

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

DOCOMO PACIFIC, INC.

Application for a License to Land and Operate a
Private Fiber-Optic Submarine Cable System
Connecting Guam with Saipan, Rota, and Tinian
in the Commonwealth of the Northern Mariana
Islands,

THE ATISA SYSTEM

File Nos. SCL-LIC-20160314-00008
SCL-AMD-20161012-00020
SCL-STA-2017-_____

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, DOCOMO Pacific, Inc. (“DOCOMO Pacific,” FRN 0004242723), hereby requests special temporary authority (“STA”) to construct, connect the U.S. end points of, and test at its own risk those portions of the Atisa system in U.S. territory prior to the Commission’s grant of Docomo Pacific’s pending cable landing license application.¹ Without such authority, construction of Atisa would likely be delayed at significant cost to DOCOMO Pacific and thereby delay the benefits of new, geographically-diverse capacity connecting Guam and the Commonwealth of the Northern Mariana Islands (“CNMI”). DOCOMO Pacific therefore seeks STA beginning no later than February 15, 2017, and ending 180 days from grant. DOCOMO Pacific has notified the Team Telecom agencies of this request.

¹ DOCOMO Pacific, Inc., Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting Guam with Saipan, Rota, and Tinian in the Commonwealth of the Northern Mariana Islands, the Atisa System, FCC File No. SCL-LIC-2016034-00008 (filed Mar. 14, 2016), as amended FCC File No. SCL-AMD-20161012-00020 (filed Oct. 12, 2016) (revising landing point details) (“Atisa Application”).

DOCOMO Pacific acknowledges that grant of such STA will not prejudice action by the Commission on the underlying application and that such STA is subject to cancellation or modification upon notice. Further, DOCOMO Pacific acknowledges that such STA can be revoked by the Commission on its own motion without a hearing.

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

DOCOMO Pacific respectfully submits that grant of this STA request will serve the public interest, convenience, and necessity and otherwise comply with U.S. law and Commission regulations. On March 14, 2016, DOCOMO Pacific applied for authority to land and operate the new Atisa cable system connecting Guam with Saipan, Rota, and Tinian in the CNMI. The Commission placed the application on streamlined public notice on April 20, 2016.² The Team Telecom agencies later requested that the application be processed on a non-streamlined basis pending completion of a national-security review. Atisa will provide redundancy and geographic diversity on the Guam-CNMI route using the latest technology and a more secure route, thereby reducing the risk of a catastrophic outage like that suffered by the CNMI in July 2015.³ Atisa will also provide much-needed competition on what is currently one of the world's most expensive routes.⁴

DOCOMO Pacific believes that it is nearing completion of the national security review conducted by the Team Telecom agencies. Nevertheless, DOCOMO Pacific cannot be certain that the Team Telecom review will be completed and the cable landing license granted by early mid-February 2017, when the system—which has already been manufactured in its entirety and

² *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. SCL-00180S (rel. Apr. 20, 2016).

³ *See* Atisa Application at 2.

⁴ *See id.* at 3, 8.

loaded on a cable ship for installation—will depart for Guam to commence marine installation. System loading sets in motion a series of interrelated processes the delay or reordering of which would impose substantial costs on the Applicants and raise concerns about continuing cable ship availability. Consequently, DOCOMO Pacific seeks STA now in order to ensure that construction and testing in U.S. territory may proceed on schedule.

Grant of DOCOMO Pacific’s STA request will serve the public interest in two particular ways. *First*, it will ensure the timely construction and commencement of operations of Atisa, bringing much-needed, more reliable, and geographically diverse capacity to Guam-CNMI routes. *Second*, it would avoid imposing needless and avoidable costs on DOCOMO Pacific.

II. THE FCC HAS AUTHORITY TO GRANT THE STA

The Commission has ample authority to issue an STA for construction and testing prior to the grant of a cable landing license. 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) limits the Commission’s ability to issue an STA for construction, testing, and/or operational authority prior to grant of a cable landing license.⁵

To the contrary, the Commission has exercised such authority on numerous occasions and should also do so in this case. Most recently, the Commission has granted upon a showing of good cause STA for purposes of construction in U.S. territory, connection of a system’s end points, and testing in U.S. territory prior to the issuance of a cable landing license for the SEA-

⁵ See 47 U.S.C. §§ 34-39; Executive Order 10,530.

US, Quintillion, Monet, and FASTER systems.⁶ DOCOMO Pacific seeks the same authority here to construct, connect the U.S. end points, and test the Atisa system in U.S. territory.

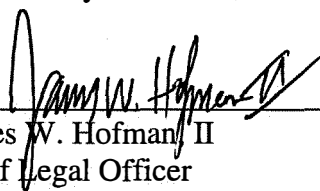
CONCLUSION

For the foregoing reasons, the Commission should expeditiously grant this STA request.

Respectfully submitted,

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

Counsel for DOCOMO Pacific, Inc.


James W. Hofman, II
Chief Legal Officer
DOCOMO PACIFIC, INC.
219 South Marine Corps Drive, Suite 206
Tamuning, Guam 96913
+1 671 688 2355
jhofman@docomopacific.com

9 February 2017

⁶ See, e.g., GTI Corporation *et al.*, Request for Special Temporary Authority, FCC File No. SCL-STA-20160914-00018 (granted Sept. 26, 2016) (granting STA to construct and test U.S.-territory facilities for the SEA-US submarine cable system prior to the grant of a cable landing license); Quintillion Subsea Operations, LLC, Request for Extension of Special Temporary Authority, FCC File No. SCL-STA-20160907-00017 (granted Sept. 20, 2016) (granting request to extend STA to construct, land, and test the Quintillion submarine cable system prior to the grant of a cable landing license); Quintillion Subsea Operations, LLC, Revised Application for Special Temporary Authority, FCC File No. SCL-STA-20160330-00010 (granted Apr. 11, 2016) (granting STA to construct, land, and test the Quintillion submarine cable system prior to the grant of a cable landing license); GU Holdings, Inc., Application for Special Temporary Authority, FCC File No. SCL-STA-20160630-00014 (granted July 11, 2016) (granting STA to construct and test U.S.-territory facilities for the Monet submarine cable system prior to the grant of a cable landing license); GU Holdings, Inc., Application to Extend Special Temporary Authority, FCC File No. SCL-STA-20160204-00006 (granted Feb. 17, 2016) (granting request to extend STA to construct and test U.S.-territory facilities for the FASTER submarine cable system prior to the grant of a cable landing license); GU Holdings, Inc., Application for Special Temporary Authority, FCC File No. SCL-STA-20150804-00025 (granted Aug. 12, 2015) (granting STA to construct and test U.S.-territory facilities for the FASTER submarine cable system prior to the grant of a cable landing license).

CERTIFICATE OF SERVICE

I, Kent Bressie, hereby certify that consistent with 47 C.F.R. § 1.767(j), I have served copies of the foregoing request for special temporary authority for the Atisa submarine cable system, by hand delivery or electronic mail this 9th day of February, 2017, to the following:

Julie Zoller
U.S. Coordinator and Deputy Assistant Secretary of State (Acting)
Int'l Communications & Information Policy
Bureau of Economic and Business Affairs
U.S. DEPARTMENT OF STATE
EB/CIP : Room 4634
2201 C Street, N.W.
Washington, D.C. 20520-4634

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

William E. Brazis
General Counsel
DEFENSE INFORMATION SYSTEMS AGENCY
6910 Cooper Avenue
Fort Meade, Maryland 20755

A handwritten signature in black ink, appearing to read 'Kent Bressie', written over a horizontal line.

Kent Bressie