

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

In the Matter of)	
)	SCL-STA-20210817-00033
GU HOLDINGS INC., and EDGE CABLE)	SCL-LIC-20200827-00038
HOLDINGS USA, LLC.)	
)	
Application for a License to Construct, Land,)	
and Operate an Undersea Fiber Optic Cable)	
Connecting the United States, Hong Kong,)	
Taiwan, and the Philippines)	

**PETITION TO ADOPT CONDITIONS FOR
SPECIAL TEMPORARY AUTHORITY**

The U.S. Department of Justice (“DOJ”), with the concurrence of the Departments of Homeland Security and Defense (with DOJ, the “Agencies”), submits to the Federal Communications Commission (“FCC” or “Commission”) this Petition to Adopt Conditions for Special Temporary Authority (“Petition”) in connection with a request for Special Temporary Authority (“STA”) by GU Holdings Inc. (the “Applicant”)¹ filed on August 17, 2021. Through this Petition, the Agencies advise the Commission that the Agencies have no objection to the Commission approving the continued temporary operating authority sought in the above-referenced proceeding, provided that the Commission conditions its approval on the commitments and undertakings set forth in the April 7, 2020 Provisional National Security Agreement for Requested Special Temporary Authority (“Provisional NSA”), and September 3, 2021 Third Extension of the Provisional National Security Agreement for Requested Special

¹ GU Holdings Inc., is a wholly owned subsidiary of Google LLC.

Temporary Authority (“Third Extension of the Provisional NSA”), copies of which are attached to this filing.

On April 8, 2020, DOJ filed a Petition to Adopt Conditions for Special Temporary Authority pertaining to GU Holdings’ application for STA to operate a portion of the Pacific Light Cable Network System (“PLCN”) between the United States and Taiwan (FCC File No. SCL-STA-20200402-00015)² (the “U.S.-Taiwan STA”), and advised the Commission of the Government Parties’ non-objection to the grant of GU Holdings’ application for the U.S.-Taiwan STA conditioned on compliance with the April 7, 2020 Provisional NSA between the Parties. The FCC subsequently granted GU Holdings’ application for the U.S.-Taiwan STA conditioned on GU Holdings’ compliance with the Provisional NSA.

On August 27, 2020, GU Holdings filed a Request for Special Temporary Authority to allow the operation of PLCN between the United States and Taiwan, which was an extension of the U.S.-Taiwan STA. On September 18, 2020, DOJ filed a Petition to Adopt Conditions for STA, and on September 22, 2020, the FCC Granted the extension to the U.S.-Taiwan STA, with an expiration date of March 21, 2021. *See* FCC Rep. No. SCL-00825, SCL-STA-20200827-00037. On March 8, 2021, GU Holdings filed a request with the FCC seeking “the same special temporary authority that the Commission granted on September 22, 2020.” (SCL-STA-20210308-00015). On March 19, 2021, DOJ, with the concurrence of DHS and DoD, filed a petition to Adopt Conditions for STA regarding the March 8, 2021 request, and the FCC granted the STA conditioned on GU Holdings’ continued compliance with the Provisional NSA on March 19, 2020, with a term end date of September 15, 2021. GU Holdings filed a request with

² The previous STA pertained to SCL-LIC-20170421-00012, SCL-AMD-20171227-00025, SCL-STA-20200402-00015, and SCL-STA-20200827-00037.

the FCC on August 17, 2021, seeking, once again, “the same special temporary authority that the Commission granted on March 19, 2021.” *See* SCL-STA-20210817-00033, Report No. SCL-00330NS (Aug. 20, 2021).

Under the Cable Landing License Act of 1921 (“CLLA”), no person shall land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country, unless a written license to land or operate such cable has been issued by the President of the United States. *See* 47 U.S.C. § 34. Pursuant to the CLLA, the President may withhold or revoke such license after due notice and hearing if doing so will maintain the rights or interests of the United States or of its citizens in foreign countries, or will promote the security of the United States. *See* 47 U.S.C. § 35.

As part of its review of applications submitted under the CLLA, the Commission considers whether such an application raises national security, law enforcement, foreign policy, or trade policy concerns related to the applicant’s foreign ownership. *See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket 16- 155, Report and Order, 35 FCC Rcd 10927, 10935-36, paras. 17, 24 (2020). With regard to these concerns, the Commission has accorded deference to the relevant Executive Branch agencies’ expertise when they have identified such a concern in a particular application. *See id.* at 10930, para. 7.

After discussions with representatives of the Applicant in connection with the August 17, 2021 STA Request, the Agencies have concluded that the additional commitments set forth in the Provisional NSA and Third Extension of the Provisional NSA will help ensure that the Agencies can satisfy their responsibilities to enforce the law, protect national security, and preserve public safety.

Accordingly, the Agencies advise the Commission of their non-objection to the Commission granting the August 17, 2021 STA in the above-referenced proceeding, provided that the Commission conditions its consent on compliance with the September 3, 2021 Third Extension of the Provisional NSA, and April 7, 2020 Provisional NSA, both of which are attached to this filing.

* * *

September 3, 2021

Respectfully submitted,

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