

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

In the Matter of )  
 )  
GU HOLDINGS INC. and EDGE CABLE ) File Nos. SCL-LIC-2020 \_\_\_\_\_  
HOLDINGS USA, LLC )  
 )  
Application for a License to Construct, Land, )  
and Operate the Pacific Light Cable Network )  
to Connect the United States to Taiwan and )  
the Philippines )

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

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. (“GU Holdings”) and Edge Cable Holdings USA, LLC (“Edge USA”) (together, the “Applicants”), request a license to construct, land, and operate a high-capacity fiber-optic submarine cable system connecting the United States to Taiwan and the Philippines. For purposes of this application, the system is referred to as the Pacific Light Cable Network (“PLCN”). PLCN will be made up of the following elements:

- The fiber pair owned by GU Holdings and its affiliates connecting the United States to Branching Unit 2 (Fiber Pair 2 on each of Segments S1.1.1, S1.1.2, and S1.2<sup>1</sup>);
- The branch owned by GU Holdings’ affiliates connecting Taiwan to Branching Unit 1, including the two fiber pairs on that branch (Segment S2);
- The fiber pair owned by Edge USA and its affiliates connecting the United States to Branching Unit 2 (Fiber Pair 1 on each of Segments S1.1.1, S1.1.2, and S1.2);
- The branch owned by Edge USA’s affiliates connecting Baler, Philippines, to

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<sup>1</sup> For segment references, see Appendix A hereto.

Branching Unit 2, including the two fiber pairs on that branch (Segment S3);

- Common equipment necessary to operate Fiber Pair 1 and Fiber Pair 2 between the United States and Taiwan, and the United States and the Philippines.

While the system is currently built to include additional fiber pairs and landings, the Applicants are not seeking authority to operate Fiber Pairs 3 through 6, which are owned by Pacific Light Data Communications Co., Ltd. (“PLDC”), or to operate Fiber Pair 1 and Fiber Pair 2 beyond Branching Unit 2, including Segments S1.3, S1.4, and S4 (these facilities outside the scope of this application are referred to, collectively, as the “Hong Kong Path”).

The Applicants will operate PLCN on a non-common-carrier basis, either by using capacity as an input for services offered by their affiliates or by providing bulk capacity to wholesale and enterprise customers on particularized terms and conditions pursuant to individualized negotiations. The existence of robust competition on the U.S.-Taiwan and U.S.-Philippines routes obviates any need for common-carrier regulation on public interest grounds.

Expeditious grant of the license will advance the public interest. PLCN will provide significant new capacity on routes where capacity demand continues to increase substantially each year. It will also increase competition on those routes and enhance the service quality, redundancy, and resilience of communications systems in the region through route diversity.

The Applicants request streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1), as neither is or is affiliated with a foreign carrier in Taiwan or the Philippines. Timely processing of this application is particularly requested because, as explained below, the PLCN facilities are being constructed under grants of special temporary authority. Further, the U.S.-Taiwan portion of PLCN is currently providing critical commercial service pursuant to special temporary authorization and a

provisional national security agreement with Executive Branch agencies, and the U.S.-Philippines portion will soon be ready for service as well.<sup>2</sup>

## I. BACKGROUND

On April 21, 2017, GU Holdings, Edge USA, and PLDC applied for authority to construct, land, and operate PLCN, a high-capacity fiber-optic submarine cable system connecting the United States, Hong Kong, Taiwan, and the Philippines.<sup>3</sup> The Commission placed the application on streamlined public notice on November 1, 2017,<sup>4</sup> but later removed the application from streamlined processing at the request of the Executive Branch agencies pending completion of a national security review. On December 27, 2017, GU Holdings, Edge USA, and PLDC filed an amendment to the application reflecting a change to the ownership structure for PLDC.<sup>5</sup> On January 22, 2018, the Commission placed the amended application on streamlined public notice,<sup>6</sup> but once again removed the application from streamlined processing at the request of the Executive Branch agencies pending completion of the national security review.

On September 7, 2018, GU Holdings, Edge USA, and PLDC requested special temporary

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<sup>2</sup> In connection with the instant application, GU Holdings will file for similar special temporary authority to continue operating the U.S.-Taiwan portion pending the Commission's issuance of a landing license. The Applicants will also file for special temporary authority to continue connection and testing of PLCN—particularly the U.S.-Philippines route—in U.S. territory pending licensing of PLCN.

<sup>3</sup> See GU Holdings Inc., Edge Cable Holdings USA, LLC, and Pacific Light Data Communication Co. Ltd., Application for a License to Construct, Land, and Operate an Undersea Fiber Optic Cable Connecting the United States, Hong Kong, Taiwan, and the Philippines, FCC File No. SCL-LIC-20170421-00012 (filed Apr. 21, 2017) (as amended by Amendment to Application for a Cable Landing License, FCC File No. SCL-AMD-20171227-00025 (filed Dec. 27, 2017)) (the “2017 Application”).

<sup>4</sup> See Public Notice, *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Report No. SCL-00204S (rel. Nov. 1, 2017).

<sup>5</sup> See *2017 Application*.

<sup>6</sup> See Public Notice, *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Report No. SCL-00208S (rel. Jan. 22, 2018).

authority to construct, connect, and test the portion of PLCN in U.S. territory during the Commission's consideration of the *2017 Application* (the "Construction STA").<sup>7</sup> On October 5, 2018, the Commission granted the Construction STA request for 180 days.<sup>8</sup> On March 27, 2019, GU Holdings, Edge USA, and PLDC requested an extension of the Construction STA.<sup>9</sup> On April 3, 2019, the Commission granted the request and extended the Construction STA for another 180 days, through September 30, 2019.<sup>10</sup> On September 6, 2019, GU Holdings, Edge USA, and PLDC requested a further extension of the Construction STA.<sup>11</sup> On September 30, 2019, the Commission granted the request and extended the Construction STA for another 180 days, through March 28, 2020.<sup>12</sup> On March 13, 2020, GU Holdings, Edge USA, and PLDC requested a further extension of the Construction STA.<sup>13</sup> On March 26, 2020, the Commission granted the request and extended the Construction STA for another 180 days, through September 22, 2020, and work proceeds under that authority.<sup>14</sup>

On April 2, 2020, GU Holdings requested special temporary authority to begin operating the portions of PLCN connecting the United States with Taiwan, which were fully constructed,

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<sup>7</sup> See Request for Special Temporary Authority, FCC File No. SCL-STA-20180907-00033 (filed Sept. 7, 2018).

<sup>8</sup> See Special Temporary Authority Grant, FCC File No. SCL-STA-20180907-00033 (granted Oct. 5, 2018).

<sup>9</sup> See Request for Special Temporary Authority, FCC File No. SCL-STA-20190327-00011 (filed Mar. 27, 2019).

<sup>10</sup> See Special Temporary Authority Grant, FCC File No. SCL-STA-20190327-00011 (granted Apr. 3, 2019).

<sup>11</sup> See Request for Special Temporary Authority, FCC File No. SCL-STA-20190906-00032 (filed Sept. 6, 2019).

<sup>12</sup> See Special Temporary Authority Grant, FCC File No. SCL-STA-20190906-00032 (granted Sept. 30, 2019).

<sup>13</sup> See Request for Special Temporary Authority, FCC File No. SCL-STA-20200313-00014 (filed Mar. 13, 2020).

<sup>14</sup> See Special Temporary Authority Grant, FCC File No. SCL-STA-20200313-00014 (granted Mar. 26, 2020).

tested, and ready for commercial operation prior to the rest of the cable system.<sup>15</sup> On April 8, 2020, the Commission granted GU Holdings' request conditioned on GU Holdings abiding by the commitments and understandings contained in a provisional national security agreement dated April 7, 2020, between GU Holdings and the Executive Branch agencies.<sup>16</sup> GU Holdings is currently operating the U.S.-Taiwan portion of PLCN under that authority.

On July 17, 2020, the Executive Branch agencies recommended that the Commission grant the portions of the *2017 Application* seeking to connect the United States, Taiwan, and the Philippines, conditioned on the owners of those portions entering into a national security agreement with the Executive Branch agencies.<sup>17</sup> However, the Executive Branch agencies also recommended, based on national security concerns, that the Commission partially deny the *2017 Application*, to the extent it seeks a direct connection between the United States and Hong Kong.<sup>18</sup>

The instant application is a request for approval of the portions of the *2017 Application* seeking to connect the United States, Taiwan, and the Philippines, for which the Executive Branch agencies provided a favorable recommendation.

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<sup>15</sup> See Request for Special Temporary Authority, FCC File No. SCL-STA-20200402-00015 (filed Apr. 2, 2020).

<sup>16</sup> See Special Temporary Authority Grant, FCC File No. SCL-STA-20200402-00015 (granted Apr. 8, 2020).

<sup>17</sup> See Executive Branch Recommendation for a Partial Denial and Partial Grant of the Application for a Submarine Cable Landing License for the Pacific Light Cable Network (PLCN), FCC File No. SCL-LIC-20170421-00012, at 56 (filed June 17, 2020).

<sup>18</sup> See *id.* at 47.

## II. EXCLUSION OF HONG KONG AND PLDC

With this application, the Applicants request a license for only the fiber pairs, segments, and common equipment providing connectivity between the United States and Taiwan and the United States and the Philippines. Fiber Pair 1 and Segment S3, which connects the United States and Baler, Philippines, will be operated by Edge USA. Fiber Pair 2 and Segment S2, which connects the United States and Taiwan, will be operated by GU Holdings and its affiliates.

The Applicants are not seeking authority for the Hong Kong Path. While already built, the Hong Kong Path has been disconnected from the rest of the system,<sup>19</sup> and the rest of the system will be operated independently and without the intervention of PLDC. Specifically,

- Unless and until authorized by the Commission, the Applicants will ensure that (1) Fiber Pairs 3 through 6 will not be operational, and (2) Fiber Pair 1 and Fiber Pair 2 will not be operated beyond Branching Unit 2.
- PLDC does not share fiber pairs with GU Holdings or Edge USA. Each owner holds title to separate fiber pairs with separate submarine line terminating equipment, and each will operate those fiber pairs and equipment independent of the other owners;
- Operation of Fiber Pair 1, Fiber Pair 2, Segments S1.1.1, S1.1.2, S1.2, S2, and S3, and the common equipment on Segments S1.1.1, S1.1.2, and S1.2 does not depend on any equipment housed in Hong Kong, and PLDC has no independent access rights to any equipment housed in the United States, Taiwan, or the Philippines. Within the U.S. cable landing station, each party is assigned a separate cage for housing equipment supporting their individual fiber pairs (e.g., submarine line terminating equipment), and a fourth cage houses equipment supporting operation of all fiber pairs (e.g., power feeding equipment). GU Holdings holds exclusive approval authority for all persons accessing any of these cages;
- PLDC does not hold any voting rights on Segments S2 or S3 connecting PLCN's main trunk to Taiwan or the Philippines; rather, an affiliate of GU Holdings holds

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<sup>19</sup> GU Holdings controls access to Fiber Pairs 3 through 6 in the United States and will ensure that those fiber pairs are not usable to serve the Hong Kong Path absent future authorization. GU Holdings will also configure Branching Unit 1 to route all traffic on Fiber Pair 2 to Taiwan, and Edge USA will configure Branching Unit 2 to route all traffic on Fiber Pair 1 to the Philippines. As a result, the Hong Kong Path is not connected to the United States within the meaning of the Cable Landing License Act, 47 U.S.C. § 34.

100 percent of the voting rights on Segment S2, and an affiliate of Edge USA holds 100 percent of the voting rights on Segment S3; and

- PLDC is contractually prohibited from using its participation interest in the system to interfere with the ownership or rights of use of the other parties.<sup>20</sup>

As a result of these existing provisions, PLDC will have no role in the operation of the Taiwan and Philippines branches. Although PLDC will retain an interest in four unused fiber pairs on the main trunk—and commensurate voting interests—those fiber pairs will not be used to connect the United States to any foreign end point. Furthermore, PLDC by contract may not use its investment to interfere with the ownership or rights of use of GU Holdings and Edge USA with respect to the main trunk or the common equipment.

### **III. 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)**

Appendices B and C provide the information required by 47 C.F.R. § 1.767(a)(1)-(a)(3), (a)(8), (a)(9), (j), and (k) for GU Holdings and Edge USA, respectively.

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

For purposes of this application, PLCN will consist of a main trunk between Los Angeles, California and Branching Unit 2 (the “Main Trunk”), which will have a total length of approximately 11,806 kilometers and consist of two fiber pairs with a design capacity of a minimum of 24 Tbps per fiber pair using current technology. PLCN will have two branches off the

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<sup>20</sup> Section 5.6 of the Joint Build Agreement by and between the PLCN owners states:

Each Party ... shall not use any Minimum Investment Unit or capacity or spectrum on its Minimum Investment Unit(s) in any manner such as to interfere with the ownership or right of use of any other Party, and use commercially reasonable efforts to ensure that its Affiliates, agents, employees, contractors and other persons within its reasonable control comply with the foregoing[.]

Main Trunk: (1) a branch from Branching Unit 1 that connects Fiber Pair 2 from the Main Trunk to Toucheng, Taiwan (the “Taiwan Branch”) with a total length of approximately 693 kilometers, and (2) a branch from Branching Unit 2 that connects Fiber Pair 1 from the Main Trunk to Baler, Philippines (the “Baler Branch”) with a total length of approximately 678 kilometers.<sup>21</sup> Each of the branches will consist of two fiber pairs with a design capacity of a minimum of 24 Tbps per fiber pair using current technology. The Applicants provide a route map in Appendix D.

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

Applicants provide descriptions of each cable landing station for PLCN in the following appendices:

- Appendix E: Los Angeles, California
- Appendix F: Toucheng, Taiwan
- Appendix G: Baler, Philippines

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

The Applicants will operate PLCN on a non-common carrier basis. Non-common-carrier classification is consistent with established Commission policy and judicial precedent.

First, PLCN will not operate on a common-carrier basis as defined in *NARUC I*.<sup>22</sup> The courts have stated that “the primary sine qua non of common carrier status is a quasi-public

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<sup>21</sup> PLCN also includes Branching Unit 4 and a stubbed branch of Fiber Pair 3 off of Branching Unit 4 (Segment S5 on the diagram in Appendix A). The Applicants are not seeking authority to build out or operate this stubbed branch with the instant application.

<sup>22</sup> 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 *NARUC I* test for distinguishing common-carrier and private-carrier services following enactment of the Telecommunications Act of 1996).



character, which arises out of the undertaking ‘to carry for all people indifferently.’”<sup>23</sup> On PLCN, however, capacity will either be used by GU Holdings, Edge USA, and their respective affiliates to meet their own internal needs for bandwidth, or made available to third parties pursuant to individually-negotiated infeasible rights of use 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>24</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>25</sup> Traditionally, the Commission has focused on whether an applicant has sufficient market power to warrant common-carrier regulation,<sup>26</sup> although the Commission “is not limited to that reasoning” and has

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<sup>23</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>24</sup> *See, e.g. AT&T Corp. et al.*, Cable Landing License, 13 FCC Rcd. 16232, 16238 (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. 14885, 14904 ¶ 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. 21585 (1998), *aff’d sub nom. Virgin Islands Telephone Corp. v. FCC*, 198 F.3d 921 (D.C. Cir. 1999).

<sup>25</sup> *NARUC I* at 642 (stating that the court must inquire “whether there will be any legal compulsion . . . to serve [the public] indifferently”).

<sup>26</sup> *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14893 ¶ 30.

looked more broadly to determine whether common-carrier regulation is in the public interest.<sup>27</sup>

PLCN poses no such competitive or other public interest concerns.

The U.S.-Taiwan route is currently served directly by the Trans-Pacific Express (TPE), FASTER, and the New Cross Pacific (NCP) cable systems. The U.S.-Philippines route is currently served directly by the Asia-America Gateway (AAG) and SEA-US cable systems, and soon the JUPITER cable system. These routes are also served by a variety of cables landing in countries such as Japan and Korea that provide onward connectivity to Taiwan and the Philippines via intra-Asia systems. The Commission has found that facilities need not be identical in order to offer pro-competitive benefits.<sup>28</sup> There are thus sufficient alternative facilities providing U.S.-Taiwan and U.S.-Philippines connectivity to preclude PLCN from becoming a bottleneck facility on those routes. The Applicants' intended operation of PLCN 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>29</sup>

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<sup>27</sup> See, e.g., *AT&T Corp. et al.*, Cable Landing License, 14 FCC Rcd. 13066, 13080 ¶ 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. 24057, 24062 ¶ 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. 14915, 14920 ¶ 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>28</sup> *St. Thomas-St. Croix Cable Order*, 11 FCC Rcd. at 14898 ¶ 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>29</sup> See *Tel-Optik Ltd.*, Memorandum Opinion and Order, 100 FCC.2d 1033, 1040-41 (1985).

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

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

The Applicants and their affiliates will own PLCN as shown in the table below.

**Table 1: Ownership of PLCN**

Segment	Fiber Pairs	Ownership <sup>30</sup>
Main Trunk (Segments S1.1.1, S1.1.2, S1.2)	Fiber Pair 1	Portion in U.S. territory: 100% owned by Edge USA Portion in international waters: 100% owned by Edge Network Services Limited
Main Trunk (Segments S1.1.1, S1.1.2, S1.2)	Fiber Pair 2	Portion in U.S. territory: 100% owned by GU Holdings Portion in international waters: 100% owned by Google Cable Bermuda Ltd.
Taiwan Branch (Segment S2)	Two fiber pairs	Portion in international waters: 100% owned by Google Cable Bermuda Ltd. Portion in TW territory: 100% owned by Google Taiwan Limited
Baler Branch (Segment S3)	Two fiber pairs	Portion in international waters: 100% owned by Edge Network Services Limited Portion in PH territory: 100% owned by Edge Network Services Limited

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<sup>30</sup> Each Applicant’s voting interests over decisions with respect to common equipment necessary to operate the Main Trunk (e.g. power feeding equipment, repeaters, and branching units) corresponds to their fiber pair ownership. GU Holdings and Edge USA (with their above respective affiliates) each own one of six total fiber pairs, so each holds a voting interest of 16.67 percent. PLDC holds the remainder of the voting interest. However, as discussed in part II above, PLCN will be operated independent of PLDC and its affiliates under the requested license. GU Holdings’ affiliates hold 100 percent of the voting interest with respect to decisions related to the Taiwan Branch. Edge USA’s affiliates hold 100 percent of the voting interest with respect to decisions related to the Baler Branch.

Because none of Google Cable Bermuda Ltd., Google Taiwan Limited, or Edge Network Services Limited will use the U.S. endpoints of PLCN, none of these entities are required to be an applicant for the cable landing license.<sup>31</sup> As discussed in part II above, PLDC will not use any capacity of, or endpoints on, PLCN and is also therefore excluded as an applicant.<sup>32</sup>

Equinix LLC (“Equinix”) is the sole owner of the U.S. cable landing station for PLCN.

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

The Applicants request a waiver of 47 C.F.R. § 1.767(h)(1) rules so that Equinix, as owner of the U.S. landing station, is not required to be an applicant for a cable landing license for PLCN. “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>33</sup> Equinix will have no independent ability to affect operation of PLCN. Including Equinix as an applicant is also not necessary to ensure compliance by the Applicants 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>34</sup>

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<sup>31</sup> See 47 C.F.R. § 1.767(h)(2).

<sup>32</sup> PLDC’s legacy ownership interest in the common equipment is described in part II above.

<sup>33</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. 22167, 22194-95 ¶¶ 53-54 (2001)).

<sup>34</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

Within the U.S. cable landing station, each PLCN owner is assigned a separate cage for housing equipment supporting their individual fiber pairs (e.g., submarine line terminating equipment), and a fourth cage houses equipment supporting operation of all fiber pairs (e.g., power feeding equipment). GU Holdings, as U.S. landing party for PLCN, holds exclusive approval authority for all persons accessing any of these cages. Equinix will not have access to the cages, except: (i) to perform certain smart hands maintenance services as per GU Holdings' direction and instructions; (ii) to conduct work at the cages 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 Equinix has a term of 20 years and, at the sole discretion of GU Holdings, may be extended for the life of the system. GU Holdings will thus retain operational authority over the U.S. landing of PLCN.

## **V. CERTIFICATE OF SERVICE**

As required by 47 C.F.R. § 1.767(j) for applicants requesting streamlined processing, the Applicants have sent a complete copy of this application to the U.S. Departments of State,

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“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. 13419, 13420 (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* 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 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”).

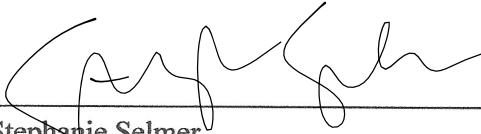
Commerce, and Defense. Counsel for GU Holdings has certified such service in the certificate of service attached to this application.

## **VI. 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 United States, Taiwan, and the Philippines pursuant to streamlined processing.

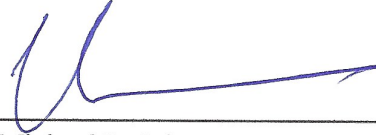
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Respectfully submitted,



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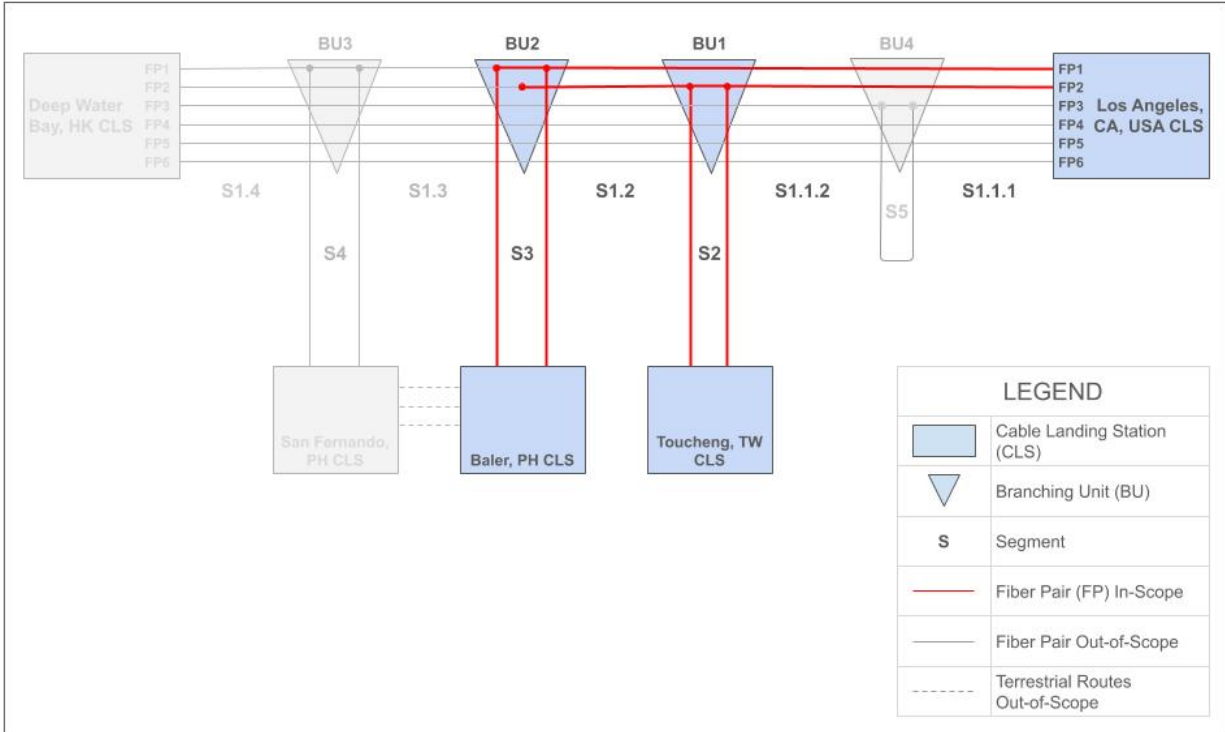
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# APPENDIX A:

## System Diagram





## APPENDIX B:

### 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—own 100 percent of Fiber Pair 2 on the Main Trunk and 100 percent of the Taiwan Branch of the PLCN system, as described in part III.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 Unity, Monet, FASTER, Havfrue, Curie, Dunant, and JGA South systems.<sup>1</sup> GU Holdings is an applicant to the Commission for a cable landing license for the Hong Kong-Guam system.<sup>2</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>3</sup>

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

#### (2) Applicant’s Place of Incorporation<sup>4</sup>

GU Holdings is a Delaware corporation.

#### (3) Contact Information<sup>5</sup>

Correspondence concerning the application should be sent to the following:

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<sup>1</sup> File Nos. SCL-LIC-20080516-00010 (Unity), SCL-LIC-20150408-00008 (Monet), SCL-LIC-20150626-00015 (FASTER), SCL-LIC-20180511-00010 (Havfrue), SCL-LIC-20181008-00034 (Curie), SCL-LIC-20190410-00015 (Dunant), and SCL-LIC-20190502-00016 (JGA South).

<sup>2</sup> File no. SCL-LIC-20191122-00037 (Hong Kong-Guam).

<sup>3</sup> See 47 C.F.R. § 1.767(a)(1).

<sup>4</sup> See *id.* § 1.767(a)(2).

<sup>5</sup> See *id.* § 1.767(a)(3).

Austin Schlick  
President  
GU Holdings Inc.  
25 Massachusetts Avenue NW, 9th Floor  
Washington, DC 20001  
+1 202 346 1100  
schlick@google.com

With a copy to:

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

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>6</sup>**

GU Holdings certifies that it has the following 10-percent-or-greater direct or indirect interest holders as of April 7, 2020:

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.

Name:	Google LLC
Address:	1600 Amphitheatre Parkway, Mountain View, CA 94043
Citizenship:	Delaware
Principal Business:	Technology search services and advertising

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<sup>6</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).

Relationship: Google directly holds a 97-percent voting and equity interest in Google International.

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 more than 99 percent of the voting and equity interest in XXVI Holdings.

Name: Larry Page  
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043  
Citizenship: USA  
Principal Business: Co-Founder, and Director of Alphabet  
Relationship: Mr. Page holds 43 percent of Alphabet’s Class B common stock, giving him a 26.1-percent voting interest in Alphabet.

Name: Sergey Brin  
Address: 1600 Amphitheatre Parkway, Mountain View, CA 94043  
Citizenship: USA  
Principal Business: Co-Founder and Director of Alphabet  
Relationship: Mr. Brin holds 41.4 percent of Alphabet’s Class B common stock, giving him a 25.1percent 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 April 7, 2020, 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>7</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>8</sup>

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>9</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**

Entity	Country
Google Cable Japan G.K.	Japan
Google Infraestrutura Brasil Ltda.	Brazil
Google Korea, LLC	Korea
Google Singapore Pte Ltd	Singapore
Infraco (Hong Kong) Limited	Hong Kong
Google Voice Ltd.	Denmark France Ireland Netherlands

<sup>7</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>8</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>9</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

	Spain Sweden Switzerland United Kingdom
Google Voice Canada Corp.	Canada
Google Voice Inc.	Japan
Inversiones y Servicios Dataluna Limitada	Chile

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

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

<b>Entity</b>	<b>CLS Location</b>	<b>Ownership</b>
Google Infraestructura 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>10</sup>**

GU Holdings certifies to the following:

- (A) GU Holdings is not a foreign carrier in Taiwan or the Philippines, the only foreign destination markets in which the PLCN system, as described in the main narrative application, will land.
- (B) GU Holdings does not control a foreign carrier in Taiwan or the Philippines.
- (C) No entity owning more than 25 percent of GU Holdings or controlling it, controls a foreign carrier in Taiwan or the Philippines; and

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<sup>10</sup> See *id.* § 1.767(a)(8)(iii).

(D) No grouping of two or more foreign carriers in Taiwan or the Philippines (or parties that control foreign carriers in Taiwan or the Philippines) 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>11</sup>

No response is required.

**(9) Certification Regarding Routine Conditions**<sup>12</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>13</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 Taiwan or Philippines, the only foreign destination markets in which the PLCN system will land.

**(11) Streamlining—CZMA**<sup>14</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). California, the only U.S. state in which the PLCN system will land, does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>15</sup>

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<sup>11</sup> *See id.* § 1.767(a)(8)(iv).

<sup>12</sup> *See id.* § 1.767(a)(9).

<sup>13</sup> *See id.* § 1.767(j), (k).

<sup>14</sup> *See id.*

<sup>15</sup> *See* California's List of Federal Licenses and Permits Subject to Certification for Consistency, available at <https://www.coastal.ca.gov/fedcd/fedcdndx.html> (last visited August 27, 2020).

## CERTIFICATION

On behalf of GU Holdings, I certify that all of the information contained in this Appendix B 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

August 26, 2020

## APPENDIX C:

### Edge Cable Holdings USA, LLC

Edge Cable Holdings USA, LLC (“Edge USA,” FRN 0025613159), a Delaware corporation with its principal place of business in Menlo Park, California, will (together with its affiliates) hold participation and voting interests in the and Pacific Light Communications Network (“PLCN”) submarine cable system, as described in Section II of the main narrative application.

Edge USA is a wholly-owned, direct subsidiary of Facebook, Inc. (“Facebook”), a Delaware corporation with its principal place of business in Menlo Park, California. Edge USA provides connectivity exclusively to data centers and points of presence in the United States owned and operated by its affiliates. Edge USA is a cable landing licensee for the Marea, Havfrue , and JUPITER systems,<sup>1</sup> and is a joint applicant for a cable landing license for the Amitié, Bay-to-Bay Express, and Hong Kong-Americas (“HKA”) systems.<sup>2</sup> Below, Edge USA 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>3</sup>**

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

#### **(2) Applicant’s Place of Incorporation<sup>4</sup>**

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<sup>1</sup> File Nos. SCL-LIC-20160525-00012 (Marea), SCL-LIC-20180511-00010 (Havfrue), SCL-LIC-20180517-00012 (JUPITER).

<sup>2</sup> File Nos. SCL-LIC-20200807-00036 (Amitié), SCL-LIC-20181125-00037 (Bay-to-Bay Express), and SCL-LIC-20180711-00018 (HKA).

<sup>3</sup> See 47 C.F.R. § 1.767(a)(1).

<sup>4</sup> See *id.* § 1.767(a)(2).



Edge USA is a Delaware limited liability company.

**(3) Contact Information<sup>5</sup>**

Correspondence concerning the application should be sent to the following:

Andrew Guhr  
Associate General Counsel, Telecommunications  
Facebook, Inc.  
575 7th Street, N.W.  
Washington, D.C. 20004  
+1 202 340 5550  
aguhr@fb.com

*and*

Kent Bressie  
Harris, Wiltshire & Grannis LLP  
1919 M Street, N.W., Suite 800  
Washington, D.C. 20036-3537  
+1 202 730 1337  
kbressie@hwglaw.com

*Counsel for Edge Cable Holdings USA, LLC*

**(4) Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates<sup>6</sup>**

Edge USA certifies that it has the following 10-percent-or-greater direct or indirect interest holders, based on the most current data as of June 30, 2020:

- **Facebook, Inc. (“Facebook”)**  
*Address:* 1601 Willow Road, Menlo Park, California 94025  
*Place of Organization:* Delaware  
*Principal Business:* software and technology  
*Relationship:* Facebook holds a 100-percent voting and equity interest in Edge USA.
- **CZI Holdings, LLC (“CZI”)**  
*Address:* 314 Lytton Avenue, Suite 200, Palo Alto, California 94301  
*Place of Organization:* Delaware  
*Principal Business:* philanthropy

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<sup>5</sup> See *id.* § 1.767(a)(3).

<sup>6</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(h).

*Relationship:* CZI owns 12.49-percent of Facebook’s outstanding shares and holds a 51.96-percent voting interest in Facebook.

- **Mark Zuckerberg**

*Address:* 1601 Willow Road, Menlo Park, California 94025

*Citizenship:* USA

*Principal Business:* software and technology

*Relationship:* Mr. Zuckerberg, who serves as Chairman and CEO of Facebook, owns all of CZI’s member interests and, together with his other ownership positions in Facebook, owns approximately 12.9-percent of Facebook’s outstanding shares and holds an approximate 57.89-percent voting interest in Facebook that includes (a) a 53.13-percent voting interest for shares he holds directly or indirectly or controls through CZI; and (b) a 4.76-percent voting interest that he has authority to vote pursuant to voting agreements with (i) Dustin Moskovitz, Trustee of The Dustin Moskovitz 2008 Annuity Trust dated March 10, 2008, and (ii) Dustin Moskovitz, Trustee of The Dustin A. Moskovitz Trust dated December 27, 2005.

Facebook’s shares trade publicly on the NASDAQ Stock Market under the symbol “FB.”

As there is an active market in Facebook’s shares, Facebook’s share ownership is always fluid.

Moreover, Facebook 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 the most recent measurable date, June 30, 2020, Facebook has no 10-percent-or-greater direct or indirect shareholders other than CZI and Mr. Zuckerberg.

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

**(5) Certification Regarding the Anti-Drug Abuse Act of 1988<sup>7</sup>**

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.<sup>8</sup>

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<sup>7</sup> See *id.* §§ 1.767(a)(8)(i), 63.18(o).

<sup>8</sup> 21 U.S.C. § 862(a). The Anti-Drug Abuse Act of 1988, 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

**(6) Certification Regarding Foreign Carrier Status and Foreign Affiliations<sup>9</sup>**

Edge USA certifies that it:

(A) is not a foreign carrier in any foreign destination market;

(B) does not own or control a cable landing station in any foreign destination market;

(C) is not affiliated with any foreign carrier and is not affiliated with any foreign carrier owning or controlling a cable landing station in any foreign destination market (although it is affiliated with Edge Network Holdings Limited, an entity that holds non-controlling ownership interests in cable landing stations in Blaabjerg, Denmark; Old Head Beach, Leckanvy, Ireland; and Bilbao, Spain).

**(7) Certification Regarding Foreign Destination Markets<sup>10</sup>**

Edge USA certifies to the following: (A) it is not a foreign carrier in Taiwan or the Philippines, the two foreign destination markets in which the PLCN system will land; (B) it does not control a foreign carrier in Taiwan or the Philippines; (C) no entity owning more than 25 percent of it or controlling it controls a foreign carrier in Taiwan or the Philippines; and (D) no grouping of two or more foreign carriers in Taiwan or the Philippines (or parties that control foreign carriers in Taiwan or the Philippines) 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 PLCN cable system in the United States.

**(8) Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Markets<sup>11</sup>**

No response is required.

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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.

<sup>9</sup> See 47 C.F.R. § 1.767(a)(8)(ii).

<sup>10</sup> See *id.* § 1.767(a)(8)(iii).

<sup>11</sup> See *id.* § 1.767(a)(8)(iv).

**(9) Certification Regarding Routine Conditions<sup>12</sup>**

Edge USA 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>13</sup>**

Edge USA requests streamlined processing pursuant to 47 C.F.R. § 1.767(k)(1). Edge USA certifies that it is not a foreign carrier and is not affiliated with a foreign carrier in Taiwan or the Philippines, the two foreign destination markets in which the PLCN system will land.

**(11) Streamlining—CZMA<sup>14</sup>**

Edge USA 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). California, the only U.S. state in which the PLCN system will land, does not list, and has never proposed to list, a cable landing license as a federal activity requiring a consistency certification.<sup>15</sup>

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<sup>12</sup> *See id.* § 1.767(a)(9).

<sup>13</sup> *See id.* § 1.767(j), (k).

<sup>14</sup> *See id.*

<sup>15</sup> *See California Coastal Management Program, List of Federal Licenses and Permits Subject to Certification for Consistency*, <https://coast.noaa.gov/data/czm/consistency/media/ccc.pdf>.

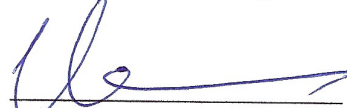
**CERTIFICATION**

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

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Colleen Sechrest  
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*Counsel for  
Edge Cable Holdings USA, LLC*

**Edge Cable Holdings USA, LLC**

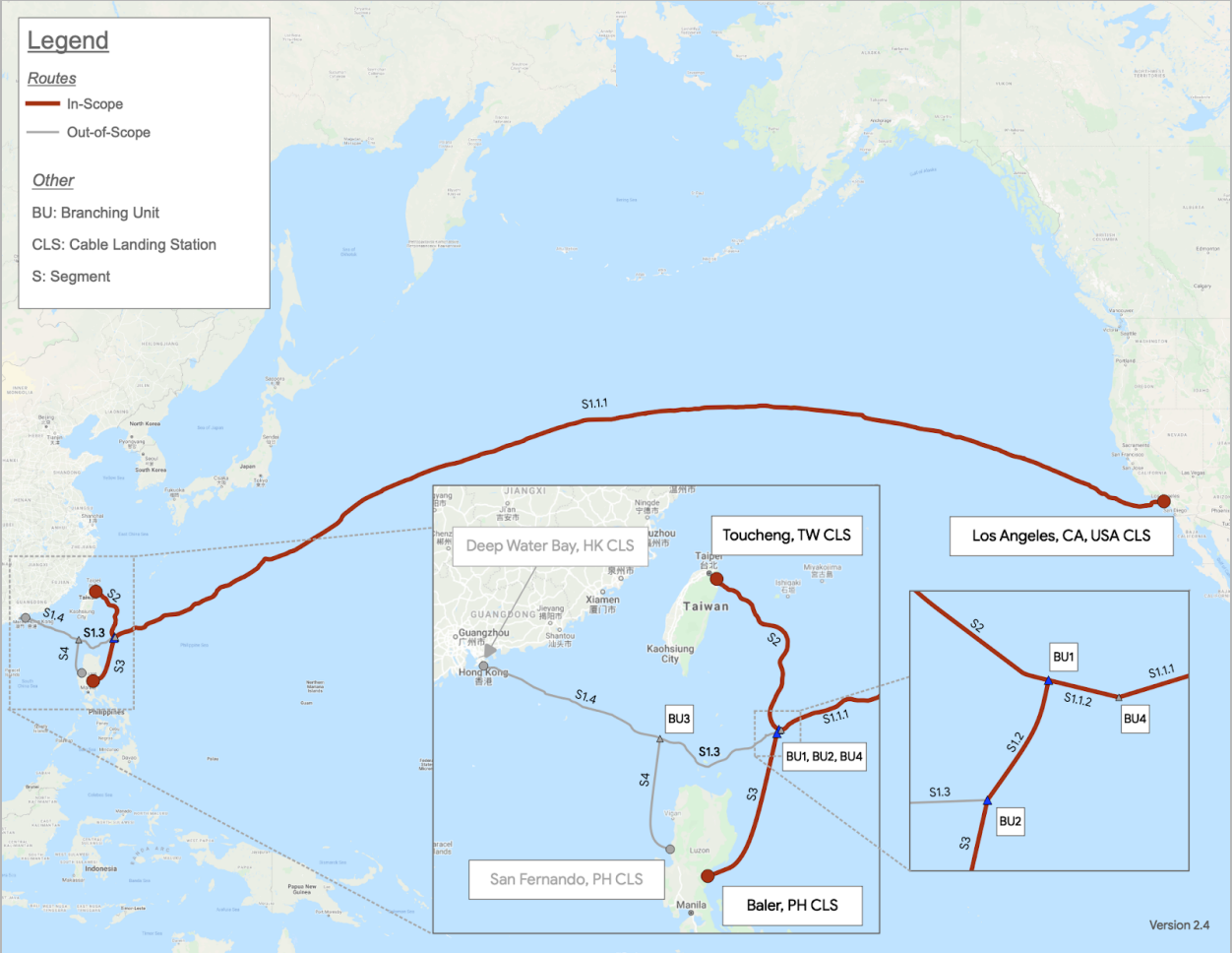


Michael L. Johnson  
Assistant Secretary  
Edge Cable Holdings USA, LLC  
1601 Willow Road  
Menlo Park, CA 94025-1452  
+1 650 543 4800  
mj@fb.com

August 26, 2020

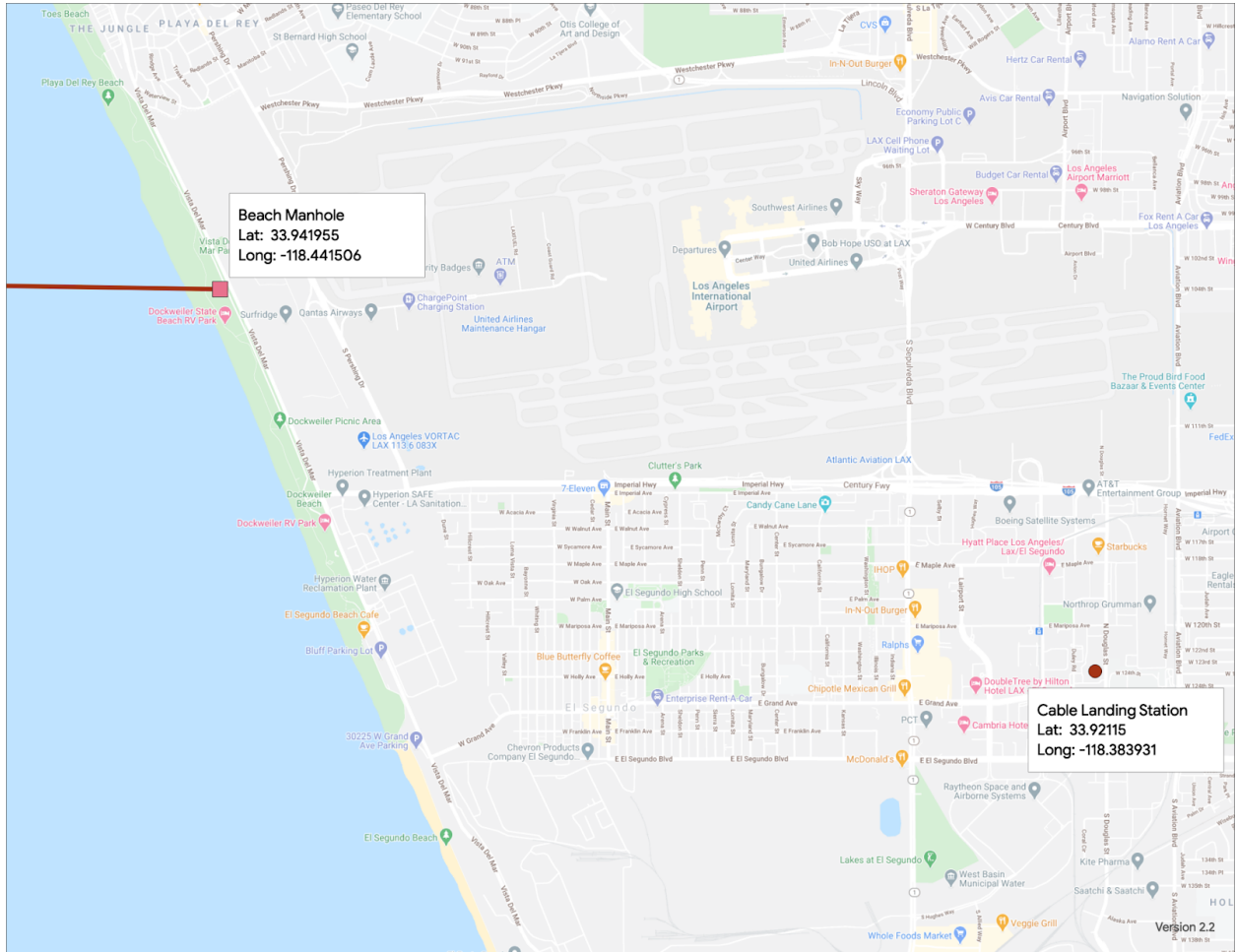
# APPENDIX D:

## Route Map



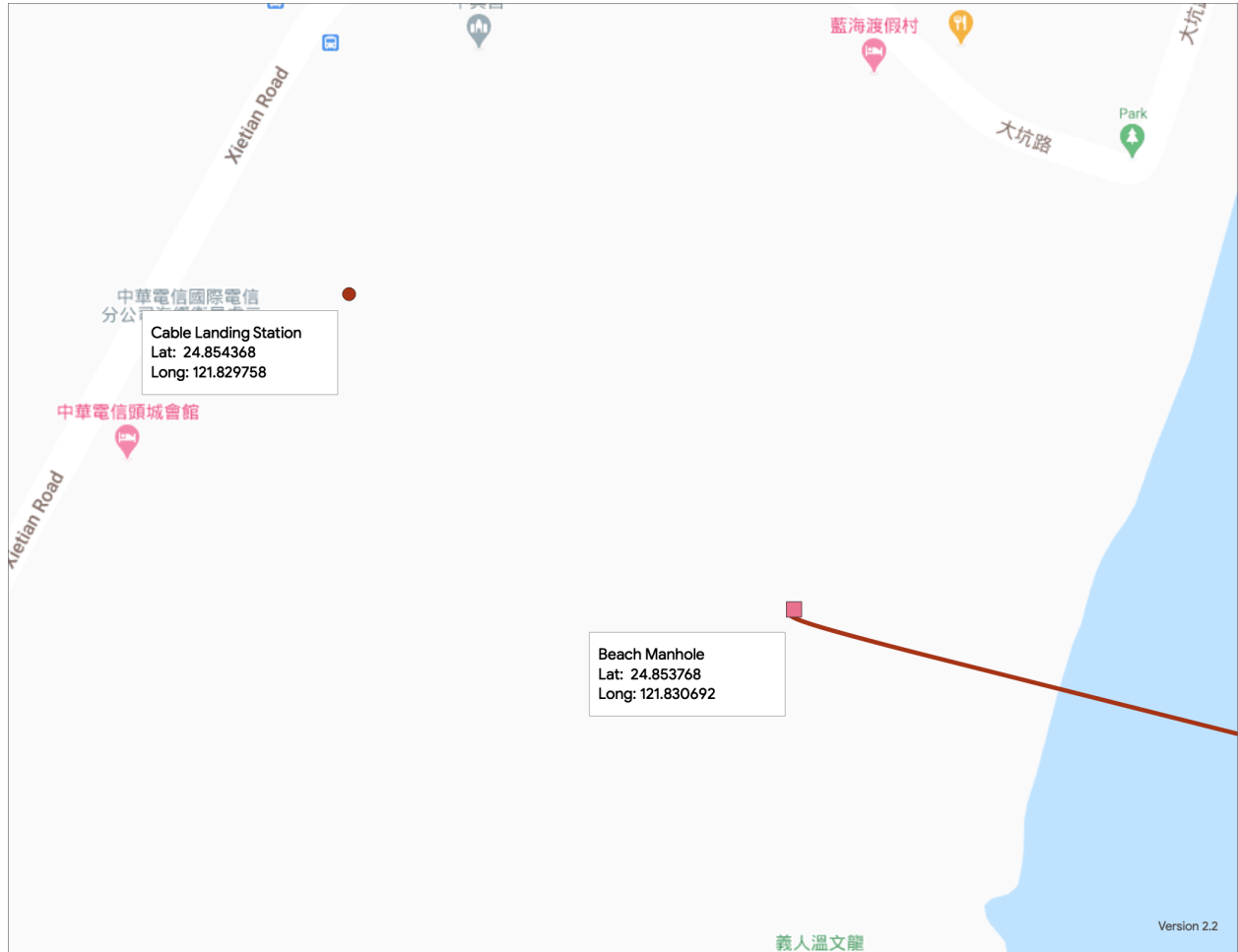
# APPENDIX E:

## Los Angeles, California



# APPENDIX F:

## Toucheng, Taiwan





# APPENDIX G:

## Baler, Philippines

