



PUBLIC NOTICE

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Report No. SCL-00459

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 CFR § 1.767(a))

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

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 CFR § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules. 47 CFR § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules may be filed within thirty (30) days of the date of this public notice. 47 CFR §§ 1.106, 1.115.

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 and consistent with procedures established with the Department of State. 47 CFR § 1.767(b); 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); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

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. 47 CFR §§ 1.767, 1.768. Cable landing licensees should review 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.

Submarine Cable Landing License

Grant of Authority

Date of Action: 04/11/2024

Unicom, Inc. (Unicom) filed an application for a license to land and operate a non-common carrier fiber-optic submarine cable system connecting Dillingham, Platinum, and Eek, Alaska. The cable system will be known as the Airraq submarine cable system (Airraq). See Non-Streamlined Submarine Cable Landing License Applications, Accepted for Filing, Report No. SCL-00430S, Public Notice (OIA Sept. 8, 2023). No comments or oppositions were filed in response to the Public Notice.

The Application has been coordinated with the Department of State as required by Executive Order 10530, pursuant to section 1.767(b) of the Commission's rules, and consistent with the established Department of State procedures. Executive Order 10530, Section 5(a) reprinted as amended in 3 U.S.C. § 301; 47 CFR §1.767(b); 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); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022). The U.S. Department of Homeland Security as well as the U.S. Department of Justice, on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), filed letters to defer action on September 18, 2023 and September 25, 2023, respectively. The National Telecommunications and Information Administration (NTIA), on behalf of the Committee, filed a Petition to Adopt Conditions to Authorization and License on March 27, 2024. The Committee has no objection to the Commission granting the Application, provided that the Commission conditions its approval on the assurances of Unicom, Inc. and GCI Communication Corp. (together, the parties) to abide by the commitments and undertakings set forth in the March 18, 2024 Letter of Agreement (LOA) to the U.S. Department of Homeland Security and the U.S. Department of Defense.

Actions Taken: (1) Grant of Cable Landing License to Unicom, Inc. for the purpose of landing and operating a non-common carrier fiber optic submarine cable system, the Airraq submarine cable system, that connects Dillingham, Platinum, and Eek, Alaska; and (2) Grant of the Petition to Adopt Conditions to Authorization and License filed by the National Telecommunications and Information Administration on March 27, 2024.

Licensee Information: Unicom is a wholly owned subsidiary of GCI Communication Corp. (GCICC), both Alaska corporations. GCICC is a wholly owned subsidiary of GCI Holdings, Inc., which in turn is a wholly owned subsidiary of Ventures Holdco, LLC (Ventures Holdco), both Delaware entities. Ventures Holdco is a wholly owned subsidiary of GCI, LLC, which in turn is a wholly owned subsidiary of Grizzly Merger Sub 1 LLC, which is a direct wholly owned subsidiary of Liberty Broadband Corporation (Liberty Broadband), all Delaware entities. Dr. John C. Malone, a U.S. citizen, holds a 48.9% voting interest and an approximate 6.074% equity interest in Liberty Broadband. The Applicant states that no other individual or entity holds a 10% or greater ownership interest in Liberty Broadband.

Landing Points, Ownership, Cable Design, and Cable Capacity: Airraq will be a high-fiber-count system deploying space division multiplexing technology landing in three locations with two segments: (1) an approximately 381 kilometer segment connecting the Dillingham, Alaska cable landing station to the Platinum, Alaska cable landing station and (2) an approximately 155 kilometer segment connecting the Platinum, Alaska cable landing station to the Eek, Alaska cable landing station. Each segment will have 12 fiber pairs, each having a design capacity of approximately 3.2 terabits per second (Tbps) using current technology. All of the cable landing stations will be newly built. Unicom will own and control both segments and all three cable landing stations for Airraq.

Regulatory Status of the Cable: Unicom proposes to operate Airraq on a non-common-carrier basis. Unicom states that it will not sell capacity indifferently to the user public. Instead, Unicom will: (a) use Airraq system capacity as an input for other services offered to retail, enterprise, and government customers in Alaska and (b) sell bulk capacity to particular carrier, enterprise, and government customers pursuant to individually-negotiated indefeasible rights of use (IRUs) and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchaser. Unicom states that it and its affiliates will continue to compete vigorously with the incumbent provider, Alaska Communications Systems Group, Inc. (ACS), in the intra-Alaska and Alaska-Lower 48 markets, and provide customers in the three locations that rely solely on satellite links, which suffer from propagation delays and capacity constraints, with much-needed capacity and redundancy. In addition, Unicom states that it will compete vigorously with existing providers' facilities, including existing satellite service providers: ACS, Nushagak Electric & Telephone Cooperative, Inc., and Starlink.

The Applicant has provided information and demonstrated that the proposed operation of the cable on a non-common carrier basis satisfies the requirements set forth in National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630, 642 (D.C. Cir 1976) (NARUC I), cert. denied, 425 U.S. 992 (1976). See also Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22202-22203, paras. 69-70; Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking, 15 FCC Rcd 20789, 20815-20818, paras. 62-67.

Conditions and Requirements: Unicom shall comply with the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g), and with the requirements of section 1.768 of the Commission's rules, 47 CFR § 1.768 (Notification by and prior approval for submarine cable landing licenses that are or propose to become affiliated with a foreign carrier).

We grant the Petition to Adopt Conditions to Authorization and License (Petition) filed in this proceeding by the National Telecommunications and Information Administration, on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), on March 27, 2024. Accordingly, we condition grant of this Application on Unicom, Inc. and GCI Communication Corp. abiding by the commitments and undertakings contained in their March 18, 2024 Letter of Agreement to the Under Secretary for Strategy, Policy and Plans, Office of Strategy, Policy, and Plans, U.S. Department of Homeland Security, and the Office of Foreign Investment Review, Director Undersecretary of Acquisition and Sustainment, U.S. Department of Defense (LOA). The Petition and the LOA are publicly available and may be viewed on the FCC website through the International Communications Filing System (ICFS) by searching SCL-LIC-20230718-00023 and accessing "Other filings related to this application" from the Document Viewing area.

A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the cable landing license and thus grounds for declaring the license terminated without further action on the part of the Commission. Failure to meet a condition of the license may also result in monetary sanctions or other enforcement action by the Commission.

— License Term: Under the Commission's rules, a cable landing license shall expire 25 years after the in-service date for the cable. The Licensee must notify the Commission within thirty (30) days of the date the cable is placed into service. See 47 CFR § 1.767(g)(15). The in-service notification must be filed in ICFS through the "Other filings related to this application" module for file number SCL-LIC-20230718-00023. —
