

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

In the Matter of)	
)	
GU HOLDINGS INC., EDGE CABLE)	File Nos. SCL-LIC-20170421-00012
HOLDINGS USA, LLC and PACIFIC LIGHT)	SCL-AMD-20171227-00025
DATA COMMUNICATION CO. LTD.)	SCL-STA-2018_____
)	
Application for a License to Construct, Land,)	
and Operate an Undersea Fiber Optic Cable)	
Connecting the United States, Hong Kong,)	
Taiwan, and the Philippines)	

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to 47 U.S.C. §§ 34-39, Executive Order 10530, and 47 C.F.R. § 1.767, GU Holdings Inc., Edge Cable Holdings USA, LLC, and Pacific Light Data Communication Co. Ltd. (collectively, the “Applicants”), hereby request special temporary authority (“STA”) to construct, connect, and test the portion of the Pacific Light Cable Network (“PLCN”) in U.S. territory prior to the Commission’s grant of the Applicants’ pending cable landing license application.¹ Without such authority, construction of PLCN would likely be delayed at significant cost to the Applicants and thereby delay the benefits of new trans-Pacific capacity that PLCN will provide. The Applicants therefore seek STA beginning no later than October 1, 2018, 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

¹ See GU Holdings Inc., Edge Cable Holdings USA, LLC, and Pacific Light Data Communications 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) (*PLCN Application*).

modification upon notice. The Commission has authority to grant STA and has previously granted STA requests seeking similar relief.

I. BACKGROUND

On April 21, 2017, the Applicants applied for authority to construct, land, and operate PLCN, a high-capacity fiber-optic submarine cable system connecting the U.S., Hong Kong, Taiwan, and the Philippines.² The Commission placed the application on streamlined public notice on November 1, 2017,³ but later removed the application from streamlined processing at the request of the Team Telecom agencies pending completion of a national security review. On December 27, 2017, the Applicants filed an amendment to the application reflecting a change to the ownership structure for Pacific Light Data Communication Co. Ltd.⁴ On January 22, 2018, the Commission placed the amended application on streamlined public notice,⁵ but once again removed the application from streamlined processing at the request of the Team Telecom agencies pending completion of the national security review.

The Applicants are engaged in the governmental and commercial discussions necessary for the national security review. However, the Applicants do not expect that those discussions will be concluded in time for the Commission to fully consider and grant the underlying application by October 1, 2018, the date by which the Applicants and the system supplier need licensing certainty in order to commence marine operations, including laying the cable, in U.S.

² *See id.*

³ *See* Streamlined Submarine Cable Landing License Applications Accepted for Filing, Public Notice, Report No. SCL. 00204S (rel. Nov. 1, 2017).

⁴ *See* Amendment to Application for a Cable Landing License, FCC File No. SCL-AMD-20171227-00025 (filed Dec. 27, 2017).

⁵ *See* Streamlined Submarine Cable Landing License Applications Accepted for Filing, Public Notice, Report No. SCL. 00208S (rel. Jan. 22, 2018).

territory. Laying the cable is part of a series of interrelated processes, the delay or reordering of which would impose substantial costs on the Applicants and raise concerns about the continuing availability of a cable-laying ship for the project. Consequently, the Applicants seek STA now in order to ensure that construction, connection, and testing in U.S. territory may proceed on schedule. The Applicants do not seek authority for other operation of PLCN.

II. GRANT OF THE STA REQUEST 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.

Delaying the construction start date for PLCN would delay the availability of the substantial transmission capacity of PLCN and impose significant economic costs on the Applicants. Depending on the length of the delay, the financial viability of the project could be at risk. Conversely, grant of this STA request would help ensure realization of the project's public benefits. Specifically, PLCN will (i) help connect U.S. Internet users and businesses to Asia, the world's biggest Internet market; (ii) increase competition on the trans-Pacific route; and (iii) enhance the service quality, redundancy, and resilience of communications systems in the region.⁶

III. THE FCC HAS AUTHORITY TO GRANT THE STA REQUEST

The Commission has on numerous occasions granted STAs for construction, connection, and testing prior to the grant of a cable landing license, and it should also do so in this case. Most recently, the Commission has granted, upon showings similar to the facts presented here, STAs

⁶ *PLCN Application* at 3.

for construction, connection, and testing of the Crosslake Fibre, Hawaiki, and BRUSA cable systems.⁷ Neither the Cable Landing License Act nor Executive Order 10530 (delegating submarine cable licensing authority from the President to the Commission, subject to Executive Branch review) limits the Commission's ability to issue such relief.⁸ The Applicants seek similar authority here to construct, connect, and test PLCN in U.S. territory.

IV. CONCLUSION

For the foregoing reasons, the Commission should grant this STA request as expeditiously as possible, and in any event no later than October 1, 2018.

Respectfully submitted,



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⁷ See Request for Special Temporary Authority, FCC File No. SCL-STA-20180606-00014 (granted Jun. 18, 2018); Request for Special Temporary Authority, FCC File No. SCL-STA-20170721-00018 (granted Jul. 28, 2017); Request for Special Temporary Authority, FCC File No. SCL-STA-20170712-00017 (granted Jul. 19, 2017).

⁸ See 47 U.S.C. §§ 34-39; Executive Order 10530, 19 Fed. Reg. 2709 (May 10, 1954).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served this date upon the following:

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September 7, 2018