Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of EDGE CABLE HOLDINGS USA, LLC Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting Myrtle Beach, South Carolina, with Santander, Spain, to be Known as THE ANJANA SYSTEM	File No. SCL-LIC-2023-____________

**APPLICATION FOR CABLE LANDING LICENSE—
STREAMLINED PROCESSING REQUESTED**

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, Edge Cable Holdings USA, LLC (“Edge USA,” FRN 0025613159) hereby applies for a license to land and operate the Anjana submarine cable system (the “Anjana System”), a private fiber-optic submarine cable network connecting Myrtle Beach, South Carolina and Santander, Spain. Edge USA will operate the Anjana System on a non-common-carrier basis by using the system for its own internal capacity needs and, potentially, by providing dark fiber to wholesale and enterprise customers on particularized terms and conditions pursuant to individualized negotiations. Edge USA and its affiliates seek to commence construction in U.S. territory as early as August 2023, with a target ready-for-service date in the fourth quarter of 2024.

An expeditious grant of this application will significantly advance the public interest. *First*, the Anjana System will satisfy increasing demand for capacity between North America and Europe and provide replacement capacity for trans-Atlantic systems that have been, or will soon be, retired. *Second*, the Anjana System will enhance geographic diversity and network resilience by pioneering new and diverse landings in South Carolina and Spain.

Edge USA requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1), as it is not affiliated with a foreign carrier in Spain, the sole destination country for the Anjana System. Edge USA also requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(4), as the application is not subject to a federal consistency review under the Coastal Zone Management Act.

I. INFORMATION REQUIRED BY 47 C.F.R. § 1.767.

Below, Edge USA provides information required by 47 C.F.R. § 1.767.

A. Applicant's Name, Address, Telephone Number, and Place of Organization[1]

Edge USA's full name, address, and telephone number are as follows:

Edge Cable Holdings USA, LLC
1601 Willow Road
Menlo Park, California 94025-1452
+1 650 543 4800

Edge USA is a Delaware limited liability company.

B. Contact Information[2]

The Commission should address correspondence regarding this application to:

Raj Singh
Assistant Secretary
Edge Cable Holdings USA, LLC
1601 Willow Road
Menlo Park, CA 94025-1452
+1 650 543 4800
raj.singh@meta.com

with copies to:

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[1] *See* 47 C.F.R. § 1.767(a)(1), (2).

[2] *See id.* § 1.767(a)(3).

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C. System Description[3]

The Anjana System is a high-fiber-count system deploying space division multiplexing technology. The Anjana System will consist of a single trunk segment between Myrtle Beach and Santander, with a length of approximately 7,121 kilometers. It will have 24 fiber pairs, each with a design capacity of approximately 20 terabits using current technology. In **Appendix A**, Edge USA provides a route map for the system.

Edge USA has not yet decided on the initial lit capacity of the system. Edge USA expects the Anjana System to commence commercial service during the fourth quarter of 2024.

3 *See id.* § 1.767(a)(4).

D. Landing Points[4]

Edge USA provides specific landing point information (including geographic coordinates for beach manholes and cable landing stations) in the following appendices:

- **Appendix B**: Myrtle Beach, South Carolina
- **Appendix C**: Santander, Spain

E. Regulatory Classification[5]

Edge USA will operate the Anjana System on a non-common-carrier basis. Non-common-carrier classification of the proposed system is consistent with established Commission policy and precedent and with judicial precedent, and it will advance the public interest.

First, the Commission should not subject the Anjana System to common-carrier regulation because the system will not operate on a common-carrier basis as defined in *NARUC I.*[6] 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.'"[7]

On the Anjana System, however, Edge USA will not sell capacity indifferently to the user public. Instead, Edge USA and its affiliates will use capacity on the Anjana system to support

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[4] *See id.* § 1.767(a)(5).

[5] *See id.* § 1.767(a)(6).

[6] *See Nat'l Ass'n of Regulatory Utility Comm'rs v. FCC*, 525 F.2d 630, 642 (D.C. Cir. 1976) ("*NARUC I*") (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 the *NARUC I* test for distinguishing common-carrier and private-carrier services following enactment of the Telecommunications Act of 1996).

[7] *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)).

the global platform of Meta Platforms, Inc. ("Meta") and potentially, sell dark fiber to particular carrier and enterprise customers pursuant to individually-negotiated indefeasible rights of use ("IRUs"), the terms of which would vary depending on the characteristics and needs of the particular capacity purchaser. The Commission has consistently found that such offerings do not make an applicant a common carrier.[8]

Second, the Commission should not subject the Anjana System to common-carrier regulation because there is no legal compulsion or other public-interest reason for Edge USA to operate the Anjana System in such a manner. Under the *NARUC I* test, the Commission must determine whether the public interest requires common-carrier operation of the cable system.[9] Traditionally, the Commission has "focused on whether the applicant has sufficient market power to warrant common carrier regulation,"[10] although the Commission "[is] not limited to that reasoning" and has looked more broadly to determine whether common-carrier licensing is in the public interest.[11] The Anjana System poses no such competitive or other public-interest concerns.

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8 *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).

9 *NARUC I*, 525 F.2d at 642 (stating that the court must inquire "whether there will be any legal compulsion . . . to serve [the public] indifferently").

10 *See AT&T Submarine Systems, Inc.*, Cable Landing License, , 11 FCC Rcd. 14.885, 14,893 ¶ 30 (Int'l Bur. 1999) ("*St. Thomas-St. Croix Cable Order*").

11 *See AT&T Corp. et al.*, Cable Landing License, 14 FCC Rcd. 13,066, 13,080 ¶ 39 (Int'l Bur. 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*

On routes served by the Anjana System, Anjana will compete vigorously with existing providers' facilities. On the U.S.-Spain route, Edge USA will compete with Grace Hopper and the other owners of the Marea system. On broader U.S.-European routes, Anjana will compete with the AEC-1, Amitié, Apollo, Atlantic Crossing-1, Dunant, EXA North and South, FLAG Atlantic-1, TGN Atlantic, and Yellow systems.

F. Cable Ownership Information[12]

Edge USA and its affiliates will own and control the sole segment for the Anjana System as shown in Table 1 below.

Table 1: Ownership of Anjana Wet Segment

Party	U.S. Territory	International Waters	Spanish Territory
Edge USA	100%	0.00%	0.00%
Edge Network Services Limited ("Edge")	0.00%	100%	0.00%
Edge Network Infrastructure Services Spain, S.L.U. ("Edge Spain")	0.00%	0.00%	100%

In Table 2 below, Edge USA describes the Anjana System's cable landing stations.

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").

[12] *See* 47 C.F.R. § 1.767(a)(7).

Table 2: Cable Landing Stations

Cable Landing Station	New or Existing Facility?	Ownership	Control
Myrtle Beach, South Carolina	New	DC Blox, Inc. ("DC Blox")	Edge USA
Santander, Spain	New	Telxius Cable España, S.L.U.	Edge Spain

G. Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates[13]

Edge USA certifies that it has the following 10-percent-or-greater direct or indirect interest holders, based on Meta's disclosures to the Securities Exchange Commission ("SEC"):

Meta Platforms, Inc. ("Meta")
Address: 1601 Willow Road, Menlo Park, California 94025
Place of Organization: Delaware
Principal Business: software and technology
Relationship: Meta holds a 100-percent voting and economic interest in Edge USA.

CZI Holdings, LLC ("CZI Holdings") [14]
Address: 1601 Willow Road, Menlo Park, California 94025
Place of Organization: Delaware
Principal Business: philanthropy
Relationship: CZI owns 13.38-percent of Meta's outstanding securities on an as-converted to Class A common stock basis and held a 60.03-percent voting interest in Meta.

Mark Zuckerberg
Address: 1601 Willow Road, Menlo Park, California 94025
Citizenship: USA
Principal Business: software and technology
Relationship: As of March 31, 2023, Mr. Zuckerberg, who serves as Chairman of the board of directors and CEO of Meta, held a 61.1-percent voting interest based on

[13] *See id.* §§ 1.767(a)(8)(i), 63.18(h).

[14] The information is provided as of December 1, 2022, as obtained from disclosures in Meta's Information Statement filed with the SEC on December 29, 2022 (the "Information Statement"). Future Information Statements are available on the SEC's EDGAR platform. See, U.S. Securities and Exchange Commission, EDGAR, Meta Platforms, Inc., https://www.sec.gov/edgar/browse/?CIK=0001326801.

shares in which he is deemed to have beneficial ownership and, on an as-converted to Class A common stock basis, held approximately a 13.66-percent economic interest in Meta. Mr. Zuckerberg exercises voting power through (a) the shares held of record by Mr. Zuckerberg, Trustee of The Mark Zuckerberg Trust dated July 7, 2006, a California trust ("2006 Trust"); (b) CZI Holdings, LLC, a Delaware limited liability company ("CZI Holdings"), (c) Chan Zuckerberg Initiative Advocacy ("CZIA"), a California nonprofit public benefit corporation, and (d) the Chan Zuckerberg Initiative Foundation ("CZIF"), a private foundation formed for charitable purposes pursuant to a trust governed by the laws of California. Mr. Zuckerberg has sole voting and investment power over the securities held by CZIF and CZIA. Mr. Zuckerberg can exercise voting power in Meta through his power to cause the voting of shares held of record by CZIF and CZIA. Specifically, as stated in Meta's Information Statement filed with the Securities Exchange Commission on April 14, 2023, as of March 31, 2023, Mr. Zuckerberg has sole voting and investment power over the 599,306 shares of Meta's Class A common stock and 1,908,602 shares of Meta's Class B common stock held of record by CZIF and 232,400 shares of Meta's Class A common stock held of record by CZIA. Mr. Zuckerberg exercises sole voting power over the shares of Meta held by CZIF in his role as sole Trustee of CZIF. Mr. Zuckerberg exercises sole voting power over the shares of Meta held by CZIA through Chan Zuckerberg Initiative, LLC ("CZI"), which has the sole power to appoint and remove directors of CZIA. Mr. Zuckerberg is Trustee of the 2006 Trust, which is the sole member of CZI Holdings, which in turn is the sole member of CZI. Mr. Zuckerberg has no pecuniary interest in the Meta shares held by CZIF or CZIA. Mr. Zuckerberg previously held an irrevocable proxy over certain shares of Meta's common stock beneficially owned by shareholders affiliated with Dustin Moskovitz pursuant to a voting agreement between Mr. Zuckerberg, Meta, and such shareholders, which agreement has terminated.

Meta's Class A common stock trades publicly on the NASDAQ Stock Market under the symbol "META." As there is an active market in Meta's Class A common stock, Meta's share ownership is always fluid. Moreover, Meta 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 March 31, 2023, to Meta's knowledge, Meta has no 10-percent-or-greater direct or indirect shareholders, based on its outstanding Class A common stock and Class B common stock, other than those disclosed above.

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

H. Certification Regarding the Anti-Drug Abuse Act of 1988[15]

Edge USA certifies that no party to this application is subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, as amended.[16]

I. Certification Regarding Foreign Carrier Status and Foreign Affiliations[17]

Edge USA 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; and

(C) is not affiliated with any foreign carriers. Edge USA is affiliated with Edge Network Services Limited (Ireland), which holds a 60% ownership interest in a CLS in Oldhead County Mayo, Ireland; Edge Network do Brasil Servicos em Tecnologia Ltda, which holds a 68.35% ownership interest in a CLS in Praia Grande, Brazil; Edge Argentina SRL, which holds a 59.06% ownership interest in a CLS in Las Toninas, Argentina.

J. Certification Regarding Foreign Destination Countries[18]

Edge USA certifies that:

(A) it is not a foreign carrier in Spain, the sole foreign destination country for the Anjana System;

(B) it does not control a foreign carrier in Spain;

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[15] *See* 47 C.F.R. §§ 1.767(a)(8)(i), 63.18(o).

[16] 21 U.S.C. § 862(a). Pub. L. No. 100-690, title V, § 5301, 102 Stat. 4181, 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 the Crime Control Act of 1991, Pub. L. No. 101-647, title X, § 1002(d)(1), 104 Stat. 4789, 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.

[17] *See id.* § 1.767(a)(8)(ii).

[18] *See id.* § 1.767(a)(8)(iii).

(C) no entity owning more than 25 percent of it or controlling it controls a foreign carrier in Spain; and

(D) no grouping of two or more foreign carriers in a foreign destination country own, in aggregate, more than 25 percent of it 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 Anjana System.

K. Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Countries[19]

No response is required, as Edge USA did not identify any non-WTO countries in response to 47 C.F.R. § 1.767(a)(8)(iv) above.

L. Certification Regarding Routine Conditions[20]

Edge USA certifies that it will accept and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

M. Streamlining—Market Power[21]

Edge USA requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). Edge USA has certified above that it is not affiliated with any foreign carrier in Spain, the foreign destination country. This application raises no other foreign ownership, competition, or public interest concerns that would merit consideration outside the Commission's streamlined review process.

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[19] *See id.* § 1.767(a)(8)(iv).

[20] *See id.* § 1.767(a)(9).

[21] *See id.* § 1.767(j), (k).

N. Certification Regarding Service to Executive Branch Agencies[22]

As certified in the attached certificate of service, Edge USA has sent a complete copy of this application to the U.S. Departments of State, Commerce, and Defense.

II. REQUEST FOR STREAMLINED PROCESSING UNDER 47 C.F.R. § 1.767(k)(4)

Edge USA also requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(4). By its signature below, Edge USA certifies that it is not required to submit a consistency certification to any state or territory pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). South Carolina—the only state in which the Anjana System will land—does not list a cable landing license as a federal activity requiring a consistency certification.[23]

III. REQUEST FOR WAIVER UNDER 47 C.F.R. § 1.767(h)(1)

Edge USA requests a waiver of 47 C.F.R. § 1.767(h)(1) rules so that DC Blox need not be a joint applicant for the Anjana cable landing license. "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."[24] As explained below, DC Blox will not have any ability to affect significantly the Anjana System's operation. Inclusion of DC Blox as a joint applicant is not necessary to ensure compliance by the Applicants with the Cable Landing License Act, the Commission's cable

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22 *See id.* § 1.767(j).

23 *See* South Carolina's Federal Listed Actions, https://coast.noaa.gov/data/czm/consistency/media/sc.pdf.

24 *See Actions Taken Under 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)).

landing license rules, or the terms of any cable landing license. Grant of the waiver is therefore consistent with longstanding Commission precedent and in the public interest.[25]

DC Blox will provide Edge USA with certain limited services that would not provide DC Blox with any ability to affect significantly the Anjana System's operation. Edge USA will enter into a long-term lease with DC Blox for colocation space for power feed equipment and will retain operational authority over the Anjana System landing facilities and provide direction to DC Blox in all matters relating to the Anjana System. Edge USA will ensure that the lease has an initial term, with extension options at the sole discretion of the Applicants, for a total of 25 years, coextensive with the term of the cable landing license.

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[25] *See, e.g., Actions Taken Under Cable Landing License Act*, Public Notice, 32 FCC Rcd. 1436, 1438 (Int'l Bur. 2017) (accepting the applicant's representations that 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 that 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 Communications (US) Inc.—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. at 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").

CONCLUSION

For the foregoing reasons, the Commission should expeditiously grant this cable landing license application for the Anjana System pursuant to streamlined processing.

Respectfully submitted,

Edge Cable Holdings USA, LLC

Raj S

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April 28, 2023

Attachments

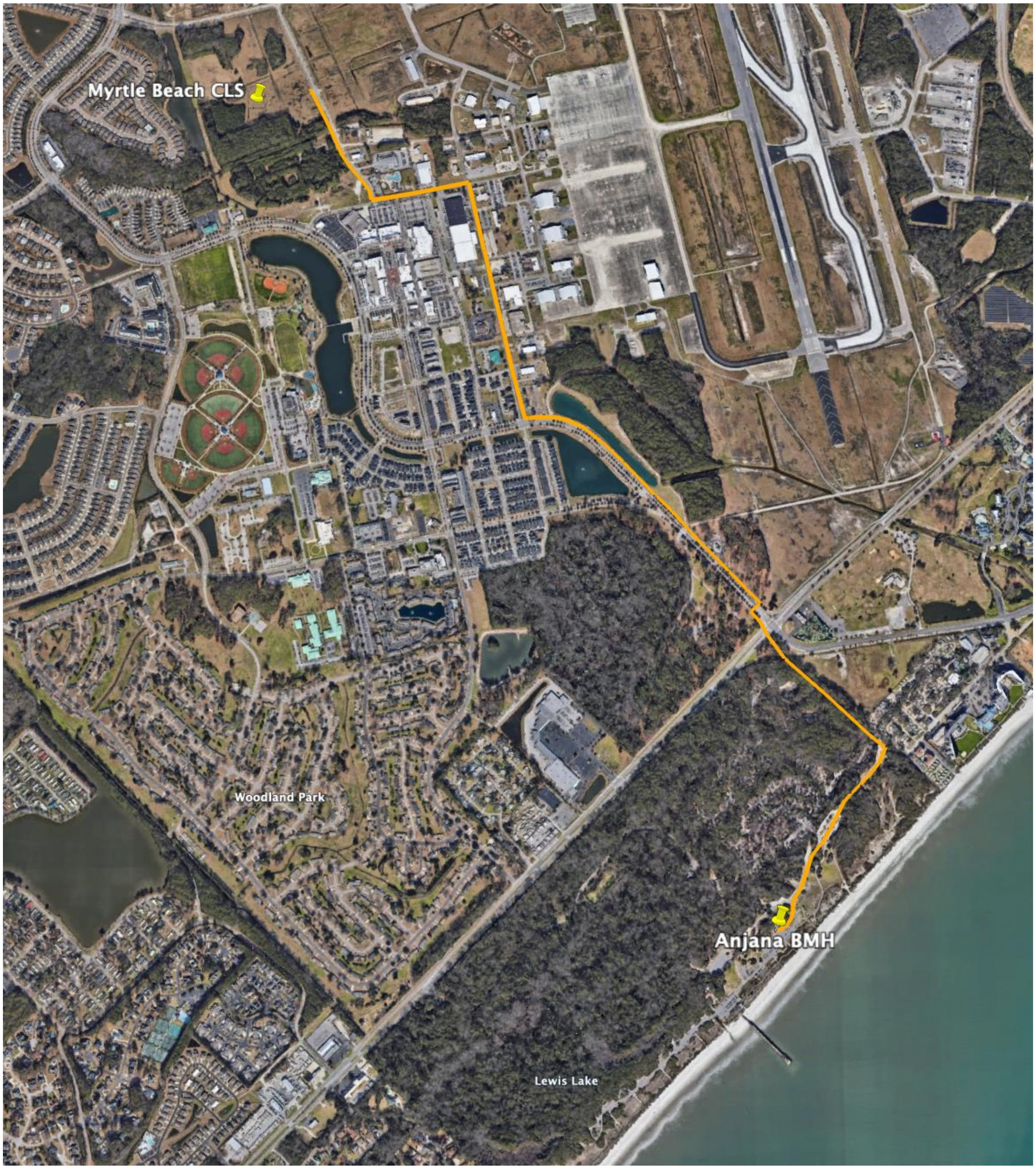
LIST OF APPENDICES

APPENDIX A

Anjana System Route Map

APPENDIX B

Myrtle Beach, South Carolina Landing Point Information



BMH Coordinates	33.650743°, -78.927296°
CLS Coordinates	33.674439°, -78.944447°
CLS Street Address	1401 Howard Street, Myrtle Beach, South Carolina 29577

APPENDIX C

Santander, Spain Landing Point Information

BMH Coordinates	43.476964°, -3.876923°
CLS Coordinates	43.463087°, -3.857289°
CLS Street Address	Calle Corceño, 37, 39012 Santander, Cantabria, Spain

CERTIFICATE OF SERVICE

I, Colleen Sechrest, hereby certify that consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing application for a cable landing license for the Anjana System, by hand delivery or electronic mail this 28th day of April, 2023, to the following:

Douglas May Director, Technology and Security Policy International Communications and Information Policy Bureau of Cyberspace and Digital Policy U.S. DEPARTMENT OF STATE EB/CIP : Room 4634 2201 C Street, N.W. Washington, D.C. 20520-4634
Andrew J. Coley Attorney-Advisor 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

Colleen Sechrest

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