

**(11) Streamlining—CZMA<sup>30</sup>**

GU Holdings certifies that it is not required to submit a consistency certification to any state pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). Virginia, the only U.S. state in which Dunant will land, does not list a cable landing license as a federal activity requiring a consistency certification.<sup>31</sup>

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<sup>27</sup> See *id.* § 1.767(a)(8)(iv).

<sup>28</sup> See *id.* § 1.767(a)(9).

<sup>29</sup> See *id.* § 1.767(j), (k).

<sup>30</sup> See *id.*

<sup>31</sup> See Virginia's Listed Federal Permit, License, Approval Activities, *available at* <https://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx>.

## CERTIFICATION

On behalf of GU Holdings, I certify that all of the information contained in this application and Appendix A is true and correct to the best of my knowledge and belief.



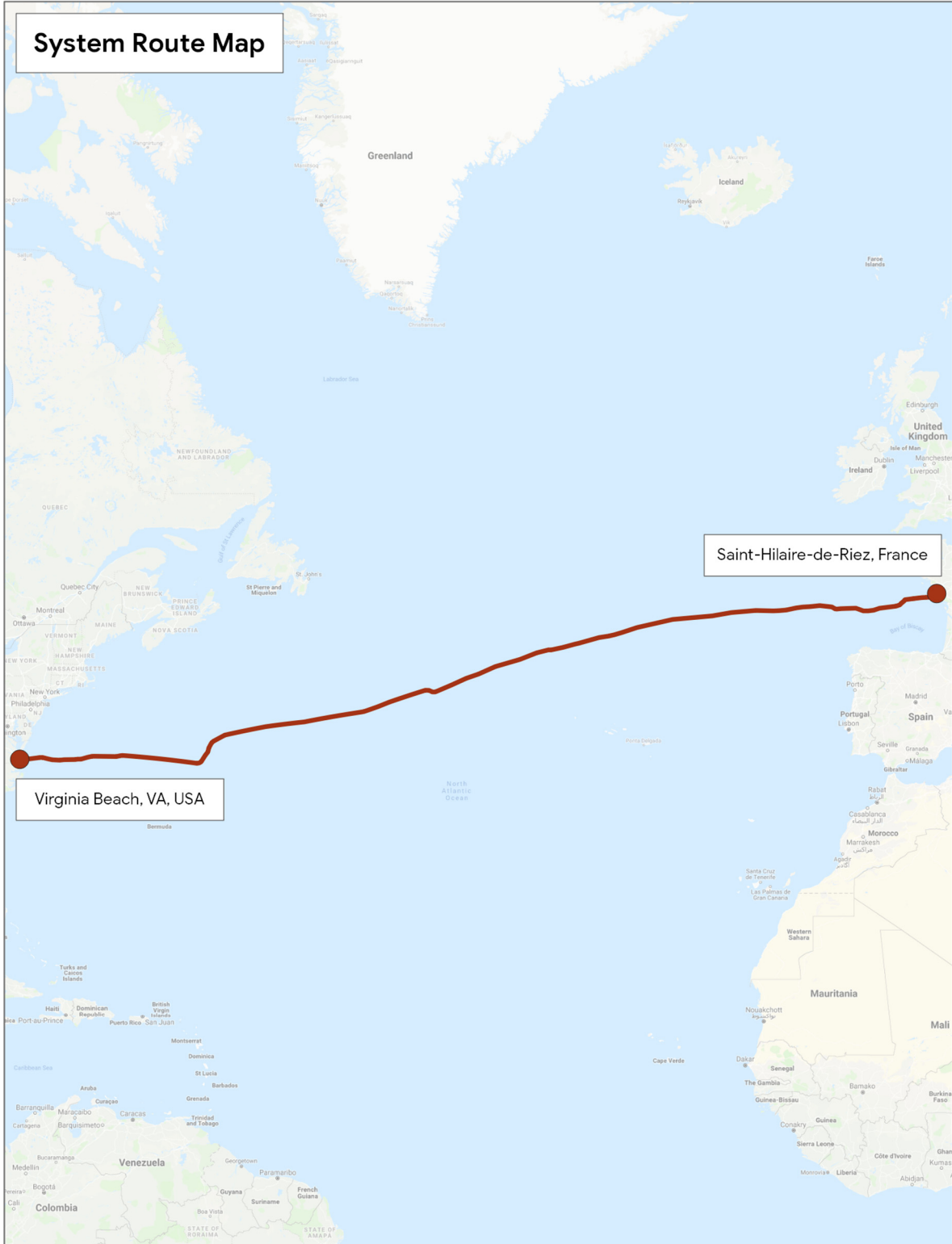
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Austin Schlick  
Director, GU Holdings Inc.  
25 Massachusetts Avenue NW, 9th Floor  
Washington, DC 20001

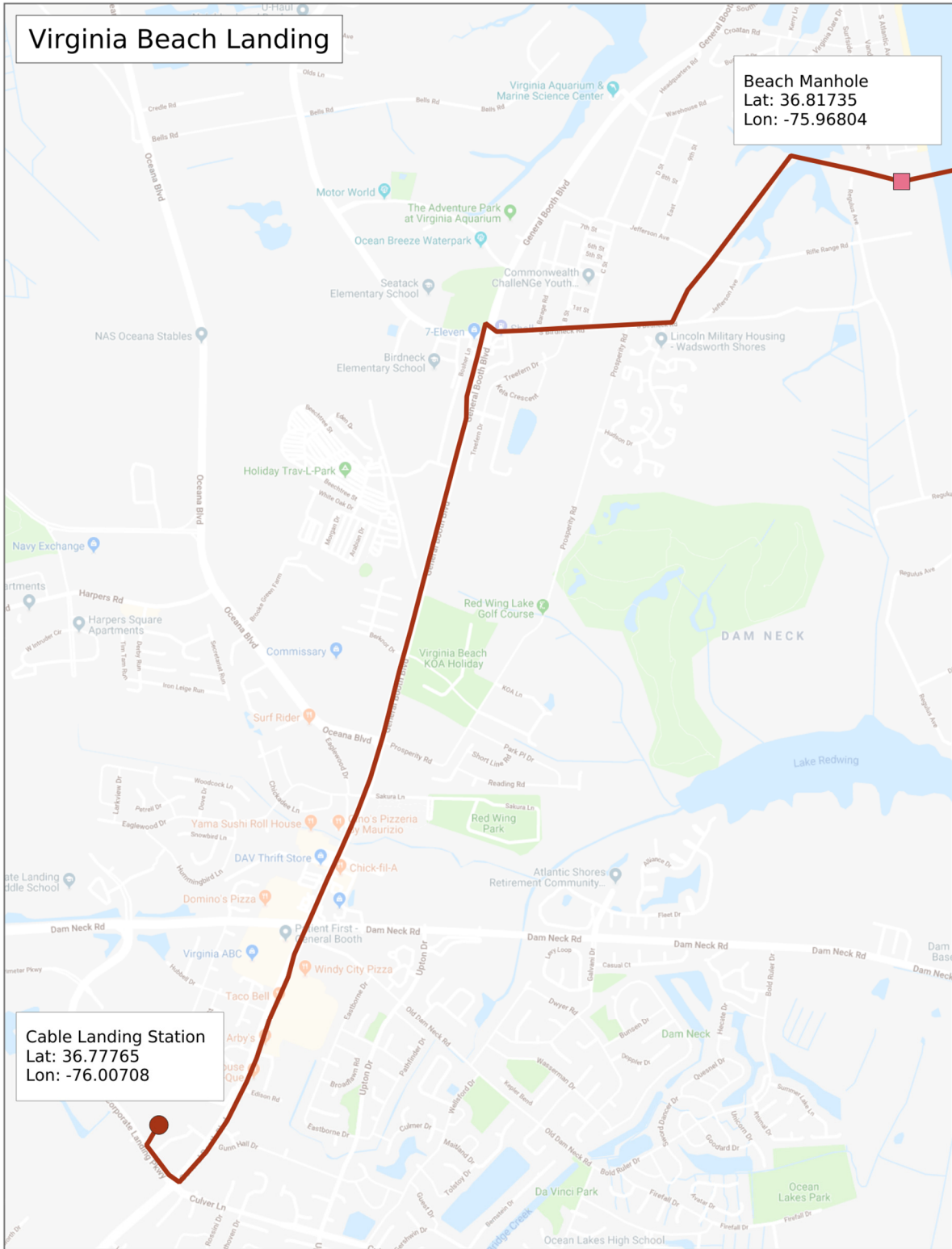
Dated: April 10, 2019



## APPENDIX B



# APPENDIX C





## CERTIFICATE OF SERVICE

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

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554  
(via first class U.S. mail, postage prepaid)

U.S. Coordinator  
EB/CIP  
U.S. Department of State  
2201 C Street, N.W.  
Washington, DC 20520-5818  
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David Krech  
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Defense Information Systems Agency  
Attn: GC/DO1  
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*/s/ Brett P. Ferenchak*

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Brett P. Ferenchak  
April 10, 2019