

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

In the Matter of	)	
	)	
Hawaiki Submarine Cable USA LLC, HCL	)	File No. SCL-LIC-20160906-00019;
Limited Partnership, and Palisade Subsea	)	SCL-T/C-20181130-00038
Investments Pty Ltd	)	
	)	
Application for a License to Construct, Land	)	
and Operate a Non-Common Carrier Fiber-	)	
Optic Submarine Cable System Connecting	)	
Hawaii, Australia and New Zealand,	)	
	)	
and	)	
Request for approval for the transfer of <i>de</i>		
<i>facto</i> control of HSC USA from HCL		
Limited Partnership to Palisade		

**PETITION TO ADOPT CONDITIONS TO  
AUTHORIZATIONS AND LICENSES**

The Department of Homeland Security (“DHS”), with the concurrence of the Department of Defense (“DOD”), hereby submits this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.<sup>1</sup> Through this Petition, DHS advises the Commission that DHS has no objection to the Commission approving the authority sought in the above-referenced proceeding,

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<sup>1</sup> 47 C.F.R. § 1.41.

provided that the Commission conditions its approval on the commitment of Hawaiki Submarine Cable USA LLC (“Hawaiki”) to abide by the undertakings set forth in the October 31, 2019 Letter of Assurances (“LOA”), which is attached hereto as Attachment A. The above-referenced proceeding involves an application seeking Commission approval to transfer *de facto* control of Hawaiki from HCL Limited Partnership to Palisade Subsea Trust (“Palisade”), to include the cable landing license for the Hawaiki Submarine Cable System that connects Sydney, Australia; Mangawhai Heads, New Zealand; Tafuna, American Samoa; Oahu, Hawaii; and Pacific City, Oregon (FCC File No. SCL-LIC-201609060-00019).

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See Comsat Corporation d/b/a Comsat Mobile Communications*, 16 FCC Rcd. 21661, 21707, ¶ 94 (2001).

After discussions with Hawaiki in connection with the above-referenced proceeding, DHS has concluded that the commitments set forth in the LOA will help ensure that those agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety can proceed appropriately to satisfy those responsibilities. Accordingly, DHS advises the Commission that it has no objection to the Commission granting the application in the above-referenced proceeding, provided that the Commission conditions its consent on compliance by Hawaiki with the LOA.

Respectfully submitted,

/S/ Brien Beattie  
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November 4, 2019

Attachment A (Letter of Assurances)