

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

EDGE CABLE HOLDINGS USA, LLC
MICROSOFT INFRASTRUCTURE GROUP, LLC
TELEFÓNICA INTERNATIONAL WHOLESALE
SERVICES AMÉRICA, S.A., AND
TELXIUS CABLE USA, INC.,

Application for a License to Land and Operate a
Private Fiber-Optic Submarine Cable System
Connecting the United States and Spain,

THE MAREA SYSTEM

File Nos. SCL-LIC-20160525-00012
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, Edge Cable Holdings USA, LLC (FRN 0025613159), Microsoft Infrastructure Group, LLC (FRN 0024920977), Telefónica International Wholesale Services América S.A. (FRN 0022340871), and Telxius Cable USA, Inc. (formerly known as Telefónica International Wholesale Services USA, Inc., FRN 0006650618) (collectively, the “Applicants”), hereby request special temporary authority (“STA”) to construct, connect the U.S. end points of, and test at their own risk those portions of the MAREA system in U.S. territory prior to the Commission’s grant of the Applicants’ pending cable landing license application.¹ Without such authority, construction of

¹ See Edge Cable Holdings USA, LLC, Microsoft Infrastructure Group, LLC, Telefónica International Wholesale Services América S.A., and Telxius Cable USA, Inc., Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting the United States and Spain, the MAREA System, FCC File No. SCL-LIC-20160525-00012 (filed May 25, 2016) (“MAREA Application”).

the MAREA system would likely be delayed at significant cost to the Applicants and thereby delay the benefits of new U.S.-Europe capacity. The Applicants therefore seek STA beginning no later than March 24, 2017, and ending 180 days from grant. The Applicants have notified the Team Telecom agencies of this request.

The Applicants acknowledge 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, the Applicants acknowledge 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

The Applicants respectfully submit 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 May 25, 2016, the Applicants jointly applied for authority to land and operate the new MAREA system connecting Virginia Beach, Virginia, and Bilbao, Spain. The Commission placed the application on streamlined public notice on June 30, 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. The MAREA system will offer capacity in large increments until the year 2043, far beyond the useful life of many existing systems serving U.S.-Europe routes—routes where capacity demand continues to grow significantly.³ It will also provide critical low-latency, U.S.-Europe connectivity for data centers in Virginia and North Carolina.⁴

² *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. SCL-00185S (rel. June 30, 2016).

³ See MAREA Application at 2.

⁴ See *id.*

The Applicants believe that they are nearing completion of the national security review conducted by the Team Telecom agencies. Nevertheless, the Applicants cannot be certain that the Team Telecom review will be completed and the cable landing license granted by March 24, 2017, the date by which the Applicants and the system supplier need licensing certainty in order to commence loading onto a cable ship of the Virginia Beach shore end of the MAREA system. 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, the Applicants seek STA now in order to ensure that construction and testing in U.S. territory may proceed on schedule.

Grant of the Applicants' STA request will serve the public interest in two particular ways. *First*, it will ensure the timely construction and commencement of operations of the MAREA system, with long-term, large-increment, low-latency capacity for U.S.-Europe routes. *Second*, it would avoid imposing needless and avoidable costs on the Applicants.

II. THE FCC HAS AUTHORITY TO GRANT THE STA REQUEST

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

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

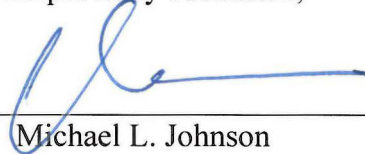
of good cause STA for purposes of construction in U.S. territory, connection of a system's end points, and testing in U.S. territory prior to the issuance of a cable landing license for the Atisa, SEA-US, Quintillion, Monet, and FASTER systems.⁶ The Applicants seek the same authority here to construct, connect the U.S. end points, and test the MAREA system in U.S. territory.

⁶ See, e.g., DOCOMO Pacific, Inc., Request for Special Temporary Authority, FCC File No. SCL-STA-20170209-00002 (granted Feb. 15, 2017) (granting STA to construct and test U.S.-territory facilities for the Atisa submarine cable system prior to the grant of a cable landing license); 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).

CONCLUSION

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

Respectfully submitted,



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CONCLUSION

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

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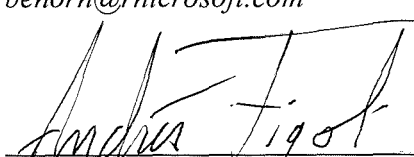
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17 March 2017

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 MAREA submarine cable system, by hand delivery or electronic mail this 17th day of March, 2017, to the following:

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

Kent Bressie