



PUBLIC NOTICE

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Report No. SCL-00480

Thursday August 15, 2024

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: 07/29/2024

Hawaiian Telcom, Inc. (HTI) filed an application for authority for a new 10-year cable landing license for the Hawaiian Interisland Cable System (HICS), SCL-MOD-20190305-00007 (old File Nos. SCL-LIC-19921015-00008, S-C-L-93-003). HTI filed supplemental information on June 3, 2024. The application was placed on public notice on June 14, 2024. Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00466S, Public Notice, June 14, 2024 (Public Notice). No comments were filed.

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). See Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00468S, Public Notice, June 21, 2024.

Licensing History. The Commission granted a cable landing license for HICS in 1993. See 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). HICS was placed in service on or around July 31, 1994. See Letter from Steven P. Golden, Vice President, External Affairs, Hawaiian Telcom, Inc. to Tom Sullivan, Bureau Chief, International Bureau, Federal Communications Commission (May 11, 2018) (available in ICFS file no. SCL-LIC-19921015-00008). In 2019, the Commission granted an application to modify the cable landing license for HICS to extend the license term for an additional 5-year period up to and including July 31, 2024. See Actions Taken Under Cable Landing License Act, Public Notice, DA No. 19-355, Report No. SCL-00238, rel. April 30, 2019, 34 FCC Rcd 2810 (2019).

HTI requests that the HICS cable license be renewed for 10 more years so that the cable can continue to provide capacity that meets the demand for voice, data, and Internet traffic within the Hawaiian Islands. HTI states that the public interest will be served by allowing HICS to meet increasing demand for broadband traffic. HTI is an incumbent local exchange carrier (ILEC) and it states that HICS supports provision of services to the state of Hawaii, including broadband Internet connectivity and backhaul traffic for wireless carriers from their neighbor island customers to their Points-Of-Presence on Oahu.

Actions Taken: Grant of a cable landing license to Hawaiian Telcom, Inc. (HTI) for a period of 10 years to authorize the continued landing and operation of the Hawaiian Interisland Cable System, a common carrier fiber-optic submarine cable system connecting four of the Hawaiian Islands.

Licensee Information: 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 telecommunications company incorporated in Ohio. Cincinnati Bell, Inc. is wholly owned by Red Fiber Parent LLC, a telecommunications company incorporated in Delaware, which is wholly owned by RF Topco LLC, a Delaware limited liability holding company, which in turn is wholly owned by Red Fiber Holdings LLC (RF Holdings), also a Delaware limited liability holding company. The following entities hold a 10% or greater direct interest in RF Holdings: (i) MIP V RF Partners, L.P. (MIP V RFP), a Delaware investment fund, 60.8% equity and 100% voting interests; (ii) several alternative investment vehicles collectively known as the Ares AIVs, that together hold 19.7% equity interests; and (iii) REST US Infrastructure No. 2 Trust, an Australian trust, holding 21.4% equity interests.

According to HTI, MIP V RFP is managed by Macquarie Infrastructure Partners Inc. (MIP), a Delaware corporation, pursuant to an agreement with MIP V RFP's general partner, Macquarie Infrastructure Partners V GP, LLC (MIP V GP), a Delaware limited liability company. MIP V (FCC) AIV, L.P., a Delaware investment fund, holds a 60.8% limited partnership interest in MIP V RFP. MIP V GP holds a general partner interest in both MIP V (FCC) AIV, L.P. and MIP V RFP. Macquarie Infrastructure Partners Inc. (MIP Inc.), a Delaware investment management company, has a management agreement with MIP V GP. MIP is wholly owned by Macquarie Infrastructure and Real Assets Inc. (MIRA), a Delaware investment management company. MIP V GP is controlled by MIRA. MIRA is a direct wholly owned subsidiary of Macquarie Asset Management US Inc., a Delaware corporation, that is wholly owned by Macquarie Asset Management US Holdings Pty Limited (US Holdings Pty), an Australian entity. US Holdings Pty is a direct wholly owned subsidiary of Macquarie Asset Management Holdings Pty Limited, an Australian entity that is a direct wholly owned subsidiary of Macquarie Group Limited (MGL), a publicly traded Australian company. Thus, MIRA is an indirect wholly-owned subsidiary of MGL. HTI states no entity or individual has a 10% or greater interest in MGL.

According to HTI, RF Holdings is indirectly minority owned by two groups: (i) certain U.S.-organized alternative investment vehicles (Ares AIVs) and certain U.S.-organized co-invest entities, all managed by the Private Equity Group of Ares Management Corporation (Ares Management), a Delaware entity and (ii) Retail Employees Superannuation Trust (REST), a widely held Australian public offer pension fund managed by Retail Employees Superannuation Pty Limited (Rest Trustee), as trustee of the fund.

The Ares AIVs and certain U.S.-organized co-invest entities--which are each limited partnerships organized in Delaware--have an aggregate 19.7% equity interest in RF Holdings. The Applicant states that none of the Ares AIVs holds indirect equity or voting interests in HTI of 10% or greater.

REST US Infrastructure No. 2 Trust has 21.4% equity and voting interests in RF Holdings, through a combination of a 19.5% interest held directly in RF Holdings and indirectly through a 1.9% limited partnership interest in MIP V (FCC) AIV, L.P. REST Nominees No. 2 Pty Ltd, an Australia special purpose vehicle, is the trustee of REST US Infrastructure No. 2 Trust. REST International Infrastructure Investments Holding Trust (REST International Infrastructure), an Australia special purpose vehicle, is the beneficial owner of REST US Infrastructure No. 2 Trust. REST Nominees No. 1 Pty Ltd., an Australia special purpose vehicle, is the legal owner of REST US Infrastructure No. 2 Trust and the trustee of REST International Infrastructure. Retail Employees Superannuation Trust (REST), an Australia superannuation trust, is the beneficial owner of both REST International Infrastructure, REST Nominees No. 1 Pty Ltd, and REST Nominees No. 2 PTY Ltd. Retail Employees Superannuation

Pty Ltd, an Australia trustee entity, is the trustee of REST and the legal owner of REST Nominees No. 1 Pty Ltd and REST Nominees No. 2 PTY Ltd. The Applicant states that while Retail Employees Superannuation Pty Ltd is the trustee of REST, its shares must be held by a person who is a sponsor (persons who represent the interests of employers or members who participate in REST or a group of such employers or members) or their nominee. The Applicant indicates that currently 4 A Class shares and 4 B Class shares are issued and held by nominees for the sponsor members of REST. Approximately 1.9 million members are the ultimate beneficial owners of Retail Employees Superannuation Trust. The Applicants state that these members have no voting or control rights in REST.

Cable Design and Capacity: HICS is a common carrier cable system that is approximately 300 miles in length, connecting four of the Hawaiian Islands: Oahu, Kauai, Maui, and Hawaii. HICS consists of 12 fiber strands in three segments: Koko Head, Oahu-Kihei, Maui; Kihei, Maui-Kawaihae, Hawaii Island (4.14 Tbps design capacity and 0.064 Tbps lit capacity); and Lihue, Kauai-Ko'Olina, Oahu (3.075 Tbps design capacity and 0.375 lit capacity). HTI states that the overall current active capacity of HICS is 439 Gbps. HTI also states that multiple strands of the Koko Head, Oahu-Kihei, Maui segment have been cut since 2016 due to cable sheath erosion caused by sea currents. HTI states that it is considering options to repair, replace, or retire this segment and anticipates making a decision by the end of 2024. HTI says that it migrated traffic from this segment's working strands to HTI's Hawaiian Islands Fiber Network (HIFN) cable system (SCL-LIC-20220111-00003). HTI states that the capacity of HICS has increased since it started operating over 25 years ago, as a result of various equipment upgrades and increasing customer demand since that time.

Landing Points and Ownership: 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. The HICS cable and all landing stations are fully owned and controlled by HTI, a Hawaiian corporation.

Regulatory Status of the Cable: HTI will continue to operate HICS on a common carrier basis.

Executive Branch Review. HTI requests that the Commission condition grant of this application on continued compliance with the Letter of Assurances regarding HICS and HIFN entered into when Cincinnati Bell Inc., HTI's parent company, was acquired by Red Fiber Parent LLC. Letter of Assurance from Christopher J. Wilson, Vice President and General Counsel, Hawaiian Telcom Inc., to Assistant Secretary for Trade and Economic Security, Office of Strategy, Policy, and Plans, U.S. Department of Homeland Security; Chief, Foreign Investment Review Section (FIRS), Deputy Chief, Compliance and Enforcement (FIRS) on behalf of the Assistant General for National Security, United States Department of Justice, National Security Division; and Mark Hakun, Principal Director of Chief Information Officer for Cybersecurity, U.S. Department of Defense (Mar. 12, 2021) (2021 LOA). See Applications Granted for the Transfer of Control of Cincinnati Bell Inc. and Hawaiian Telcom, Inc. to Red Fiber Parent LLC, WC Docket No. 20-146; AU Docket No. 20-34, Public Notice, 36 FCC Rcd 9018 (May 26, 2021).

Pursuant to Commission rules, we exercised our discretion to not refer this application to the Executive Branch agencies for national security, law enforcement, foreign policy and trade policy review. Unlike most cable landing license applications, this Application involves an existing facility with a mitigation agreement specific to the cable system that was executed in 2021. The application does not propose any changes to the cable system since the 2021 LOA was entered into on March 12, 2021 and there have been no substantive changes in the foreign ownership since the 2021 LOA was entered into. Thus, we found that this Application presented a low or minimal risk to national security, law enforcement, foreign policy, and trade policy. See Streamlined Submarine Cable Landing License Applications, Accepted for Filing, Report No. SCL-00363S, Public Notice, March 11, 2022. Although we did not refer this application, we provided a courtesy copy of the accepted for filing public notice to the Executive Branch agencies. Public Notice at 3, citing Executive Branch Review Process Order, 35 FCC Rcd 10927, 10941, para. 36, n. 99 (2020); see also id. at 10957, para 81, n. 205. The agencies did not file comments.

Conditions and Requirements: HTI will comply with the routine conditions specified in Section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g).

We grant HTI's request and condition grant of the application on HTI's continued compliance with commitments and undertakings contained in the 2021 LOA. A copy of the 2021 LOA is publicly available and may be viewed on the FCC website through the International Communications Filing System (ICFS) by searching for the appropriate file number (SCL-T/C-20200520-00021) 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 grant of the transfer of control application 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, 47 CFR 1.767(g)(15). As HTI requested a 10-year term for the HICS cable, and as the cable is already licensed and in-service, this license shall expire on July 29, 2034, 10 years from the grant of this cable landing license.

INFORMATIVE

SCL-STA-20240712-00032

Edge Cable Holdings USA, LLC

On August 12, 2024, we granted the request for special temporary authority (STA) filed by Edge Cable Holdings USA, LLC; AMCS LLC.; Keppel Midgard Holdings Pte Ltd; Keppel Midgard USA, Inc.; and PT Telekomunikasi Indonesia International (together, the "Applicants") for an extension of their STA to construct, connect, and test at their own risk those portions of the Bifrost cable system in U.S. territory prior to the Commission's action of the pending cable landing license application for the Bifrost cable system (SCL-LIC-20221209-00036). The Applicants acknowledge that grant of the STA will not prejudice action by the Commission on the underlying application and that the STA is subject to cancellation or modification upon notice. Further, the Applicants acknowledge that such STA can be revoked by the Commission on its own motion without a hearing.

The STA expires on February 8, 2025.

INFORMATIVE

SCL-STA-20240715-00033

Latam Telecommunications, L.L.C.

On August 12, 2024, we granted the request for special temporary authority (STA) filed by LATAM Telecommunications, LLC and Puerto Rico Telephone Company, Inc. (together, the Applicants) for an extension of their STA to continue operating the segment and associated landing points connecting Isla San Andrés, Colombia and Puerto Limón, Costa Rica to the América Móvil Submarine Cable System (AMX1 system) (SCL-LIC-20120330-00002) while the Commission considers an application for authority for that segment and landing points (SCL-MOD-20230915-00025). The Applicants acknowledge that grant of this STA request will not prejudice action by the Commission and that such STA is subject to cancellation or modification upon notice without a hearing. The Applicants further acknowledge that such STA can be revoked by the Commission on its own motion without a hearing.

The STA expires on February 8, 2025.