



PUBLIC NOTICE

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Actions Taken Under Cable Landing License Act

Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

By the Chief, Telecommunications and Analysis Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

These applications have been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R. § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at <http://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>.

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

Modification

Grant of Authority

Date of Action: 04/29/2019

Application filed by Hawaiian Telcom, Inc. (HTI) for authority to modify the cable landing license for the Hawaiian Interisland Cable System (HICS or HICS Cable), SCL-LIC-19921015-00008 (old File No. S-C-L-93-003), to extend the license term, originally set to expire July 31, 2019, for an additional five-year period up to and including July 31, 2024. File No. SCL-MOD-20190305-00007, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00234S, Public Notice (IB rel. Mar. 19, 2019). The Application has been coordinated with the Department of State pursuant to section 1.767(b) of the Commission's rules, 47 CFR § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. December 20, 2001) available at <https://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>.

The Commission granted a cable landing license for the HICS Cable in 1993. GTE Hawaiian Telephone Company, Application for a License to Land and Operate a High Capacity Digital Submarine Cable System Wholly Within the State of Hawaii, Linking the Islands of Kauai, Oahu, Maui and Hawaii, Cable Landing License, File No. S-C-L-93-003, 8 FCC Rcd 7605 (CCB 1993) (HICS Licensing Order). HTI's license is subject to the conditions imposed in the HICS Licensing Order, and was further conditioned on HTI abiding by the commitments set forth in the Letter of Assurance, dated December 7, 2012, from Eric Yeaman, President & CEO, to the Assistant Attorney General, National Security Division, U.S. Department of Justice, and the Assistant Secretary for Policy, U.S. Department of Homeland Security (DHS) (2012 LOA), and the letter, dated June 1, 2018, from Christopher J. Wilson, Vice President & General Counsel, Cincinnati Bell Inc., to the Assistant Secretary, Office of Policy, DHS (2018 LOA) (Cincinnati Bell, as the parent of HTI, agrees to abide by the 2012 LOA). HTI certifies that it will continue to abide by the conditions imposed in the HICS Licensing Order, 2012 LOA, and 2018 LOA.

The HICS Cable is a common carrier cable system that is approximately 282 miles in length, connecting four of the Hawaiian Islands: Oahu, Kauai, Maui, and Hawaii. The HICS Cable consists of 12 fiber strands and has a current cumulative design capacity of 300 gigabits per second. The Kauai landing station is located at Lihue, Hawaii. The Oahu landing stations are located at Ko Olina, Hawaii and Honolulu, Hawaii. The Maui landing station is located at Kihei, Hawaii. The Hawaii landing station is located at Kawaihae, Hawaii.

HTI requests that the HICS Cable license be modified to extend the license term for five more years so that HTI and its affiliates can continue to meet their customers' demands for telecommunications, video, and broadband services. HTI is an ILEC in Hawaii and the HICS Cable supports provision of services to the entire state. HTI notes that the inability to use the HICS Cable upon termination of its license on July 31, 2019 would be extremely disruptive to HTI's end-users and wholesale customers. Although HTI believes that the HICS Cable will be at the end of its technological life within the next five years, it says that a five year extension of its current license would give it time "to evaluate operational and technical considerations and implement any permanent transition without prematurely withdrawing the HICS Cable capacity."

The HICS Cable and all landing stations are 100% owned (voting and equity) by HTI, a Hawaiian corporation. HTI is 100% owned (voting and equity) by Hawaiian Telcom Communications, Inc. (HTCI), a holding company incorporated in Delaware. HTCI is 100% owned (voting and equity) by Hawaiian Telcom Holdco, Inc. (HTHI), also a holding company incorporated in Delaware. HTHI is 100% owned (voting and equity) by Cincinnati Bell, Inc., a holding company incorporated in Ohio. Cincinnati Bell, Inc. is publicly traded, and its shares are widely held. BlackRock, Inc., an investment management company incorporated in Delaware, holds a 14.5% interest in Cincinnati Bell, Inc. No other individuals or entities hold a ten percent or greater direct or indirect ownership interest in Cincinnati Bell or HTI.

We hereby grant the application to modify the cable landing license for the HICS Cable, SCL-LIC-19921015-00008 (old File No. S-C-L-93-003), to extend the license term for an additional five-year period up to and including July 31, 2024. Grant of this application is subject to the conditions imposed in the HICS Licensing Order, 8 FCC Rcd 7605-06. The grant is further conditioned on HTI continuing to abide by the commitments set forth in the 2012 LOA and the 2018 LOA. A copy of the 2012 LOA and the 2018 LOA are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-MOD-20190305-00007 and accessing "Other filings related to this application" from the Document Viewing area.