

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

*In the Matter of*

EDGE CABLE HOLDINGS USA, LLC,  
CHINA TELECOMMUNICATIONS CORPORATION,  
CHINA TELECOM GLOBAL LIMITED,  
CHINA UNITED NETWORK COMMUNICATIONS  
GROUP COMPANY LIMITED,  
RTI EXPRESS PTE. LTD.,  
TATA COMMUNICATIONS (BERMUDA) LIMITED,  
and  
TELSTRA CORPORATION LIMITED,

Application for a License to Land and Operate  
a Private Fiber-Optic Submarine Cable System  
Connecting the United States, Hong Kong, and  
Taiwan,

THE HONG KONG-AMERICAS SYSTEM

File No. SCL-STA-2020 \_\_\_\_\_

**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 Telecommunications Corporation, China Telecom Global Limited, China United Network Communications Group Company Limited (“China Unicom”), RTI Express Pte. Ltd. (“RTI Express”), Tata Communications (Bermuda) Limited (“TC Bermuda”), and Telstra Corporation Limited (“Telstra”) (collectively, the “Applicants”), hereby request special temporary authority (“STA”) to construct, connect, and test at their own risk those portions of the Hong Kong-Americas (“HKA”) cable system in U.S.<sup>1</sup>

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<sup>1</sup> This request for STA excludes connection of the system to Hong Kong.

territory prior to the Commission's grant of the Applicants' pending cable landing license application.<sup>2</sup> The Applicants need immediate authority to ensure that installation of the U.S.-territory portion of the system is installed during the target weather window and with the contracted cable ship. They also need immediate authority to test the system between the U.S. landing and the cable ship while installing in international waters.

Absent such authority, connectivity on the HKA system between the United States and Taiwan would likely be delayed at significant cost to the Applicants. The Applicants therefore seek STA beginning no later than January 15, 2021, 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 July 11, 2018, the Applicants jointly applied for authority to land and operate the HKA system connecting the United States, Taiwan, and Hong Kong. The HKA system will offer capacity in large increments until the year 2045, far beyond the useful life of many existing systems serving U.S.- Asia routes where capacity demand continues to grow significantly.<sup>3</sup> It

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<sup>2</sup> Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting the United States, Hong Kong, and Taiwan, the Hong Kong-Americas System, File No. SCL-LIC-20180711-00018 (filed July 11, 2018) ("Application").

<sup>3</sup> Application at 2.

will also provide geographically-diverse data center connectivity for certain of the HKA system's owners.<sup>4</sup>

As noted above, grant of this STA will allow U.S.-end construction to proceed as scheduled. A delay of that construction would impose significant costs on the Applicants and would ultimately delay new U.S.-Taiwan 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.<sup>5</sup>

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 others.<sup>6</sup> The Applicants seek the same authority here to construct, connect, and test that portion of the HKA system in U.S. territory.

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<sup>4</sup> *Id.*

<sup>5</sup> *See* 47 U.S.C. §§ 34-39; Executive Order 10,530.

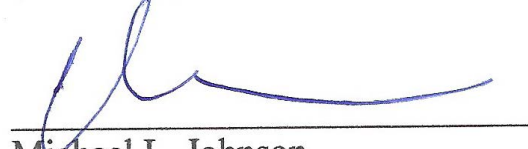
<sup>6</sup> *See e.g.*, GU Holdings, Inc. *et al.*, Request to Extend Special Temporary Authority, FCC File No. SCL-STA-20200313-00014 (granted Mar. 26, 2020) (extending STA to construct, connect, and test U.S.-territory facilities for the PLCN submarine cable system prior to the grant of a cable landing 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

## CONCLUSION

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

Respectfully submitted,

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(as lead applicant)



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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).