

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

In the Matter of)	
)	
GU HOLDINGS INC. and EDGE)	File Nos. SCL-LIC-20200827-00038
CABLE HOLDINGS USA, LLC)	SCL-STA-20200828-00039
)	SCL-STA-20210308-00016
)	SCL-STA-2021_____
Application for a License to Construct, Land,)	
and Operate the Pacific Light Cable Network)	
to Connect the United States to Taiwan and)	
the Philippines)	

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY TO
CONSTRUCT, CONNECT, AND TEST CABLE SYSTEM**

Pursuant to 47 U.S.C. §§ 34-39, Executive Order 10530, and 47 C.F.R. § 1.767, GU Holdings Inc. (“GU Holdings”) and Edge Cable Holdings USA, LLC (“Edge USA”) (together, the “Applicants”), hereby request an extension of the Special Temporary Authority (“STA”) granted on September 22, 2020, and extended on March 19, 2021, to construct, connect, and test the portion of the Pacific Light Cable Network (“PLCN”) in U.S. territory during the Commission’s consideration of the Applicants’ pending cable landing license application.¹ Specifically, the Applicants seek a 180-day STA extension commencing at the expiration of the current STA on September 15, 2021. Without an STA extension, further construction and testing of PLCN would likely be delayed at significant cost to the Applicants and thereby delay the benefits of new trans-Pacific capacity that PLCN will provide. The Applicants have notified the

¹ See GU Holdings Inc. and Edge Cable Holdings USA, LLC, *Application for a License to Construct, Land, and Operate the Pacific Light Cable Network to Connect the United States to Taiwan and the Philippines*, FCC File No. SCL-LIC-20200827-00038 (filed Aug. 27, 2020) (*2020 License Application*).

Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the “Committee”) of this request.

This request for continuing STA would not authorize any commercial use of the PLCN system, which is the subject of a separate, simultaneously filed request for STA for continuing authority for GU Holdings and its affiliates to operate a PLCN fiber pair between the U.S. and Taiwan.² Furthermore, the Applicants acknowledge that grant of such STA extension will not prejudice action by the Commission on the underlying application and that such STA extension is subject to cancellation or modification upon notice. The Commission has authority to grant an STA extension and has previously granted STA extensions requests seeking similar relief.

I. BACKGROUND

On August 27, 2020, the Applicants applied for authority to construct, land, and operate PLCN, a high-capacity fiber-optic submarine cable system connecting the U.S., Taiwan, and the Philippines.³ On September 11, 2020, the Commission placed the application on public notice.⁴ On September 16, 2020, the Committee notified the Commission that it intended to review the application.⁵ On December 9, 2020, the Committee notified the Commission that the Applicants had provided complete responses to questions posed by the Committee and the Committee was beginning an initial review of national security or law enforcement interests of the United States.⁶ On April 22, 2021, the Committee notified the Commission that it determined that a

² See GU Holdings Inc., *Request for Special Temporary Authority to Operate U.S.-Taiwan Route*, FCC File No. SCL-STA-20200827-00037 (filed Aug. 27, 2020).

³ See *2020 License Application*.

⁴ See Public Notice, *Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing*, Report No. SCL-00282NS, 2-3 (issued Sept. 11, 2020).

⁵ See Letter from Alice Suh Jou, Attorney, Nat'l Sec. Div., DOJ, to Marlene H. Dortch, Sec'y, FCC, FCC File No. SCL-LIC-20200827-00038 (filed Sept. 16, 2020).

⁶ See Letter from Alice Suh Jou, Attorney Advisor, Foreign Inv. Review Section, DOJ, to Marlene H. Dortch, Sec'y, FCC, FCC File No. SCL-LIC-20200827-00038 (filed Dec. 9, 2020).

secondary assessment was warranted because risk to national security or law enforcement interests could not be mitigated by standard mitigation measures.⁷ The secondary review of the license application is ongoing.

Meanwhile, on August 28, 2020, the Applicants requested STA to construct, connect, and test the portion of PLCN in U.S. territory during the Commission's consideration of the Applicant's pending license application.⁸ On September 22, 2020, the Commission granted the Applicants' STA request for 180 days.⁹ On March 8, 2021, the Applicants requested an extension of the STA.¹⁰ On March 19, 2021, the Commission granted the Applicants' request and extended the STA another 180 days, through September 15, 2021.¹¹

The parties have made extensive investments to construct PLCN, including the portion in U.S. territory, using their U.S.-based system supplier, SubCom, LLC. At this time, the Applicants do not anticipate receiving a cable landing license prior to expiration of the current STA on September 15, 2021. Accordingly, the Applicants seek continued authority to conduct construction, connection, and testing activities in U.S. territory.¹²

As noted above, this request for continuing STA would not authorize any commercial use of the PLCN system. Separately, on March 26, 2021, the Commission granted GU Holdings'

⁷ See Letter from Alice Suh Jou, Attorney, Foreign Inv. Review Section, DOJ, to Marlene H. Dortch, Sec'y, FCC, FCC File No. SCL-LIC-20200827-00038 (filed Apr. 22, 2021).

⁸ See GU Holdings Inc. and Edge Cable Holdings USA, LLC, *Request for Special Temporary Authority to Construct, Connect, and Test Cable System*, FCC File No. SCL-STA-20200828-00039 (filed Aug. 28, 2020).

⁹ See Public Notice, *Actions Taken Under Cable Landing License Act*, Report No. SCL-00285, 2 (issued Sept. 24, 2020).

¹⁰ See GU Holdings Inc. and Edge Cable Holdings USA, LLC, *Request for Special Temporary Authority to Construct, Connect, and Test Cable System*, FCC File No. SCL-STA-20210308-00016 (filed Mar. 8, 2021).

¹¹ See Public Notice, *Actions Taken Under Cable Landing License Act*, Report No. SCL-00309, 2 (issued Mar. 26, 2021).

¹² Although construction of the PLCN system within U.S. territory is complete, STA including construction authority is sought to ensure that Applicants are able to do any necessary work within U.S. territory identified by system testing.

request to operate only the portions of PLCN connecting the United States with Taiwan, which were fully constructed, tested, and ready for commercial operation prior to the rest of the cable system, subject to the commitments and understandings contained in a provisional national security agreement dated April 7, 2020, and extended September 18, 2020, and again March 18, 2021, between GU Holdings and the Committee.¹³ GU Holdings currently operates the U.S.-Taiwan portion of PLCN under that separate authority.

II. GRANT OF FURTHER STA WILL SERVE THE PUBLIC INTEREST

The Applicants respectfully submit that grant of the STA extension requested here will serve the public interest, convenience, and necessity and otherwise comply with U.S. law and Commission regulations.

Disruption of authority to construct, connect, and test PLCN would delay the availability of transmission capacity of PLCN and impose significant economic costs on the Applicants. Conversely, grant of this STA extension request would help ensure realization of the project's public benefits. Specifically, PLCN will (i) help connect U.S. Internet users and businesses to Asia, the world's biggest Internet market; (ii) increase competition on trans-Pacific routes; and (iii) enhance the service quality, redundancy, and resilience of communications systems in the region.¹⁴

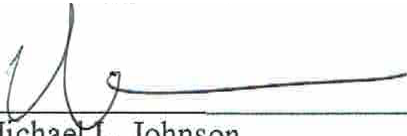
¹³ See DOJ, *et al.*, *Petition to Adopt Conditions for Special Temporary Authority*, FCC File Nos. SCL-STA-20200827-00037 and SCL-LIC-20200827-00038 (filed Sept. 18, 2020); *Second Extension of Provisional National Security Agreement for Requested Special Temporary Authority* (filed Mar. 19, 2021).

¹⁴ See *2020 License Application* at 2.

III. CONCLUSION

For the foregoing reasons, the Commission should grant as expeditiously as possible, and in any event no later than September 15, 2021, an STA extension of 180 days for construction, connection, and testing of PLCN.

Respectfully submitted,



Michael L. Johnson
Assistant Secretary
Edge Cable Holdings USA, LLC
1601 Willow Road
Menlo Park, CA 94025-1452

Kent Bressie
Colleen Sechrest
Harris, Wiltshire & Grannis LLP
1919 M Street NW, Suite 800
Washington, DC 20036-3537

Counsel for Edge Cable Holdings USA, LLC



Stephanie Selmer
Corporate Counsel
Google LLC
25 Massachusetts Ave. NW, 9th Floor
Washington, DC 20001

Counsel for GU Holdings Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served this date upon the following via electronic mail:

U.S. Coordinator
EB/CIP
U.S. Department of State

Office of Chief Counsel/NTIA
U.S. Department of Commerce

Defense Information Systems Agency
ATTN: GC/DO1



Stephanie Selmer
August 17, 2021