

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

EDGE CABLE HOLDINGS USA, LLC,
CHINA MOBILE INTERNATIONAL LIMITED, and
AMAZON DATA SERVICES, INC.,

Application for a License to Land and Operate
a Private Fiber-Optic Submarine Cable System
Connecting the United States and the
Philippines

THE CAP-1 CABLE SYSTEM

File Nos. SCL-LIC-20200910-00044
SCL-STA-20200910-_____

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, Edge Cable Holdings USA, LLC (“Edge USA”), China Mobile International Limited (“CMI”), and Amazon Data Services, Inc. (“Amazon”) (collectively, the “Applicants”), hereby request special temporary authority (“STA”) to construct, connect, and test at their own risk those portions of the CAP-1 cable system in U.S. territory prior to the Commission’s grant of the Applicants’ pending cable landing license application.¹ The CAP-1 system reflects the reconfiguration of the earlier Bay to Bay Express (“BtoBE”) cable system,² the application for which has been

¹ Edge Cable Holdings USA, LLC, China Mobile International Limited, and Amazon Data Services, Inc., Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting the United States and the Philippines, the CAP-1 System, File No. SCL-LIC-20200910-00044 (filed Sept. 10, 2020) (“Application”).

² See FCC File No. SCL-LIC-20181125-00037.

withdrawn³ in light of current U.S. Government policy with respect to direct connections between the United States and Hong Kong.⁴ The Applicants need immediate authority to ensure that installation of the U.S.-territory portion of the system—which has already been manufactured, is already in transit, and is not affected by reconfiguration of the earlier system—occurs during the target weather window and with the contracted cable ship.

Absent such authority, connectivity on the CAP-1 system would likely be delayed at significant cost to the Applicants. The Applicants therefore seek STA beginning no later than September 22, 2020, 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 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 10, 2020, the Applicants jointly applied for authority to land and operate the CAP-1 system connecting the United States and the Philippines. The CAP-1 system

³ Edge Cable Holdings USA, LLC, China Mobile International Limited, and Amazon Data Services, Inc., Notice of Withdrawal of Cable Landing License Application, FCC File No. SCL-LIC-20181125-00037 (filed Sept. 10, 2020).

⁴ U.S. Department of Justice, Petition to Adopt Conditions for Special Temporary Authority, File Nos. SCL-LIC-20170421-00012, SCL-AMD-20171227-00025, and SCL-STA-20200402-00015, at 3 (filed April 8, 2020)

will offer capacity in large increments until the year 2045, far beyond the useful life of many existing systems serving U.S.-Southeast Asia routes where capacity demand continues to grow significantly.⁵ It will also provide geographically-diverse data center connectivity for certain of the CAP-1 system's owners.⁶

As noted above, grant of this STA will allow U.S.-end construction to proceed as scheduled while the Commission and the Executive Branch review the license application for the CAP-1 system, which reflects a reconfiguration of the original BtoBE system. The U.S.-territory infrastructure of the system will not change as a consequence of that reconfiguration. A delay of that construction would impose significant costs on the Applicants and would ultimately delay new U.S.-Philippines connectivity and the development of an alternative traffic hub in Asia.

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.⁷

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 prior to the issuance of a cable landing license for the PLCN, JUPITER, Crosslake Fibre, Marea, and BRUSA systems, among

⁵ Application at 2.

⁶ *Id.*

⁷ See 47 U.S.C. §§ 34-39; Executive Order 10,530.

others.⁸ The Applicants seek the same authority here to construct, connect, and test that portion of the CAP-1 system in U.S. territory.

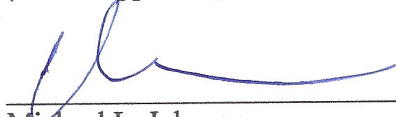
⁸ See e.g., GU Holdings, Inc. *et al.*, Request to Extend Special Temporary Authority, FCC File No. SCL-STA-20200313-00014 (granted Mar. 26, 2020) (extending STA to construct, connect, and test U.S.-territory facilities for the PLCN submarine cable system prior to the grant of a cable landing license); 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, connect, 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, connect, 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, connect, and test U.S.-territory facilities for the Marea submarine cable system prior to the grant of a cable landing license).

CONCLUSION

For the foregoing reasons, the Commission should expeditiously grant this STA request for the CAP-1 system.

Respectfully submitted,

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(as lead applicant)



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