

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

In the Matter of)	
)	
GU HOLDINGS INC., CHINA MOBILE)	
INTERNATIONAL LIMITED, CHINA)	
TELECOM GLOBAL LIMITED, GLOBAL)	
TRANSIT 2 LIMITED, KDDI CORPORATION,)	File No. SCL-LIC-20150626-00015
and SINGAPORE TELECOM USA INC.)	
)	
Application for a License to Construct, Land,)	
and Operate an Undersea Fiber Optic Cable)	
Connecting the U.S., Japan, and Taiwan)	

APPLICATION FOR SPECIAL TEMPORARY AUTHORITY

GU Holdings Inc. (“GU Holdings”),¹ China Mobile International Limited (“CMI”), China Telecom Global Limited (“CTG”), Global Transit 2 Limited (“GT2L”), KDDI Corporation (“KDDI”), and Singapore Telecom USA Inc. (“Singtel USA”)² (collectively, the “Parties” or the “Applicants”), pursuant to 47 U.S.C. §§ 34-39 and 47 C.F.R. § 63.25, hereby request Special Temporary Authority (“STA”) to begin constructing and testing the FASTER cable system (“FASTER”) during the Commission’s consideration of the above captioned pending application for a license to construct, land, and operate FASTER. Specifically, the Parties seek a 180-day STA commencing on August 17, 2015, in order to avoid potentially costly delays. The Parties seek an STA only to proceed with construction and construction-related testing of FASTER. The cable will not be put into commercial service until all necessary authorizations have been received. Further, the Parties acknowledge that grant of this request

¹ GU Holdings is an indirect, wholly-owned subsidiary of Google Inc. (“Google”).

² Singtel USA is the U.S. operating subsidiary of Singapore Telecommunications Limited (“Singtel”).

will not prejudice action by the Commission on the underlying application and that any authority granted pursuant to this request is subject to cancellation or modification upon notice. The Commission has authority to issue the STA³ and has previously granted STAs seeking similar relief.⁴

I. BACKGROUND

On June 26, 2015, the Parties filed an application (the “Application”) for authority to construct, land, and operate FASTER, a high-capacity fiber optic that will link the U.S., Japan, and Taiwan.⁵ On July 29, 2015, the Commission placed the Application on public notice.⁶ The Parties are engaged in the governmental and commercial discussions necessary for the operation of FASTER’s facilities in the United States; however, the Parties do not expect that those discussions will be concluded in time for the Commission to fully consider and grant the underlying Application by August 17, 2015. On July 28, 2015, the Parties notified the Executive Branch, through the Department of Homeland Security, of their intent to file the STA. The Executive Branch has raised with the Parties no concerns regarding, or objections to, the STA.

³ The Parties note that the Commission has the authority to issue an STA to begin the testing and operation of a submarine cable prior to the grant of an FCC license. Neither the Cable Landing License Act (47 U.S.C. §§ 34-39) nor Executive Order 10,520 (delegating submarine cable licensing authority from the President to the FCC) limits the FCC’s ability to issue an STA to permit construction, testing, and operation prior to the grant of a cable landing license.

⁴ See, e.g., Application for Special Temporary Authority, *GU Holdings Inc.*, File No. SCL-STA-20090401-00007 (granted Apr. 16, 2009); Application for Special Temporary Authority, *Cedar Cable Ltd.*, File No. SCL-STA-20081209-00020 (granted Dec. 18, 2008); Application for Special Temporary Authority, *Asia America Gateway Consortium*, File No. SCL-STA-20080509-00213 (granted May 16, 2008); Application for Special Temporary Authority, *Trans-Pacific Express Cable Network Consortium*, File No. SCL-STA-20070906-00016 (granted Sep. 19, 2007).

⁵ File No. SCL-LIC-20150626-00015.

⁶ Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00166S (rel. July 29, 2015).

II. THE PARTIES REQUEST AN STA TO COMMENCE CONSTRUCTION

Authorization to begin construction in August is needed to avoid potentially costly delays due to supplier and ship availability, weather conditions, and the commercial fishing season.

The supplier for FASTER, NEC Corporation and NEC Corporation of America (together, “NEC”), has dedicated a cable laying ship, the Rene Descartes, to the FASTER project. The Rene Descartes is scheduled to arrive in Victoria, Canada, with cable loaded, on August 13, 2015. Installation of the cable on and around the Oregon coast is currently scheduled to begin on August 17, 2015. If construction cannot start on August 17, and the scheduled window for installation is missed, the Rene Descartes would cease to be available for the installation. Obtaining and deploying a replacement cable laying ship will have very significant costs for the Parties.

Furthermore, if construction began much later than August 17, 2015, installation would be threatened by the region’s volatile fall and winter weather and further delay until the spring of 2016 would be likely. Storms, large oceanic swells, and offshore winds are common in the North Pacific from November to February and can slow down or prevent installation activities, especially close to the Oregon coast. Grant of the STA allowing construction to start on August 17 will provide NEC an opportunity to complete its work before the onset of winter weather.

Finally, the current construction schedule for FASTER has been approved by representatives of the commercial fishermen in Oregon as not conflicting with fishing activities along the cable route. The Northwestern commercial fishery is highly regulated, and certain marine life may only be harvested during prescribed times of the year. Delaying the start of FASTER’s installation off the Oregon coast could cause construction to interfere with the fall and winter fishing seasons. On the other hand, beginning construction on August 17 as scheduled will assist the Parties in maintaining their good working relationship with fisherman in the cable

area, who also have input into other aspects of the project. Similarly, installation during good weather conditions, as currently planned for FASTER, provides the best possible cable burial results and decreases the chance that the cable will interfere with fishing activities in later years.

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

Upon deployment, FASTER will help connect U.S. Internet users and businesses to Asia, the world's biggest Internet market, increase competition on the trans-Pacific route, and enhance the service quality, redundancy, and resilience of communications systems used by U.S. businesses and consumers. The FASTER project, moreover, provides opportunities for both short-term job creation and long-term employment in this country.

Delaying the construction start date for FASTER would (i) delay the availability of the substantial transmission capacity of FASTER, (ii) impose significant economic costs on the Parties, and (iii) possibly interfere with the fishing season around the Oregon coast. Depending on the length of the delay, the financial viability of the project could be at risk. Conversely, grant of the requested authorization would help ensure realization of the project's public benefits.

IV. CONCLUSION

The public interest, convenience, and necessity will be served by a grant of this request for Special Temporary Authority to construct and test the FASTER cable system between the U.S., Japan, and Taiwan. The Parties respectfully requests that the Commission grant this request as expeditiously as possible, and in any event no later than Friday, August 14, 2015.

Respectfully submitted,

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Dated: August 4, 2015

