

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

In the Matter of)	
)	
GU HOLDINGS INC., AARNET PTY LTD,)	File Nos. SCL-LIC-20190502-00016
RTI JGA PTE. LTD., and)	SCL-STA-2019 _____
RTI CONNECTIVITY PTE. LTD.)	
)	
Application for a License to Construct, Land,)	
and Operate a Submarine Cable)	
Connecting Guam and Australia)	

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39, Executive Order 10,530, and 47 C.F.R. § 1.767, GU Holdings Inc., AARNet Pty Ltd, RTI JGA Pte. Ltd., and RTI Connectivity Pte. Ltd. (collectively, “Applicants”) hereby request special temporary authority (“STA”) to construct, connect, and test the portion of the JGA South cable system in U.S. territory prior to the Commission’s grant of Applicants’ pending cable landing license application.¹ Without such authority, construction of the JGA South cable system would likely be delayed at significant cost to Applicants and thereby delay the benefits of new Guam-Australia capacity that the cable will provide. Applicants therefore seek STA beginning no later than September 13, 2019, and ending 180 days from grant. Applicants have notified the Team Telecom agencies of this request.

¹ See GU Holdings Inc., *Application for a License to Construct, Land, and Operate a Submarine Cable Connecting Guam and Australia*, FCC File No. SCL-LIC-20190502-00016 (filed May 2, 2019) (*JGA South Application*); see also Public Notice, *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Report No. SCL. 00244S (rel. June 21, 2019) (*Public Notice*).

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. The Commission has authority to grant the requested STA and has previously granted STA requests seeking similar relief.

I. BACKGROUND

On May 2, 2019, Applicants applied for authority to construct, land, and operate JGA South, a high-capacity fiber-optic submarine cable system connecting Guam and Australia.² The Commission placed the JGA South Application on public notice (streamlined processing) on June 21, 2019,³ but later removed the application from streamlined processing at the request of the Team Telecom agencies pending completion of a national security and law enforcement review.

Applicants are pursuing discussions with the Team Telecom agencies to complete a national security review of the Application. However, Applicants do not expect that those discussions will be concluded in time for the Commission to fully consider and grant the underlying application by September 13, 2019, the date on which Applicants and the system supplier plan to begin laying the cable in U.S. territory. Laying the cable is part of a series of interrelated processes, the delay or reordering of which would impose substantial additional costs on Applicants and raise concerns about the continuing availability of a cable-laying ship for the project. Consequently, Applicants seek STA now in order to ensure that construction, connection, and testing in U.S. territory may proceed on schedule. With this request, Applicants do not seek authority for other operation of the cable and will not begin to provide service using

² See *JGA South Application*.

³ See *Public Notice*.

the JGA South cable system until a cable landing license or STA for operation is issued by the Commission.

II. GRANT OF THE STA REQUEST WILL SERVE THE PUBLIC INTEREST

Grant of this STA request will serve the public interest, convenience, and necessity. Delaying the construction start date for the cable would delay the availability of its substantial transmission capacity and impose significant economic costs on 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 to ensure realization of the project's public benefits. Specifically, the JGA South cable will provide significant new and replacement capacity on the Guam-Australia route, where demand has increased substantially in recent years. JGA South will be the first new cable system to directly connect Guam to Australia since 2009.⁴

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. Recently, the Commission granted, upon showings similar to the facts presented here, STAs for construction, connection, and testing of the Taino-Carib and Curie cable systems.⁵ 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 such relief.⁶ Applicants seek similar authority here to construct, connect, and test JGA South in U.S. territory.

⁴ *JGA South Application* at 1-2.

⁵ See Request for Extension of Special Temporary Authority, FCC File No. SCL-STA-20190128-00002 (granted Feb. 22, 2019); Request for Extension of Special Temporary Authority, FCC File No. SCL-STA-20190530-00017 (granted June 13, 2019).

⁶ See 47 U.S.C. §§ 34-39; Executive Order 10530, 19 Fed. Reg. 2709 (May 10, 1954).

IV. CONCLUSION

For the foregoing reasons, the Commission should grant this STA request as expeditiously as possible, and in any event no later than September 13, 2019.

Respectfully submitted,

/s/ Ulises R. Pin

Ulises R. Pin

Brett P. Ferenchak

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Ave., NW

Washington, DC 20004

(202) 373-6000

ulises.pin@morganlewis.com

brett.ferenchak@morganlewis.com

Counsel for GU Holdings Inc.

August 9, 2019

CERTIFICATE OF SERVICE

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

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(via first class U.S. mail, postage prepaid)

U.S. Coordinator
EB/CIP
U.S. Department of State
2201 C Street, NW
Washington, DC 20520-5818
(via first class U.S. mail, postage prepaid)

David Krech
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(via electronic mail to david.drech@fcc.gov)

Defense Information Systems Agency
Attn: GC/DO1
6910 Cooper Avenue
Fort Meade, MD 20755-7088
(via first class U.S. mail, postage prepaid)

Denise Coca
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(via electronic mail to denise.coca@fcc.gov)

Office of Chief Counsel/NTIA
U.S. Department of Commerce
14th Street and Constitution Ave., NW
Washington, DC 20230
(via first class U.S. mail, postage prepaid)

Tom Sullivan
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(via electronic mail to
thomas.sullivan@fcc.gov)

Troy Tanner
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(via electronic mail to troy.tanner@fcc.gov)

/s/ Brett P. Ferenchak

Brett P. Ferenchak
August 9, 2019