

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

TELXIUS CABLE USA, INC.,
TELXIUS CABLE PUERTO RICO, INC., AND
TELXIUS CABLE AMÉRICA, S.A.

Application for Authority to Add a New
Dominican Republic Landing, and Modify the
Cable Landing License, for

THE SOUTH AMERICA-1 (“SAM-1”) SYSTEM

File No. SCL-STA-2019-_____
SCL-MOD-20180905-00032

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Telxius Cable USA, Inc. (“Telxius USA,” FRN 0006650618), Telxius Cable Puerto Rico, Inc. (“Telxius Puerto Rico,” FRN 0022340921), and Telxius Cable América, S.A. (“Telxius América,” FRN 0022340871) (together with Telxius USA and Telxius Puerto Rico, “Applicants”) hereby request special temporary authority (“STA”) to commence commercial operation of a segment of the South America-1 (“SAm-1”) submarine cable system landing in Punta Cana, Dominican Republic (the “SAm-1 DR Spur”) pending grant of a modified cable landing license. Without such STA, the DR Spur’s commercial launch will be delayed at significant cost to the Applicants and their affiliates, which have contractual commitments to bring the capacity of the DR Spur into commercial use as soon as possible following the completion of construction, which has now been achieved. The Applicants therefore STA

beginning no later than December 15, 2019, and ending 180 days from grant or until such date as the Commission grants a modified cable landing license.

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 September 5, 2018, the Applicants jointly applied to modify the SAm-1 cable landing license to add the DR Spur.¹ The Commission placed the application on streamlined public notice on December 19, 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 SAm-1 DR Spur will provide substantial and diverse new capacity between the United States and the Dominican Republic.⁴

¹ Application to Modify the SAm-1 Cable Landing License, FCC File No. SCL-MOD-20180905-00032 (filed Sept. 5, 2019) (“SAm-1 DR Mod App”).

² *Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Public Notice, Report No. SCL-00231S (rel. Dec. 19, 2018).

³ See Letter from Lee Licata, U.S. Department of Justice, to FCC Secretary Marlene H. Dortch, File No. SCL-MOD-20180905-00032 (filed Jan. 2, 2019).

⁴ SAm-1 DR Mod App at 2.

Grant of the Applicants' request will also serve the public interest in two particular ways. *First*, it will ensure the timely commencement of commercial operations of the DR Spur, with substantial and diverse new capacity between the United States and the Dominican Republic. *Second*, it will avoid imposing needless and avoidable costs on the Applicants, as the Applicants and their affiliates have contracted—mostly for one customer—to bring the capacity of the DR Spur into commercial use as soon as possible following the completion of construction, which has now been achieved.

II. THE FEDERAL COMMUNICATIONS COMMISSION HAS AUTHORITY TO GRANT THE STA REQUEST

The Commission has ample authority to issue STA for commencement of commercial operations prior to the grant of a modified 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 commercial operating authority prior to grant of a cable landing license.⁵

To the contrary, the Commission has previously granted such authority⁶ and should also do so in this case. The Applicants seek the same authority here to commence commercial operation of the DR Spur.

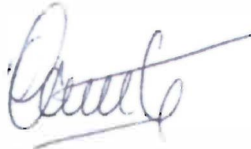
⁵ See 47 U.S.C. §§ 34-39; Executive Order 10,530.

⁶ See Office of Posts and Telecommunications French Polynesia, FCC File No. SCL-STA-20100607-00013 (granted June 9, 2010) (granting STA to commence commercial operations of the Honotua system prior to grant of a cable landing license in order to ensure that the absence of operating authority did not further impair OPT French Polynesia's ability to conclude commercial negotiations for capacity sales); MFS CableCo US Inc. and Cedar Cable Limited, Application for Special Temporary Authority, FCC File No. SCL-STA-20081209-00020 (granted Dec. 18, 2008) (granting STA to commence commercial operations of the Challenger Bermuda-1 system prior to grant of a cable landing license in order to allow one of the applicants to regain access to certain lines of credit).

CONCLUSION

For the foregoing reasons, the Commission should expeditiously grant this STA request to commence commercial operations for the DR Spur.

Respectfully submitted,



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November 22, 2019

Attachment

CERTIFICATE OF SERVICE

I, Kent D. 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 on this 22nd day of November 2019, to the following:

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

Kent D. Bressie