

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

In the Matter of

GU HOLDINGS INC.

Application for a License to Construct, Land,  
and Operate a Submarine Cable Connecting the  
United States, the United Kingdom, and Spain

File Nos. SCL-LIC-20210225-00014  
SCL-STA-2021\_\_\_\_\_

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767, GU Holdings Inc. (“GU Holdings”), hereby requests special temporary authority (“STA”) to construct, connect, and test at its own risk those portions of the Grace Hopper cable system in U.S. territory prior to the Commission’s grant of the pending cable landing license application.<sup>1</sup> GU Holdings needs expeditious authority to ensure that cable-laying activities in U.S. territory may commence no later than November 8, 2021.

Delay or denial of the requested STA beyond November 8, 2021, would impose significant economic costs on GU Holdings and delay the public benefits of substantial additional U.S.-Western Europe connectivity. GU Holdings therefore seeks STA beginning no later than November 8, 2021, and ending 180 days from grant. GU Holdings has notified the

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<sup>1</sup> GU Holdings Inc., *Application for a License to Construct, Land, and Operate a Submarine Cable Connecting the United States, the United Kingdom, and Spain*, File No. SCL-LIC-20210225-00014 (filed Feb. 25, 2021) (“Application”).

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

GU Holdings acknowledges that grant of such STA will not prejudice action by the Commission on the underlying application, and that such STA is subject to cancellation or modification upon notice without a hearing.

## **I. BACKGROUND**

On February 25, 2021, GU Holdings applied for authority to land and operate the Grace Hopper system connecting the United States, the United Kingdom, and Spain. On March 26, 2021, the Commission placed the application on public notice. On April 2, 2021, the U.S. Department of Homeland Security requested that the Commission defer action on the application and remove it from streamlined processing. On April 29, 2021, the U.S. Department of Justice notified the Commission that the full Committee would be reviewing the application. On May 14, 2021, GU Holdings received Triage Questions from the Committee. Responses to those initial questions and follow up questions were submitted in June 2021. On July 20, 2021, the Committee notified the Commission that the Committee was beginning a 120-day initial review. The initial review period ends November 17, 2021.

The system supplier for the Grace Hopper cable will have a ship available to lay the cable in U.S. waters starting November 8, 2021. In the meantime, GU Holdings’ application for a construction permit from the New York District of the U.S. Army Corp of Engineers is currently on public notice.<sup>2</sup> The public notice period expires on October 14, 2021, and the permitting process is expected to conclude prior to November 8, 2021.

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<sup>2</sup> *GU Holdings, Inc. Installation of One Fiber-optic Submarine Telecommunications Cable*, Public Notice NAN-2020-01233-EBR (U.S. Army Corps of Eng’rs, N.Y. Dist.) (issued Sept. 14, 2021), available at

Laying the cable is part of a series of interrelated processes, the delay or reordering of which would impose substantial additional costs on GU Holdings and raise concerns about the continuing availability of a cable-laying ship for the project. Consequently, GU Holdings seeks STA now in order to ensure that construction, connection, and testing in U.S. territory may proceed on schedule. With this request, GU Holdings does not seek authority for commercial operation of the cable.

## **II. GRANT OF THE STA WILL SERVE THE PUBLIC INTEREST**

Grant of the requested STA will serve the public interest, convenience, and necessity and otherwise comply with U.S. law and Commission regulations. Grace Hopper will be one of only two new cables to connect the U.S. and U.K. since 2003. Grace Hopper will be only the third cable to directly connect the U.S. to Spain. This additional U.S.-Western Europe capacity will further strengthen the redundancy and resilience of trans-Atlantic telecommunications.

Neither the Cable Landing License Act, 47 U.S.C. §§ 34-39, 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. 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 Curie, Echo, JGA South, and PLCN (U.S.-Taiwan-Philippines) systems, among others.<sup>3</sup> GU Holdings

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<https://www.nan.usace.army.mil/Portals/37/docs/regulatory/publicnotices/2021/Sept21/NAN-2020-01233-EBR%20-%20Public%20Notice.pdf?ver=tSjptgF4BkMk0hXxP0hB1A%3d%3d>

<sup>3</sup> See e.g., FCC File Nos. SCL-STA-20181207-00039 (Curie), SCL-STA-20190530-00017 (Curie), SCL-STA-20190809-00025 (JGA South), SCL-STA-20200203-00012 (JGA South),

seeks the same authority here to construct, connect, and test that portion of the Grace Hopper system in U.S. territory.

### CONCLUSION

For the foregoing reasons, the Commission should grant to GU Holdings as expeditiously as possible, and in any event no later than November 8, 2021, this request for a 180-day STA to construct, connect, and test the Grace Hopper system, while proceeding with with its consideration of the application for a cable landing license.

Respectfully submitted,

*/s/ Ulises R. Pin*

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Dated: October 6, 2021

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SCL-STA-20200828-00039 (PLCN), SCL-STA-20210308-00016 (PLCN), SCL-STA-20210817-00034 (PLCN), and SCL-STA-20210827-00036 (Echo).

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served this date upon the following via overnight delivery and/or electronic mail:

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*/s/ Brett P. Ferenchak*  
Brett P. Ferenchak

Dated: October 6, 2021