

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

AMERICA EUROPE CONNECT 2 USA INC.,
AMERICA EUROPE CONNECT 2 LIMITED,
EDGE CABLE HOLDINGS USA, LLC,
GU HOLDINGS, INC., AND
OPTIBULK HAVFRUE AS.

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

THE HAVFRUE SYSTEM

File Nos. SCL-LIC-20180511-00010
SCL-STA-2019_____

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, America Europe Connect 2 USA Inc., America Europe Connect 2 Limited, Edge Cable Holdings USA, LLC, GU Holdings, Inc., and Optibulk Havfrue AS (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 Havfrue system in U.S. territory prior to the Commission’s grant of the Applicants’ pending cable landing license application.¹ Without such authority, the Havfrue system would likely be delayed at significant cost to the Applicants, thereby delaying

¹ America Europe Connect 2 USA, Inc., America Europe Connect 2 Limited, Edge Cable Holdings USA, LLC, GU Holdings, Inc., and Optibulk Havfrue AS, Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting the United States, Denmark, Ireland, and Norway, File No. SCL-LIC-20180511-00010 (filed May 11, 2018) (“Application”).

the benefits of new capacity on U.S.-Europe routes. The Applicants therefore seek STA beginning no later than July 31, 2019, and ending 180 days from grant. The Applicants have notified the Team Telecom agencies of this request.

The Applicants acknowledge that grant of this request will not prejudice action by the Commission on the underlying Application and that this 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 STA WILL SERVE THE PUBLIC INTEREST AND WILL NOT FRUSTRATE THE COMMISSION’S RULES

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 11, 2018, the Applicants jointly applied for authority to land and operate the new Havfrue system connecting the United States, Denmark, Ireland, and Norway. The Commission placed the application on streamlined public notice on May 25, 2018.² The Team Telecom agencies later requested that the application be processed on a non-streamlined basis pending completion of a national security review. The Havfrue system will offer capacity in large increments until the year 2045, 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 operated by certain of Havfrue’s owners.⁴

² *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. SCL-00214S (rel. May 25, 2018).

³ Application at 2.

⁴ *Id.* at 2-3.

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

II. THE FEDERAL COMMUNICATIONS COMMISSION 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 10,530 (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. 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-US, Atisa, Marea, BRUSA, and Crosslake Fibre systems.⁶ The Applicants seek the same authority here to construct, connect the U.S. end points, and test the Havfrue system in U.S. territory.

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

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); DOCOMO Pacific, Inc., Application 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); Edge Cable Holdings USA, LLC, *et al.*, Request for Special Temporary Authority, FCC File No. SCL-STA-20170318-00007 (granted Mar. 24, 2017) (granting STA to construct and test U.S.-territory facilities for the Marea submarine cable system prior to

CONCLUSION

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

Respectfully submitted,

AMERICA EUROPE CONNECT 2 USA INC.
(as lead applicant)



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July 17, 2019

the grant of a cable landing license); Telxius Cable USA, Inc., *et al.*, Request for Special Temporary Authority, FCC File No. SCL-STA-20170712-00017 (granted July 19, 2017) (granting STA to construct and test U.S.-territory facilities for the BRUSA submarine cable system prior to the grant of a cable landing license); Crosslake Fiber USA LP, Request for Special Temporary Authority, FCC File No. SCL-STA-20180606-00014 (granted June 18, 2018) (granting STA to construct and test U.S.-territory facilities for the Crosslake Fibre 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 by hand delivery or electronic mail this 17th day of July, 2019, to the following:

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