

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

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| In the Matter of |) | |
| |) | |
| GU HOLDINGS INC., AARNET PTY LTD, |) | File Nos. SCL-LIC-20190502-00016 |
| RTI JGA PTE. LTD., and |) | SCL-STA-20190809-00025 |
| RTI CONNECTIVITY PTE. LTD. |) | SCL-STA-2020 _____ |
| |) | |
| Application for a License to Construct, Land, |) | |
| and Operate a Submarine Cable |) | |
| Connecting Guam and Australia |) | |

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

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, GU Holdings Inc., AARNet Pty Ltd, RTI JGA Pte. Ltd., and RTI Connectivity Pte. Ltd. (collectively, “Applicants”) hereby request Special Temporary Authority (“STA”) to begin commercial operation of the JGA South cable system prior to the Commission’s grant of the underlying cable landing license application.¹ Without such authority, commercial launch of the JGA South cable system will be delayed at significant cost to Applicants and thereby delay the benefits of the significant new Guam-Australia capacity that the cable will provide. Applicants have notified the Team Telecom agencies of this request.

Applicants acknowledge that grant of such STA will not prejudice action by the Commission on the underlying application and that such STA is subject to cancellation or

¹ See GU Holdings Inc., *Application for a License to Construct, Land, and Operate a Submarine Cable Connecting Guam and Australia*, FCC File No. SCL-LIC-20190502-00016 (filed May 2, 2019) (*JGA South Application*); see also Public Notice, *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Report No. SCL-00244S (rel. June 21, 2019) (*Public Notice*).

modification upon notice. The Commission has authority to grant an STA for commercial operation and has previously granted STA requests seeking similar relief.²

I. BACKGROUND

On May 2, 2019, Applicants applied for authority to construct, land, and operate JGA South, a high-capacity fiber-optic submarine cable system connecting Guam and Australia.³ The Commission placed the JGA South Application on public notice (streamlined processing) on June 21, 2019,⁴ but later removed the application from streamlined processing at the request of the Team Telecom agencies pending completion of a national security and law enforcement review. On August 9, 2019, Applicants requested STA to construct, connect, and test the portion of the cable in U.S. territory during the Commission's consideration of the pending cable landing license application.⁵ On August 27, 2019, the Commission granted Applicants' STA request for a term of 180 days.⁶

Applicants are actively engaging with the Team Telecom agencies for the national security and law enforcement review of the JGA South cable system. Applicants understand that Team Telecom is currently drafting a letter of assurances based on that review, and that Applicants will be required to execute such letter of assurances as a condition to the Team Telecom agencies issuing a notice of non-objection to grant of the Applicant's cable landing license application. However, Applicants expect the JGA South cable system to be fully

² *E.g.*, FCC File Nos. SCL-STA-20100607-00013 (granting STA for commercial operation of the Honotua submarine cable system); SCL-STA-20081209-00020 (granting STA for commercial operation of the CB-1 submarine cable system).

³ *See JGA South Application.*

⁴ *See Public Notice.*

⁵ *See* GU Holdings, et al., *Request for Special Temporary Authority*, FCC File No. SCL-STA-20190809-00025 (filed Aug. 9, 2019).

⁶ *See* Special Temporary Authority Grant, FCC File No. SCL-STA-20190809-00025 (granted Aug. 27, 2019).

constructed, tested, and ready for commercial operation within a matter of weeks, and prior to finalization and execution of the letter of assurances.

As explained below, the capacity on JGA South is urgently needed to fulfill commitments to customers and swap partners and to support the internal operations of the Applicants and their affiliates. This commercial use will be of public benefit.

II. GRANT OF THE STA REQUEST WILL SERVE THE PUBLIC INTEREST

Grant of the STA to begin commercial operation will serve the public interest, convenience, and necessity. Delaying the commercial launch of the JGA South cable system will delay the availability of its substantial new and replacement capacity and impose significant economic costs on Applicants.

When Applicants submitted the JGA South Application in May 2019, they anticipated that the system would be operational by early 2020. Accordingly, they made network and product decisions, and commitments to sell or swap capacity, that relied on the availability of JGA South capacity by early 2020. Indeed, for RTI JGA Pte. Ltd., and RTI Connectivity Pte. Ltd., such commitments support the connectivity needs not only of commercial customers but also of the U.S. and Australian governments.

Without STA to begin commercial operation of the JGA South cable system as planned, Applicants and their affiliates, as well as their customers or partners, may be forced to look for alternative capacity, which might or might not be available, to meet their needs on the Guam-Australia route. To the extent such alternative capacity is available, obtaining it on short notice will likely result in significantly higher prices for the capacity. In contrast, a timely grant of the STA will permit Applicants and their affiliates, as well as their customers and partners, to deliver traffic with minimal delay.

Grant of the STA request will also help ensure realization of other public benefits identified in the JGA South Application, including increasing competition on the Guam-Australia route and enhancing service quality, redundancy, and resilience of communications systems in the region through route diversity.

Applicants acknowledge that grant of this STA request will not prejudice action by the Commission on the JGA South Application and that any authority granted pursuant to this request is subject to cancellation or modification upon notice, but without a hearing.

III. CONCLUSION

For the foregoing reasons, the Commission should grant the STA for commercial operation as expeditiously as possible, and in any event no later than February 28, 2020.

Respectfully submitted,



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February 3, 2020

CERTIFICATE OF SERVICE

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

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