

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

In the Matter of	)	
	)	
GU HOLDINGS INC.	)	File No. SCL-LIC-2021 _____
	)	
Application for a License to Construct, Land, and Operate a Submarine Cable Connecting the United States, the United Kingdom, and Spain	)	

**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 the United States with the United Kingdom and Spain. The cable system is named Grace Hopper after computer science pioneer Grace Brewster Murray Hopper.

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. Grace Hopper will provide significant new and replacement capacity on U.S.-Western Europe routes, where demand continues to increase substantially each year and where some existing systems are

nearing the end of their useful lives. Grace Hopper will be one of only two new cables to connect the U.S. and U.K. since 2003. It will be only the third cable to directly connect the U.S. to Spain. This additional U.S.-Western Europe capacity will further strengthen the redundancy and resilience of trans-Atlantic telecommunications.

GU Holdings respectfully requests streamlined processing of this application and a timely license grant following national security review, in order to facilitate construction and testing of the system in August 2021. Subject to authorization, GU Holdings intends to commence commercial operation of the cable system in February 2022.

**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 about GU Holdings 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)**

Grace Hopper will consist of a main trunk from New York to Bude, United Kingdom (the “Main Trunk”), and a branch connecting a single branching unit on the Main Trunk to Bilbao, Spain (the “Spain Branch”). GU Holdings provides a route map in Appendix B.

The Main Trunk will have a total length of 6,354 kilometers and consist of 16 fiber pairs. The Spain Branch will have a total length of 837 kilometers and also consist of 16 fiber pairs. Each fiber pair will have a total design capacity of approximately 22 Tbps (for a total of approximately 352 Tbps for the system as a whole).

The branching unit features optical fiber switching technology that allows full flexibility to switch U.S.-connected fiber pairs between the U.K. and Spain as needed. Each of the 16 fiber pairs on Grace Hopper can be remotely reconfigured by the system network operations center

(“NOC”) to flow traffic between the U.S. and either the U.K. or Spain, or between the U.K. and Spain.

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

Section 1.E., below, provides details of the cable landing stations in New York, the U.K., and Spain. Maps of each landing are in Appendices C, D, and E, 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>

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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 I*”) (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

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

On the U.S.-U.K. route, Grace Hopper will compete directly with at least six existing systems and the newly announced Amitié system. On the U.S.-Spain route, Grace Hopper will compete directly with the Columbus-III and MAREA systems. Grace Hopper will also compete on broader U.S.-Western Europe routes that are served by, for example, AC-1, AECConnect-1, Apollo, Flag Atlantic-1, and Havfrue, which have onward connectivity to the U.K. or Spain 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

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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 Tel. Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999).

<sup>4</sup> *NARUC I* at 642 (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.

<sup>6</sup> See *AT&T Corp. et al.*, Cable Landing License, 14 FCC Rcd. 13,066, 13,080 ¶ 39 (1999) (“Although 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) (“This 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) (“This 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 (“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”).

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.

**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.

**Table 1: Ownership and Control of Main Trunk and Spanish Branch  
(percentages reflect both voting and economic interests)**

<b>Party</b>	<b>Portion in U.S. Territory</b>	<b>Portion in International Waters</b>	<b>Portion in U.K. Territory</b>	<b>Portion in Spanish Territory</b>
GU Holdings	100%	0%	0%	0%
Google Singapore Pte. Ltd. (“GSPL”)	0%	100%	0%	0%
Global Infrastructure UK Limited (“GIUL”)	0%	0%	100%	0%
Yeso Computing, S.L.U. (“Yeso”)	0%	0%	0%	100% <sup>9</sup>

GU Holdings, GSPL, GIUL, and Yeso are all indirect, wholly-owned subsidiaries of Google LLC. As GSPL, GIUL, and Yeso will not use the U.S. endpoint of the system, none of these entities is required to be an applicant for the cable landing license.<sup>10</sup>

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

<sup>9</sup> Yeso’s control of the system in Spanish territory is through an IRU from Telxius as noted below.

<sup>10</sup> See 47 C.F.R. § 1.767(h)(2).

Yeso has contracted with Telxius Cable España, S.L.U. (“Telxius”) to be the landing party in Spain. A landing party agreement governs the relationship between Yeso and Telxius and provides that, upon completion of Grace Hopper, Telxius will own the portion of the system that extends 12 nautical miles from the shores of Spain. Telxius will grant Yeso an IRU for the same portion of the system. GU Holdings and its affiliates will maintain control of the system in U.S. territory and international waters. Because Telxius will neither (1) own or control a cable landing station in the U.S. nor (2) own or control a five percent or greater ownership interest in the system, it is not required by 47 C.F.R. § 1.767(h) to be an applicant for the cable landing license.

The cable landing station (“CLS”) arrangements are shown in Table 2 below.

**Table 2: Cable Landing Stations**

<b>Landing</b>	<b>CLS Address</b>	<b>New or Existing Facility?</b>	<b>Owner</b>	<b>Landing Party</b>
Bellport, New York	957 Station Road, Bellport, New York 11713, United States <sup>11</sup>	Existing	Level 3 Landing Station Inc. (“Level 3”)	GU Holdings
Bude, U.K.	Old Station Yard, Bude, Cornwall, EX23 8PQ, United Kingdom <sup>12</sup>	Existing	CenturyLink Communications UK Limited	GIUL
Bilbao, Spain	Etxebarri Kalea, 2 48600 Sopela Bizkaia, Spain	Existing	Telxius	Telxius

**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 Level 3 is not required to be an applicant for a U.S. cable landing license for the system. “The purpose of

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

<sup>12</sup> Use of the Bude CLS is subject to final execution of contractual agreements.

[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> Level 3 will have no independent ability to affect the system’s operation. Including Level 3 as an applicant is also not necessary to ensure compliance by GU Holdings with the Cable Landing License Act, the Commission’s cable landing license rules, or the terms of any cable landing license. Moreover, grant of the waiver will be consistent with Commission precedent.<sup>14</sup>

For the U.S. cable landing station, Level 3 will provide certain limited services that will not enable Level 3 to significantly affect the system’s operation. GU Holdings intends to contract with Level 3 for the right to use separately-caged collocation space in the cable landing station.

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<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)).

<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 that 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 Cable 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”).

GU Holdings also intends to contract with Level 3 for certain operation and maintenance services at the cable landing station. Level 3 will not have access to GU Holdings' space, except: (i) to perform certain operation and maintenance services as per GU Holdings' direction and instructions; (ii) to conduct work in the space 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 Level 3 will have an initial term of 15 years that can be extended by GU Holdings to 25 years. GU Holdings will thus retain operational authority over the landing in Bellport, New York, and provide direction to Level 3 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 the Grace Hopper submarine cable between the U.S. and the U.K., and the U.S. and Spain, pursuant to streamlined processing.

Respectfully submitted,

*/s/ Ulises R. Pin*

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*Counsel for GU Holdings Inc.*

Dated: February 25, 2021

## **LIST OF APPENDICES**

- APPENDIX A:**      **GU Holdings Inc.**
- APPENDIX B:**      **System Route Map**
- APPENDIX C:**      **Landing -- Bellport, New York**
- APPENDIX D:**      **Landing -- Bude, United Kingdom**
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## 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 people around the world with information every day.

GU Holdings currently holds FCC cable landing licenses for the systems as noted in Table 1 below.

**Table 1: Cable Landing Licenses**

<b>System Name</b>	<b>File No.</b>
Unity	SCL-LIC-20080516-00010
Monet	SCL-LIC-20150408-00008
FASTER	SCL-LIC-20150626-00015
Havfrue	SCL-LIC-20180511-00010
Curie	SCL-LIC-20181008-00034
Dunant	SCL-LIC-20190410-00015
JGA South	SCL-LIC-20190502-00016

GU Holdings is an applicant for a cable landing license for the PLCN system (File No. SCL-LIC-20200827-00038).

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

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: 47 C.F.R. § 1.767(a)(1)**

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

**(2) Applicant’s Place of Incorporation: 47 C.F.R. § 1.767(a)(2)**

GU Holdings is a Delaware corporation.

**(3) Contact Information: 47 C.F.R. § 1.767(a)(3)**

Correspondence concerning the application should be sent to the following:

Stephanie Selmer  
Corporate Counsel  
Google LLC  
25 Massachusetts Avenue NW, 9th Floor  
Washington, DC 20001  
+1 202 346 1100  
selmer@google.com

With a copy to:

Ulises R. Pin  
Brett P. Ferenchak  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue NW  
Washington, DC 20004  
+1 202 373 6000  
ulises.pin@morganlewis.com  
brett.ferenchak@morganlewis.com

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates: 47 C.F.R. §§ 1.767(a)(8)(i), 63.18(h)**

GU Holdings certifies that it has the following 10-percent-or-greater direct or indirect interest holders as noted in Table 2 below.

**Table 2: Direct or Indirect Interest Holders**  
As of February 16, 2021

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

<b>Google LLC</b>	
<i>Address</i>	1600 Amphitheatre Parkway, Mountain View, CA 94043
<i>Citizenship</i>	Delaware
<i>Principal Business</i>	Technology search services and advertising
<i>Relationship</i>	Google directly holds a 97-percent voting and equity interest in Google International.
<b>XXVI Holdings Inc. (“XXVI Holdings”)</b>	
<i>Address</i>	1600 Amphitheatre Parkway, Mountain View, CA 94043
<i>Citizenship</i>	Delaware
<i>Principal Business</i>	Holding company
<i>Relationship</i>	XXVI Holdings holds a 100-percent voting and equity interest in Google LLC.
<b>Alphabet Inc. (“Alphabet”)</b>	
<i>Address</i>	1600 Amphitheatre Parkway, Mountain View, CA 94043
<i>Citizenship</i>	Delaware
<i>Principal Business</i>	Holding company
<i>Relationship</i>	Alphabet holds more than 99 percent of the voting and equity interest in XXVI Holdings.
<b>Larry Page</b>	
<i>Address</i>	1600 Amphitheatre Parkway, Mountain View, CA 94043
<i>Citizenship</i>	USA
<i>Principal Business</i>	Co-Founder and Director of Alphabet
<i>Relationship</i>	Mr. Page holds 43.5 percent of Alphabet’s Class B common stock, giving him a 26.28-percent voting interest in Alphabet.
<b>Sergey Brin</b>	
<i>Address</i>	1600 Amphitheatre Parkway, Mountain View, CA 94043
<i>Citizenship</i>	USA
<i>Principal Business</i>	Co-Founder and Director of Alphabet
<i>Relationship</i>	Mr. Brin holds 41.8 percent of Alphabet’s Class B common stock, giving him a 25.25-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 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 of February 16, 2021, 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: 47 C.F.R. §§ 1.767(a)(8)(i), 63.18(o)**

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>1</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations: 47 C.F.R. § 1.767(a)(8)(ii)**

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 3 below; and

**Table 3: Affiliated Foreign Carriers**

<b>Country</b>	<b>Entity</b>
Brazil	Google Infraestrutura Brasil Ltda.
Canada	Google Voice Canada Corporation
Chile	Inversiones y Servicios Dataluna Limitada
Denmark	Google Voice Ltd.
France	Google Voice Ltd.
Germany	Google Voice Ltd.

<sup>1</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.

Country	Entity
Hong Kong	Infraco (Hong Kong) Limited
Ireland	Google Voice Ltd.
Italy	Google Voice Ltd.
Japan	Google Cable Japan G.K. Google Voice Inc.
Korea	Google Korea, LLC.
Netherlands	Google Voice Ltd.
Singapore	Google Singapore Pte. Ltd.
Spain	Google Voice Ltd.
Sweden	Google Voice Ltd.
Switzerland	Google Voice Ltd.
United Kingdom	Google Voice Ltd.

- (D) is affiliated with the entities owning or controlling cable landing stations in Table 4 below:

**Table 4: Affiliated Entities Owning Cable Landing Stations**

Entity	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: 47 C.F.R. § 1.767(a)(8)(iii)**

GU Holdings certifies to the following:

- (A) GU Holdings is not a foreign carrier in the U.K. or Spain, the only foreign destination markets in which the system will land.
- (B) GU Holdings does not control a foreign carrier in the U.K. or Spain.
- (C) GU Holdings' ultimate parent company, Alphabet Inc., also indirectly controls a foreign carrier in the U.K. and Spain, Google Voice Ltd. This entity registered as a competitive enterprise telephony service provider in the U.K. and Spain effective as of April 4, 2019.

(D) No grouping of two or more foreign carriers in the U.K. or Spain (or parties that control foreign carriers in the U.K. or Spain) 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: 47 C.F.R. § 1.767(a)(8)(iv)**

The U.K. and Spain are members of the World Trade Organization (WTO).

**(9) Certification Regarding Routine Conditions: 47 C.F.R. § 1.767(a)(9)**

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: 47 C.F.R. § 1.767(j), (k)**

GU Holdings requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(2). GU Holdings certifies that it is not a foreign carrier in the U.K. or Spain, the only foreign destination markets in which the system will land. GU Holdings is affiliated with Google Voice Ltd., a provider of non-facilities-based VoIP service in the U.K. and Spain, that obtains network services from locally authorized carriers. The U.K. and Spain are members of the WTO and Google Voice Ltd.—which is a recent entrant into the U.K. and Spanish telecommunications markets—lacks 50 percent market share in the competitive enterprise technology services market in those countries.

**(11) Streamlining—CZMA: 47 C.F.R. § 1.767(j), (k)**

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). New York, the only U.S. state in which Grace Hopper will land, does not list a cable landing license as a federal activity requiring a consistency certification.<sup>2</sup>

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<sup>2</sup> See National Oceanic and Atmospheric Administration, Coastal Zone Management Program, New York's Listed Federal Actions, <https://www.coast.noaa.gov/czm/mystate/#newyork>.



## 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.



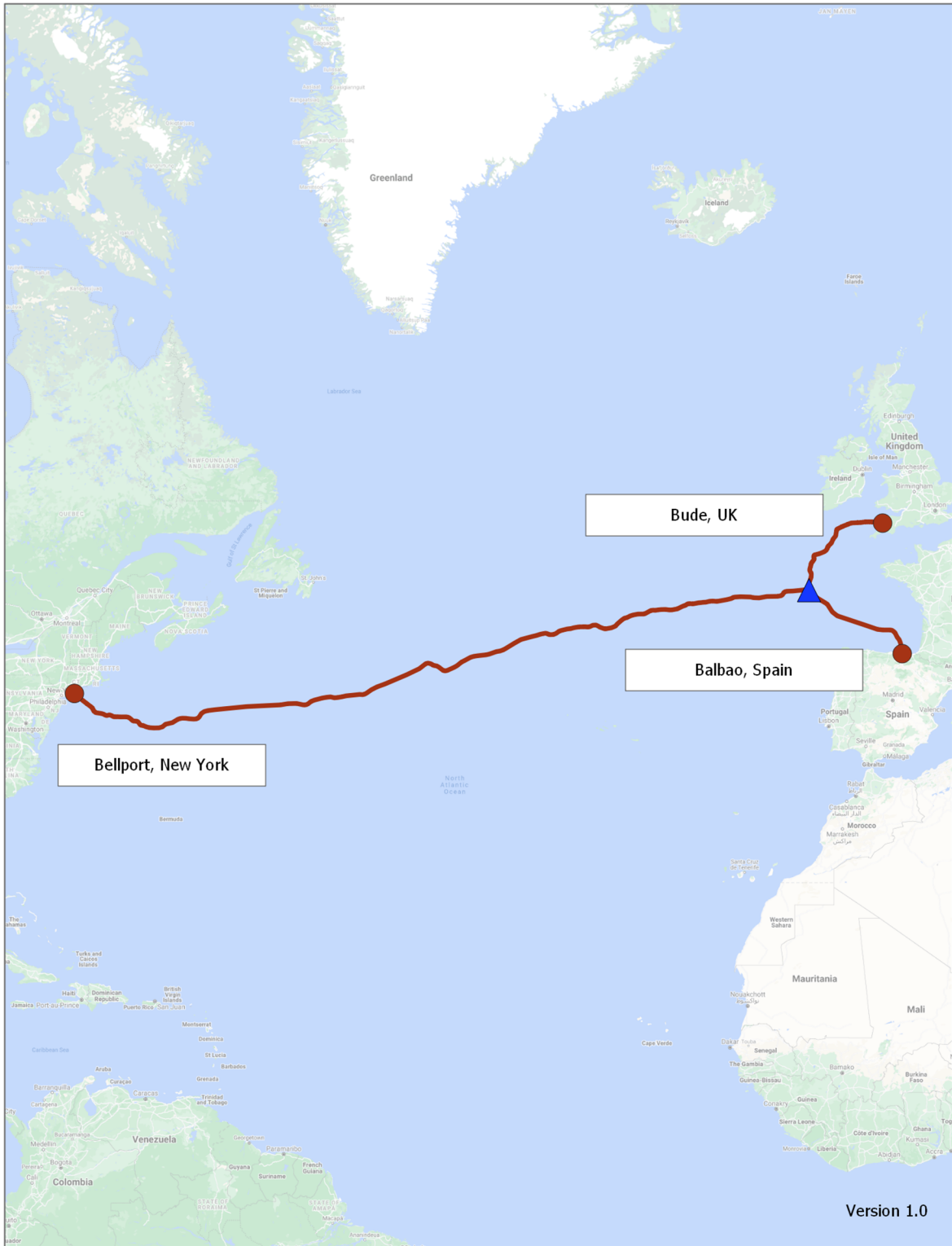
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Austin Schlick  
President, GU Holdings Inc.  
25 Massachusetts Avenue NW, 9th Floor  
Washington, DC 20001

Dated: February 25, 2021

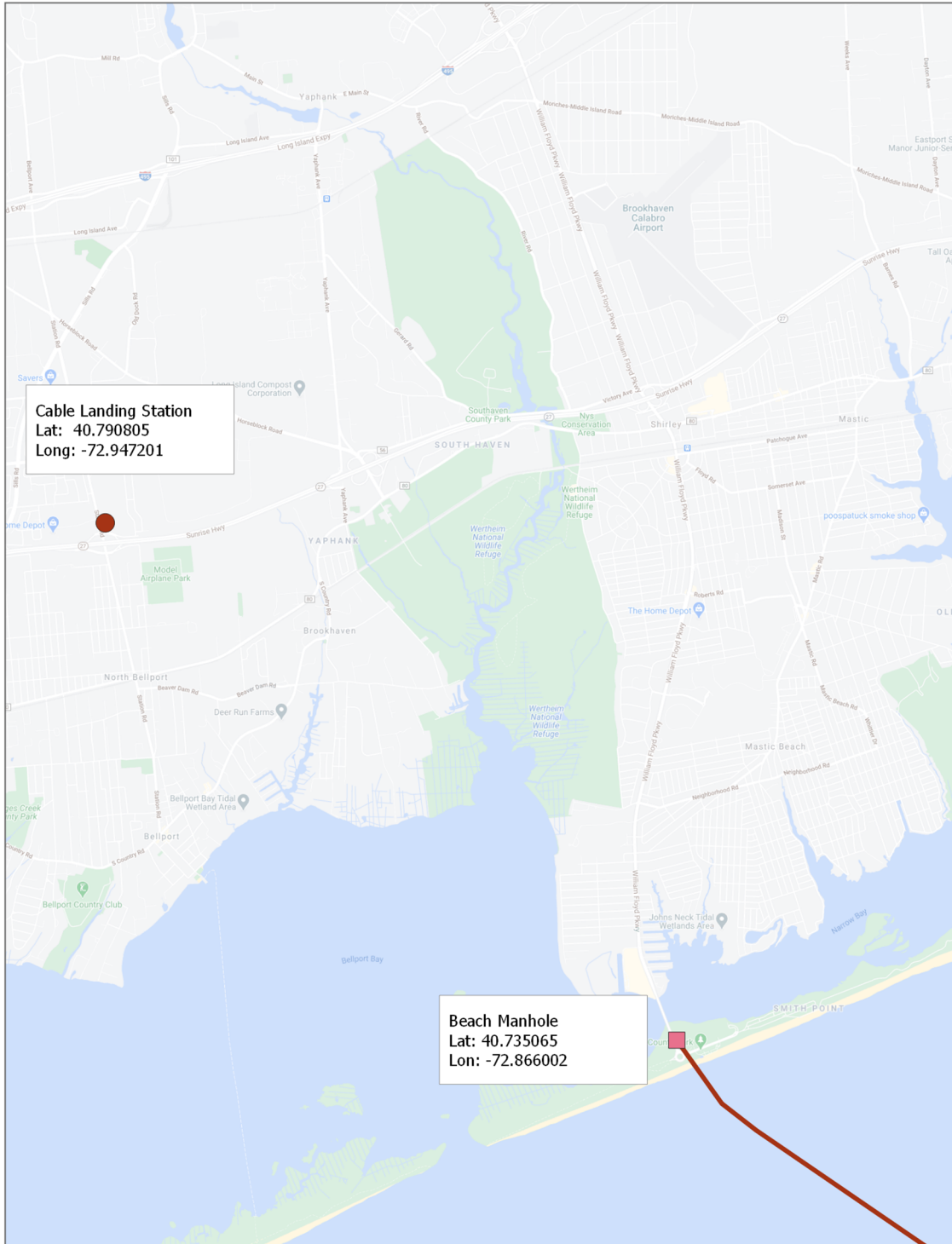
# APPENDIX B

## System Route Map



# APPENDIX C

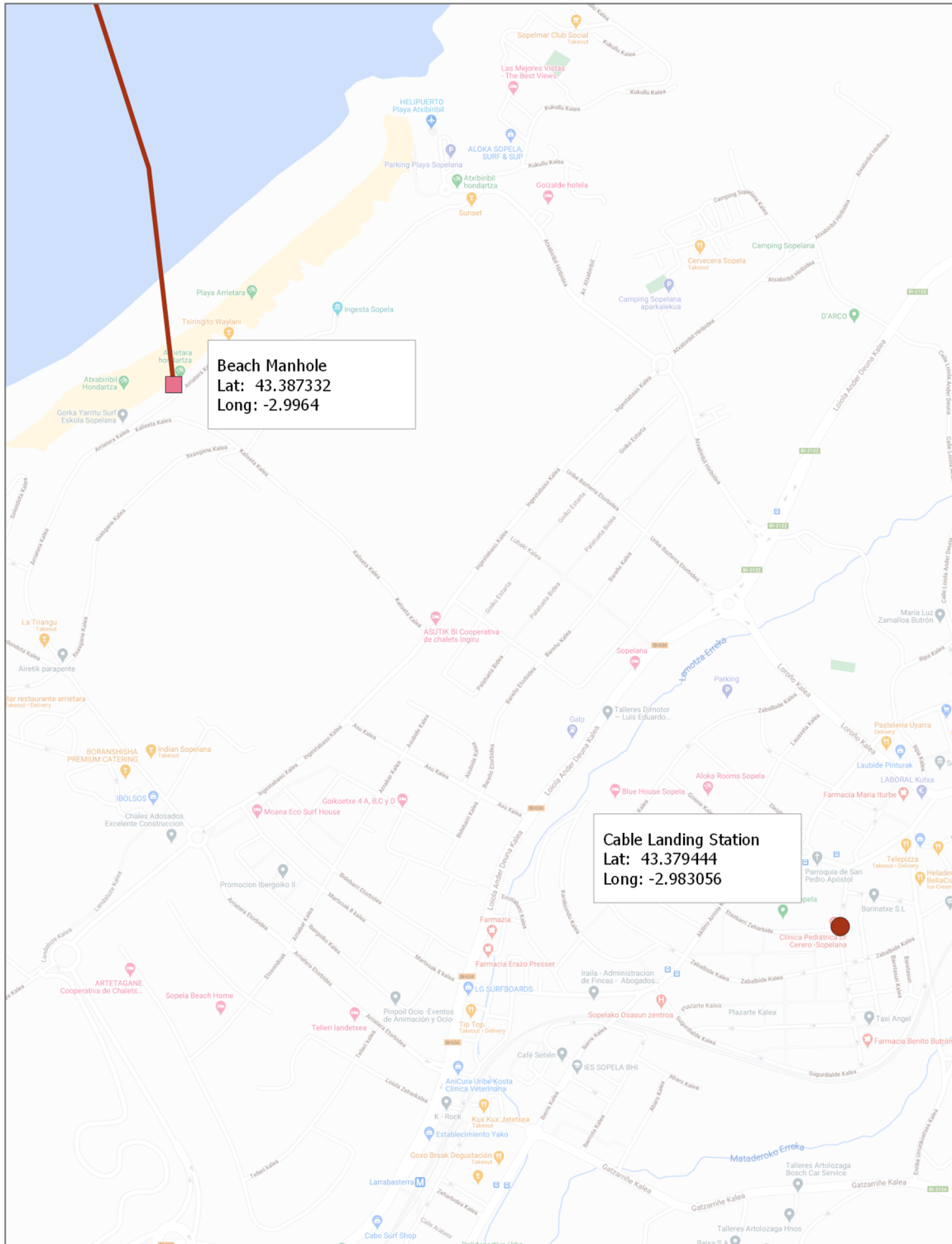
## Landing -- Bellport, New York





# APPENDIX E

## Landing -- Bilbao, Spain



## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served this date upon the following via overnight delivery and/or electronic mail:

U.S. Coordinator  
EB/CIP  
U.S. Department of State  
2201 C Street, N.W.  
Washington, DC 20520-5818

Office of Chief Counsel/NTIA  
U.S. Department of Commerce  
14th St. and Constitution Ave., N.W.  
Washington, DC 20230

Defense Information Systems Agency  
ATTN: GC/DO1  
6910 Cooper Avenue  
Fort Meade, MD 20755-7088

/s/ Brett P. Ferenchak

Brett P. Ferenchak

Dated: February 25, 2021