



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00585

Tuesday December 23, 2025

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

Actions Taken Under Submarine Cable Landing License Act

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 (Submarine 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, 47 CFR §§ 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 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); 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 submarine cable landing licensee's Submarine 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. Submarine 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.

SCL-MOD-20241204-00047 S250459 Hawaiiki Submarine Cable USA LLC

Date filed: 2024-12-04

Modification

Grant of Authority

Date of Action:

2025-12-22

Hawaiiki Submarine Cable USA LLC (HSC USA) filed an application for authority to modify the cable

landing license for the Hawaiki Submarine Cable System (Hawaiki) (SCL-LIC-20160906-00019), to authorize a new branch to Vava'u, Tonga. HSC USA filed supplements on April 1, 2025, and on May 12, 2025. The Commission placed the Application on Public Notice on May 16, 2025. Non-Streamlined Submarine Cable Landing License Applications Accepted For Filing, Report No. SCL-00546NS (OIA May 16, 2025). No comments or oppositions were filed in response to the Public Notice.

Licensing History.

Hawaiki is a non-common carrier submarine cable connecting Sydney, Australia; Mangawhai Heads, New Zealand; Tafuna, American Samoa; Kapolei, Oahu, Hawaii; and Pacific City, Oregon. The Commission granted a cable landing license for Hawaiki in 2017. The licensees are HSC USA, Tillamook Lightwave IGA (Tillamook Lightwave), ACS Cable Systems, LLC (ACS), and DR Fortress, LLC (DR Fortress). *See* SCL-LIC-20160906-00019, Actions Taken Under Cable Landing License Act, Report No. SCL-00207, Public Notice, 32 FCC Rcd 10248 (IB 2017) (Hawaiki Grant PN). HSC USA states it has been appointed as a proxy for the other licensees for Hawaiki for the purposes of this modification application.

Executive Branch Coordination.

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, 37 FCC Rcd 5183 (2022). *See* Non-Streamlined Submarine Cable Landing License Applications Accepted For Filing, Report No. SCL-00580NS, DA No. 25-1014, Public Notice (OIA Dec. 5, 2025).

In the Executive Branch Review Process Order, the Commission stated that it would generally refer submarine cable applications reportable foreign ownership to the Executive Branch for review for national security, law enforcement, foreign policy, and trade policy issues. *See* Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC 10927, 10935-36, para. 24 (2020) (Executive Branch Review Process Order); *see* 47 CFR § 1.40001(a)(1). On May 16, 2025, we referred the Application to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns. On May 28, 2025, the U.S. Department of Justice, National Security Division, on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) filed a letter notifying the Commission that the Committee is conducting an initial review of the application filed by HSC USA to assess whether grant of the application will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)) and that it shall complete its review of the application before the end of the 120-day initial review period, unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment. SCL-MOD-20241204-00047, Non-streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00550NS, Public Notice (OIA May 30, 2025). On September 30, 2025, the National Telecommunications and Information Administration (NTIA), on behalf of the Committee, filed a Petition to Adopt Conditions to

Authorization and License stating that the Committee has no objection to the Commission granting the Application provided that it conditions grant on the assurances of Hawaiki Submarine Cable USA, LLC, and BW Digital Pte. Ltd., to abide by the commitments and undertakings set forth in the September 17, 2025 commitment letter and the March 23, 2022 Letter of Agreement (March 23, 2022 LOA), between HSC USA and U.S. Department of Homeland Security, U.S. Department of Justice, and U.S. Department of Defense.

Actions Taken:

1. We grant the modification of the cable landing license for the Hawaiki cable system to add a new branch to Vava'u, Tonga, as conditioned in this Public Notice.
2. We grant the Petition to Adopt Conditions to Authorization and License filed by the National Telecommunications and Information Administration on September 30, 2025.

Licensee Information.

HSC USA, a Delaware limited liability company, is a direct wholly owned subsidiary of HSC LP, a New Zealand entity. Hawaiki Submarine Cable General Partner Ltd (HSC GP), a New Zealand entity, is the general partner of HSC LP. BW Digital Pte. Ltd. (BW Digital), a Singapore entity, holds 100% of the limited partnership interests in HSC LP and 100% of the equity and voting interests in HSC GP. BW Digital is wholly owned by BW Calyx Limited (BW Calyx), a Bermuda entity. Andreas Sohmen-Pao, a citizen of Austria, is the sole owner of BW Calyx and the Chairman of the BW Group, and 100% indirect owner of HSC USA.

Cable Design and Capacity.

The new branch from a branching unit on Hawaiki to Vava'u, Tonga will be approximately 252 miles in length. The Tonga Branch will consist of two fiber pairs and will be equipped with two wavelengths of 200 gigabits per second (Gbps) each. One 200 Gbps wavelength will connect Tonga to the United States and the other to New Zealand.

Ownership of the New Segment and Landing Station.

Tonga Cable Ltd (Tonga Cable) will own the Tonga Branch which will be constructed by affiliates of BW Digital. Tonga Cable owns and operates the cable landing station in Vava'u. While Tonga Cable will be the operational party responsible for the operation Tonga Branch, the operations of the branch will be conducted under the supervision of and with the support of HSC LP. HSC LP will provide the commissioning, monitoring, maintenance and network operations center (NOC) activities for the Tonga Branch, and other services otherwise required by and on behalf of Tonga Cable.

The Government of Tonga holds an 83% interest in Tonga Cable. The remaining 17% interest is held by Digicel (Tonga) Limited which is ultimately owned by Telstra Group Ltd, a publicly traded Australian company.

According to HSC USA, other than its ownership in the Tonga Branch, Tonga Cable will not have any ownership interest in Hawaiki and therefore will not have a greater than 5% interest in the cable and consequently it is not required to be an applicant/licensee under section 1.767(h)(2) of the Commission's rules. 47 CFR §1.767(h)(2).

Regulatory Status of the Cable.

HSC USA will continue to operate Hawaiki on a non-common carrier basis. See Hawaiki Grant PN.

Conditions.

HSC USA shall comply with the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g).

We grant the Petition to Adopt Conditions to Authorization and License filed by NTIA on behalf of the Committee. Accordingly, we condition grant of the Application on Hawaiki Submarine Cable USA, LLC, and BW Digital Pte. Ltd abiding by the commitments and undertakings set forth in the September 17, 2025 commitment letter and the March 23, 2022 LOA. The Petition, commitment letter, and the LOA may be viewed on the FCC's website through the International Communications Filings System by searching for SCL-MOD-20241204-00047 and accessing the "Pleadings and Comments" from the Document Viewing Area.

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

This authorization is without prejudice to the Commission's action in any related proceedings.
