

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

RTI SOLUTIONS, INC.,
RTI JGA PTE. LTD., AND
RTI CONNECTIVITY PTE. LTD.,

Application for a License to Land and Operate
a Private Fiber-Optic Submarine Cable System
Connecting Guam and Japan,

THE JGA NORTH SYSTEM

File No. SCL-LIC-20181106-00035

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, RTI Solutions, Inc., RTI JGA Pte. Ltd., and RTI Connectivity Pte. Ltd. (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 JGA North system in U.S. territory prior to the Commission’s grant of the Applicants’ pending cable landing license application.¹ Without such authority, the JGA North system would likely be delayed at significant cost to the Applicants and thereby delay the benefits of new capacity on the Guam-Japan route. The Applicants therefore seek STA beginning no later than October 8, 2019, and ending 180 days from grant. The Applicants have notified the Team Telecom agencies of this request.

¹ RTI Solutions, Inc., RTI JGA Pte. Ltd., and RTI Connectivity Pte. Ltd., Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting Guam and Japan, the JGA North System, File No. SCL-LIC-20181106-00035 (filed Nov. 5, 2018) (“Application”).

The Applicants acknowledge that grant of this request will not prejudice action by the Commission on the underlying Application and that the 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 November 5, 2018, the Applicants jointly applied for authority to land and operate the new JGA North system connecting Guam and Japan. The Commission placed the application on streamlined public notice on November 16, 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.³ The JGA North system will offer capacity in large increments until the year 2045, far beyond the useful life of many existing systems serving the Guam-Japan route where capacity demand continues to grow significantly.⁴ It will also provide vigorous competition on the Guam-Japan route using a geographically diverse landing in Japan.⁵

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 JGA North

² *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. SCL-00228S (rel. Nov. 16, 2018).

³ *See* Letter from Glenn Kaminsky, Attorney Adviser, Department of Homeland Security, to FCC, File No. SCL-LIC-20181106-00035 (filed Nov. 19, 2018).

⁴ Application at 2.

⁵ *Id.*

system, with long-term, large-increment, low-latency capacity on Guam-Japan route. *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 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 STA for construction, testing, and/or operational authority prior to grant of a cable landing license.⁶

To the contrary, the Commission has exercised such authority on numerous occasions and should also do so in this case. The Commission has previously 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 JGA South, JUPITER, Crosslake Fibre, Marea, and BRUSA systems, among others.⁷ The Applicants

⁶ See 47 U.S.C. §§ 34-39; Executive Order 10,530.

⁷ See e.g., GU Holdings, Inc. et al., Request for Special Temporary Authority, FCC File No. SCL-STA-20190809-00025 (granted Aug. 27, 2019) (granting STA to construct, connect, and test U.S.-territory facilities for the JGA South submarine cable system prior to the grant of a cable landing license); NTT America, Inc., et al., Request for Special Temporary Authority, FCC File No. SCL-STA-20190730-00023 (granted Aug. 22, 2019) (granting STA to construct, connect, and test U.S.-territory facilities for the JUPITER 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); 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); 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 the grant of a cable landing license).

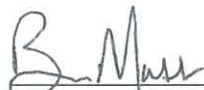
seek the same authority here to construct, connect the U.S. end points, and test the JGA North system in U.S. territory.

CONCLUSION

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

Respectfully submitted,

RTI CONNECTIVITY PTE. LTD.
RTI SOLUTIONS, INC.



Brian Mass
Chief Financial Officer

Kent Bressie
Colleen Sechrest
Harris, Wiltshire & Grannis LLP
1919 M Street, N.W., Suite 800
Washington, D.C. 20036-3537
+1 202 730 1337
kbressie@hwglaw.com

*Counsel for RTI Solutions, Inc., RTI JGA
Pte Ltd, and RTI Connectivity Pte. Ltd.*

8 Eu Tong Sen Street # 14-94
The Central
Singapore 059818
+ I 619 888 7166
brett.lay@rticable.com

RTI JGA PTE LTD.



Kam Kian Kok
Director

4 Robinson Road #05-0 I
The House of Eden
Singapore 048543

September 12, 2019

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 20th day of September, 2019, to the following:

Robert L. Strayer
Deputy Assistant Secretary of State for Cyber and
International Communications and 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 II
General Counsel
DEFENSE INFORMATION SYSTEMS AGENCY
6910 Cooper Avenue
Fort Meade, Maryland 20755



Kent Bressie