



Federal Communications Commission
Washington, D.C. 20554

December 16, 2020

Andrew Guhr
Edge Cable Holdings USA, LLC
575 7th St. NW
Washington, DC 20004
aguhr@fb.com

Via Certified First-Class Mail – Return Receipt Requested and E-mail

Re: Response Required – Potential Dismissal of Application for Submarine Cable Landing License filed by Edge Cable Holdings USA, LLC, China Mobile International Limited, and Amazon Data Services, Inc., File No. SCL-LIC-20200910-00044

Dear Mr. Guhr:

On September 10, 2020, Edge Cable Holdings USA, LLC, China Mobile International Limited, and Amazon Data Services, Inc. (collectively, the Applicants) filed the above referenced application with the Federal Communications Commission (Commission) for the construction of the CAP-1 Cable System (Application). On September 30, 2020, the International Bureau referred the Application to the Department of Justice (DOJ), the Department of Defense, and the Department of Homeland Security for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the foreign ownership in the CAP-1 Cable System.¹

On October 6, 2020, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) requested that the Commission defer action on the Application while the Committee reviews the Application for any national security and law enforcement concerns that may be raised by foreign participation in the U.S. telecommunications services sector.² Pursuant to Executive Order 13913,³ the Chair will notify the Commission when the Chair has determined that the 120-day initial review period has begun.⁴

On December 15, 2020, the Committee recommended that the Application be dismissed without prejudice because the Applicants have missed three deadlines to provide complete responses to the Committee's triage questions.⁵ The Applicants are now required to respond to the Committee's questions no later than **Friday, January 15, 2021**.

¹ *Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. SCL-00284NS (IB Sept. 30, 2020), <https://go.usa.gov/xArw2>.

² Letter from Alice Suh Jou, Attorney, National Security Division, DOJ, to Marlene H. Dortch, Federal Communications Commission (Oct. 6, 2020) (Oct. 6 Letter); *see Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. SCL-00288NS (IB Oct. 9, 2020), <https://go.usa.gov/xArfW>.

³ Executive Order No. 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020) (Executive Order 13913).

⁴ Oct. 6 Letter at 1.

⁵ Letter from Alice Suh Jou, Attorney Advisor, Foreign Investment Review Section, National Security Division, DOJ, to Marlene H. Dortch, Federal Communications Commission (Dec. 15, 2020) (Dec. 15, 2020 Letter).

Please inform us no later than **January 15, 2021** if you want to continue to seek the requested submarine cable landing license and indicate in the filing the date when you provided the requested information to the Committee. If you fail to either respond to this letter or to provide responses to the Committee's questions by **January 15, 2021**, we provide notice that the above referenced Application will be dismissed without prejudice under section 1.748(a) of the Commission's rules.⁶

Your response should be submitted via IBFS in File No. SCL-LIC-20200910-00044, and you should email a copy to me at Denise.Coca@fcc.gov and to Adrienne McNeil at Adrienne.McNeil@fcc.gov. We look forward to your prompt attention to this matter.

Sincerely,

/Denise Coca/

Denise Coca, Chief
Telecommunications & Analysis Division
International Bureau

Enclosure: Dec. 15, 2020 Letter

cc: Kent Bressie
Harris, Wiltshire, & Grannis LLP
1919 M St. NW Suite 800
Washington, DC 20036
kbressie@hwglaw.com

Loyaan A. Egal
Deputy Chief
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Alice Suh Jou
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⁶ 47 CFR §§ 1.748(a).



U.S. Department of Justice

National Security Division

Foreign Investment Review Section

Washington, D.C. 20530

December 15, 2020

By E-File

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th St. SW, Room TW-B204
Washington, DC 20554

Re: Edge Cable Holdings USA, LLC, China Mobile International Limited, and Amazon Data Services, Inc. (“CAP-1 Cable”), FCC Docket No. SCL-LIC-20200910-00044 (TT 20-056)

Dear Ms. Dortch:

The Commission is notified that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (“Committee”) recommends that the above-referenced application (“CAP-1 Application”) be dismissed without prejudice.¹

The applicants for the CAP-1 Application have missed three deadlines to provide complete responses to the Committee’s triage questions. The Committee initially requested complete responses by November 11, 2020. This deadline was extended, at applicants’ request, to December 3, 2020. On December 3, applicants requested a second extension to December 11.² Counsel for applicants stated that applicants would submit a partial response on December 4, but that one missing exhibit still needed to be translated.³ As of today, the applicants’ triage responses remain incomplete, and the Committee is unable to complete its review. Accordingly, the Committee recommends that the CAP-1 Application be dismissed without prejudice.

Thank you for your consideration.

Sincerely,

/s/ Alice Suh Jou
Alice Suh Jou
Attorney Advisor

¹ See Exhibit 1, attached notification of the Chair.

² See Exhibit 2, Email from Harris Wiltshire & Grannis LLP to DOJ (Dec. 3, 2020 at 10:54 PM).

³ See Exhibit 2, Email from Harris Wiltshire & Grannis LLP to DOJ (Dec. 4, 2020 at 4:09 PM).

Foreign Investment Review Section
National Security Division
U.S. Department of Justice

cc: FCC-TTelecom@fcc.gov
David Krech (via e-mail at david.krech@fcc.gov)
Adrienne McNeil (via e-mail at Adrienne.McNeil@fcc.gov)
Applications.TT@usdoj.gov
IP-FCC@HQ.DHS.GOV
osd.pentagon.dod-cio.list.team-telecom@mail.mil

Exhibit 1



U.S. Department of Justice

National Security Division

Foreign Investment Review Section

Washington, D.C. 20530

Edge Cable Holdings USA, LLC, China Mobile International Limited, and Amazon Data Services, Inc. (“CAP-1 Cable”), FCC Docket No. SCL-LIC-20200910-00044 (TT 20-056)

Pursuant to Executive Order 13913 (Apr. 4, 2020), the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (“Committee”) is making a notification that the Committee recommends that the above-referenced application be dismissed without prejudice.

A handwritten signature in black ink, appearing to read "Sanchitha Jayaram", written over a horizontal line.

Sanchitha Jayaram

Chief

Foreign Investment Review Section

National Security Division

U.S. Department of Justice

Date: D e c e m b e r 1 5 , 2 0 2 0

Exhibit 2

Jou, Alice S. (NSD)

From: Kent Bressie <KBressie@hwglaw.com>
Sent: Friday, December 4, 2020 4:09 PM
To: Jou, Alice S. (NSD)
Cc: Applications.TT; IP-FCC@hq.dhs.gov; OSD Pentagon DOD CIO List Team Telecom (osd.pentagon.dod-cio.list.team-telecom@mail.mil)
Subject: RE: TT 20-056 - CAP-1 Cable System - Triage Questions

Hi Alice,

Rest assured that the applicants have been working diligently. We have a complete response—minus one exhibit that is being translated—and all the certifications. We will submit those materials today, and follow with the translated exhibit once we have it.

All the best,

Kent

From: Jou, Alice S. (NSD) <Alice.S.Jou2@usdoj.gov>
Sent: Friday, December 4, 2020 9:00 AM
To: Kent Bressie <KBressie@hwglaw.com>
Cc: Applications.TT <Applications.TT@usdoj.gov>; IP-FCC@hq.dhs.gov; osd.pentagon.dod-cio.list.team-telecom@mail.mil
Subject: RE: TT 20-056 - CAP-1 Cable System - Triage Questions

Kent,

We will need more information to evaluate the applicants' request for a second extension. How complete is "mostly" complete? Have the responses been drafted already, such that you are only missing applicant certifications? Or is there more work that needs to be done?

Last month, on November 10, you had requested a 22-day extension, more than doubling the original 21-day response time allotted for these triage questions. You stated that the applicants were working diligently but required additional time to accommodate company holiday schedules around Thanksgiving week.

Could you give us more information on why the applicants now need this second extension?

Thanks,
Alice

From: Kent Bressie <KBressie@hwglaw.com>
Sent: Thursday, December 3, 2020 10:54 PM
To: Jou, Alice S. (NSD) <Alice.S.Jou2@usdoj.gov>
Cc: Applications.TT <Applications.TT@jmd.usdoj.gov>; IP-FCC@hq.dhs.gov; osd.pentagon.dod-cio.list.team-telecom@mail.mil
Subject: TT 20-056 - CAP-1 Cable System - Triage Questions

Hi Alice,

Alas, we will need additional time to finalize and certify this response, which is mostly complete. To avoid serial extension requests, we would like to request until next Friday, December 11 to submit the response. Please let me know if this is workable.

All the best,

Kent

Kent Bressie

HARRIS, WILTSHIRE & GRANNIS LLP

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