

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

In the Matters of

OFFICE DES POSTES ET TELECOMMUNICATIONS
DE POLYNESIE FRANÇAISE,

Application for License to Land and Operate a
Fiber-Optic Submarine Cable System between
the United States and French Polynesia

File No. SCL-LIC-20081008-00017

Application for Section 214 Authority to
Construct and Operate a Fiber-Optic
Submarine Cable System on a Common
Carrier Basis Linking the United States and
French Polynesia

File No. ITC-214-20081008-00453

THE HONOTUA SYSTEM

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to 47 U.S.C. §§ 34-39 and 214 and 47 C.F.R. § 63.25, Office des Postes et Télécommunications de Polynésie française (“OPT”) hereby requests special temporary authority to continue testing the Honotua submarine fiber optic system, and to commence commercial operations at its own risk, prior to the Commission's grant of OPT's pending applications for a cable landing license and international Section 214 authorization to construct, land and operate the Honotua network. Without such authority, OPT's commercial launch of Honotua will be delayed at significant cost to OPT, as OPT is unable to conclude related commercial arrangements or avoid substantial costs associated with continued use of satellite circuits to provide French Polynesia with international connectivity. OPT therefore seeks special temporary authority beginning no later than June 12, 2010, and ending 180 days from grant,

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when its current special temporary authority is scheduled to expire, or until such date as the Commission grants OPT's underlying applications, whichever event occurs first.

I. BACKGROUND

On October 8, 2008 OPT filed applications for authority to construct, land and operate Honotua, a high-capacity fiber optic submarine cable that will link the United States and French Polynesia. The Commission placed the applications, as amended, on Public Notice on July 2, 2009.¹ No party has opposed the grant of the applications.

On December 14, 2009, acting under delegated authority, the International Bureau granted a request by OPT for special temporary authority to construct and test the Honotua system prior to the grant of OPT's underlying applications. See FCC File No. ITC-STA-20091203-00528 ("Construction STA"). The Bureau granted OPT's request on the condition that OPT not connect the cable on the U.S. end or use the cable to transport traffic absent FCC grant of the underlying cable landing license and associated Section 214 overseas cable construction authority. See *id.* The Construction STA is scheduled to terminate June 12, 2010.

By Order released April 12, 2010, the Bureau also granted a request by OPT for waiver of the separate subsidiary requirement of Section 63.10(c)(1) of the Commission's rules, 47 C.F.R. § 63.10(c)(1) in connection with OPT's pending application for overseas cable construction Section 214 authorization. See *Office des Postes et Télécommunications de Polynésie française, Waiver Order*, DA 10-695 (rel. April 12, 2010) ("*Waiver Order*").

Since the Bureau's issued its *Waiver Order*, OPT has completed construction and continued testing of the Honotua cable, to the extent permitted by the Construction STA. Through its counsel, OPT has also been engaged in discussions with the U.S. Department of

¹ Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing, Public Notice Report No. SCL-00089NS, released July 2, 2009; Non-Streamlined International Applications/Petitions Accepted for Filing, Public Notice Report No. TEL-01371NS, released July 2, 2009.

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Homeland Security regarding the Network Security Agreement which DHS and other Executive Branch agencies (collectively, "Team Telecom") will require OPT to execute as a condition to the grant of its applications.

As indicated in the attached certificate of service, OPT has served copies of the instant STA request on the Executive Branch agencies.

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

OPT respectfully submits that grant of this request will serve the public interest, convenience, and necessity. As the Commission is aware, the proposed Honotua system, once constructed, will be the first submarine fiber optic cable network linking the United States and French Polynesia. Designed to provide faster, more reliable, and more affordable international broadband internet connectivity, it will furnish vital services critical to the economic development in French Polynesia, and to planned initiatives in scientific research, distance learning, and telemedicine.

OPT requires an STA in order to avoid substantial costs which it will incur if service does not commence in July 2010, as planned. Thus far, OPT has already expended over \$110 million in the construction of the Honotua network, plus an additional \$8.5 million for landing station facilities in the United States. In anticipation of the launching of its service, OPT has also commenced the tendering process for acquiring Internet connectivity from U.S. providers.

Prior to operational authority, OPT is unable to enter into connectivity agreements critical to its business, and to test connectivity – a process which U.S. providers have advised OPT will require 30-45 days – before service begins. Until operational authority is obtained, OPT will be forced to enter into more costly, less adequate arrangements in order to provide internet connectivity to its customers. At present, because of limited satellite capacity, OPT is able to

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deliver only 575 Mbps inbound/200 Mbps outbound internet service to its customers. To the extent additional satellite capacity is available, the costs of acquiring service are far higher than the projected operational costs of the Honotua network (\$40 million/year vs. \$13 million/year). Without operational authority, OPT will have no choice but to pursue these inferior, more costly options, to the detriment of consumers in French Polynesia

III. THE FCC HAS AUTHORITY TO GRANT AN STA

The Commission has ample authority to issue an STA for operational authority prior to the grant of a cable landing license and associated Section 214 authority. It has exercised that authority on numerous occasions and should also do so in this case. Neither the Cable Landing License Act nor Executive Order 10,520 (delegating submarine cable licensing authority from the President to the Commission, subject to Executive Branch review) nor Section 214 of the Communications Act of 1934, as amended, limits the Commission's ability to issue an STA for operational authority prior to grant of a cable landing license and associated Section 214 authority.² The Commission has previously granted STAs in analogous situations upon a showing of good cause.³

OPT seeks the same authority here to continue testing the Honotua submarine fiber optic system and to commence operations for the reasons stated under Section II of this request. OPT acknowledges that grant of this request will not prejudice action by the Commission on OPT's underlying applications and that any authority granted pursuant to this request is subject to cancellation or modification upon notice.

² See 47 U.S.C. §§ 34-39; Executive Order 10,520; 47 U.S.C. § 214.

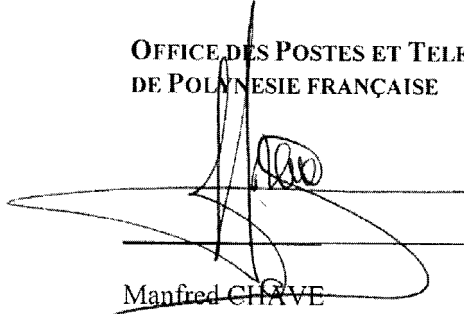
³ See, e.g., Application for Special Temporary Authority, *Cedar Cable Ltd.*, File No. SCL-STA-20081209-00020 (granted December 18, 2008) (STA granted to test and operate the CB-1 Cable System given the financial imperatives of the system); *In re Williams Communications, Inc. et al.*, 15 FCC Red 19610 (IB 2000) (granting special temporary authority for WiTel's continued participation in operation of undersea cable systems, prior to formal approval being given by the Executive Branch, in light of WiTel's dire financial circumstances).

IV. CONCLUSION

As demonstrated above, Commission grant of an STA is consistent with the Cable Landing License Act and the Communications Act and will serve the public interest, convenience and necessity. OPT respectfully urges the Commission to grant this request as soon as possible and no later than June 12, 2010.

Respectfully submitted,

**OFFICE DES POSTES ET TELECOMMUNICATIONS
DE POLYNESIE FRANÇAISE**

A handwritten signature in black ink, appearing to read 'Manfred CHAVE', is written over a horizontal line. The signature is stylized and somewhat illegible.

Manfred CHAVE
General Manager
8 rue de la Reine Pomare IV
Papeete, 98713
Tahiti, French Polynesia

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Eric Fishman
HOLLAND & KNIGHT LLP
195 Broadway
New York, New York 10007-3189
Tel: 212-513-3268

*Counsel for Office des Postes et
Télécommunications de Polynésie française*

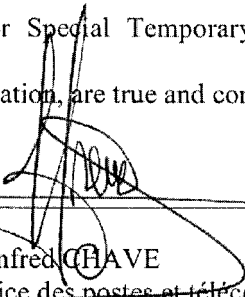
Kent D. Bressie
WILTSHIRE & GRANNIS LLP
1200 18th Street, N.W.
Suite 1200
Washington, D.C. 20036-2516
+1 202 730 1337 tel

*Counsel for Office des Postes et
Télécommunications de Polynésie française*

June 3rd, 2010

**CERTIFICATION OF
OFFICE DES POSTES ET TELECOMMUNICATIONS**

The undersigned respectfully certifies under penalty of perjury that he has read the foregoing Application for Special Temporary Authority and that the statements contained therein, and in this certification, are true and correct.



By: Manfred CHAVE
~~Office des postes et télécommunications de Polynésie française~~
General Manager
8 rue de la Reine Pomare IV
Papeete, 98713
Tahiti, French Polynesia *pe*

June 3, 2010


CERTIFICATE OF SERVICE

I, Eric Fishman, hereby certify that I have served copies of the foregoing Request for Special Temporary Authority, by hand- or overnight delivery on this 7th day of June 2010, to the following:

Ambassador Philip Verveer
U.S. Coordinator
Int'l Communications & Information Policy
Bureau of Economic, Energy & Business Affairs
U.S. DEPARTMENT OF STATE
EB/CIP : Room 4826
2201 C Street, N.W.
Washington, D.C. 20520-5818

Kathy Smith
Chief Counsel
U.S. DEPARTMENT OF COMMERCE/NTIA
14th Street and Constitution Avenue, N.W.
Room 4713
Washington, D.C. 20230

Hillary Morgan
Deputy General Counsel, Regulatory &
International Law
Code RGC
DEFENSE INFORMATION SYSTEMS AGENCY
701 South Courthouse Road
Arlington, Virginia 22204



Eric Fishman