



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 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: 02/26/2025

On August 15, 2024, GCI Communication Corp. (GCICC or Applicant) filed an application for a new cable landing license to continue to operate within the United States a non-common carrier fiber-optic submarine cable network connecting Juneau, Valdez, and Whittier, Alaska, and Norma Beach, Washington, known as the Alaska United East (AU-East) Cable System (Application). Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00499S, Public Notice (OIA Nov. 29, 2024). No comments were filed in response to the Public Notice.

The original license for the AU-East Cable System (SCL-MOD-20020409-00019) expired on February 1, 2024. On September 11, 2024, the Commission granted Special Temporary Authority (STA) to GCICC to continue operation of the AU-East Cable System while the Commission considered this Application. See File No. SCL-STA-20240626-00028, Actions Taken Under Cable Landing License Act, Report No. SCL-00484, Public Notice, DA 24-926 (OIA Sep. 12, 2024). GCICC acknowledged that grant of the STA request does not prejudice action by the Commission on this Application and that the STA is subject to cancellation or modification upon notice and can be revoked by the Commission on its own motion without a hearing.

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 Cable System.

The AU-East Cable System is a non-common carrier fiber optic system that consists of three segments: (1) the Whittier-Norma Beach Trunk, which is 2,601 kilometers in length and consists of two fiber pairs with an initial design capacity of 10 Gigabits per second (Gbps) and a current capacity of 1 Terabit per second (Tbps); (2) the Whittier-Valdez Segment, which is 156 kilometers in length and consists of 12 fiber pairs with an initial design capacity of 30 Gbps and a current capacity of 400 Gbps; and (3) the Juneau Branch, which is 462 kilometers in length and consists of an initial design capacity of 10 Gbps and a current capacity of 1 Tbps.

GCICC states that a new cable landing license would permit it to continue to operate the AU-East Cable System on a non-common carrier basis by providing bulk capacity to wholesale, enterprise, and Internet content customers on particularized terms and conditions pursuant to individualized negotiations. GCICC states that a grant of its application will significantly advance the public interest because the AU-East Cable System (1) provides critical connectivity on intra-Alaska and Alaska-Lower 48 routes, and diverse connectivity, as GCICC's AU-East system connects Juneau, Valdez, and Whittier, Alaska, and Norma Beach, Washington; and (2) competes vigorously with other submarine cable systems intra-Alaska and on Alaska-Lower 48 routes, including the Northstar and AKORN submarine cable systems.

Licensing History.

The AU-East Cable System was originally licensed in 1997. General Communication Inc., Application for a License to Land and Operate in the United States a Digital Submarine Cable System Extending Between the Pacific Northwest United States and Alaska, Cable Landing License, 12 FCC Rcd 18,292 (IB 1997) aff'd, Order on Review, 16 FCC Rcd 4314 (2001). The AU-East Cable System was placed into service on February 1, 1997. See Letter from Kent Bressie, counsel for GCI Communications Corp, to Marlene H. Dortch, Secretary, FCC (Mar. 15, 2018) (available in ICFS File Nos. SCL-LIC-19961205-00615, SCL-LIC-19980602-00008, SCL-ASG-19971125-00013, SCL-MOD-20020409-00018, and SCL-MOD-20020409-00019). The license was modified in 2002 to add the no-special concessions and pro forma conditions. See File Nos. SCL-MOD-20020409-00018 and SCL-MOD-20020409-00019, Actions Taken Under Cable Landing License Act, Public Notice, 17 FCC Rcd 12916 (IB 2002).

Actions Taken.

(1) Grant of a Cable Landing License to GCI Communication Corp. for the purpose of continuing to operate a non-common carrier fiber-optic submarine cable system, the AU-East Cable System, that connects Juneau, Valdez, and Whittier, Alaska, and Norma Beach, Washington; and (2) Grant of the request for waiver of section 1.767(h)(1) of the Commission's rules in connection with the license.

Licensee Information.

GCICC is an Alaska corporation. The 10% or greater direct and indirect interest holders in GCICC are the following: (1) GCI Holdings, Inc., a Delaware corporation (100% equity and voting interest); (2) Ventures Holdco, LLC, a Delaware limited liability company (100% equity and voting interests in GCI Holdings, Inc.); (3) GCI, LLC, a Delaware limited liability company (100% equity and voting interests in Ventures Holdco, LLC); (4) Grizzly Merger Sub 1 LLC, a Delaware limited liability company (100% equity and voting interests in GCI, LLC); (5) Liberty Broadband Corporation, a Delaware corporation (100% equity and voting interests in Grizzly Merger Sub 1 LLC); and (6) Dr. John C. Malone, a U.S. citizen (6.074% equity interest and 48.9% voting interest in Liberty Broadband Corporation).

Ownership of the Cable System and Landing Stations.

GCICC states that it owns and controls all segments of the AU-East Cable System and the cable landing stations in Whittier and Valdez, Alaska, and Norma Beach, Washington. GCICC states that although Alascom, Inc. dba AT&T Alaska owns and controls the Juneau cable landing station, GCICC controls the AU-East equipment within the Juneau cable landing station.

Waiver of 47 CFR § 1.767(h)(1).

GCICC requests a waiver of section 1.767(h)(1) of the Commission's rules so that AT&T Alaska need not be a joint applicant for the cable landing license. Section 1.767(h)(1) requires that "any entity that owns or controls a cable landing station in the United States" shall be "applicants for, and licensees on, a cable landing license." 47 CFR § 1.767(h)(1). GCICC states that AT&T Alaska has no ability to affect significantly the operation of the AU-East Cable System, and that inclusion of AT&T Alaska as a joint applicant is not necessary to ensure compliance by GCICC with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license. According to GCICC, AT&T Alaska provides it with certain limited services that would not provide it with any ability to affect significantly the operation of the AU-East Cable System. GCICC has entered into a long-term lease with AT&T Alaska for colocation space for power feed equipment and will retain operational authority over the landing facilities of the AU-East Cable System and provide direction to AT&T Alaska in all matters relating to the AU-East Cable System. The existing lease terms and extension options (at the sole discretion of GCICC) will cover the remaining useful life of the AU-East Cable System.

The purpose of the 1.767(h)(1) requirement is to ensure that entities having a significant ability to affect the operation of the cable system become licensees and become subject to the conditions and responsibilities associated with the license. See Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22194-95, paras. 53-54. Although AT&T Alaska is the owner of the Juneau, AK AU-East cable landing station, we find that, based on the agreement between GCICC and AT&T Alaska, the cable station owner described above, AT&T Alaska will not have the ability to affect significantly the operation of the cable system. Accordingly, we grant GCICC's request for a waiver of 1.767(h)(1) and we do not require AT&T Alaska to be a licensee for the AU-East Cable System. 47 CFR 1.767(h)(1).

Regulatory Status.

GCICC states that it will continue to operate the AU-East Cable System on a non-common-carrier basis. According to the Applicant, non-common carrier classification of the system is consistent with established Commission policy and precedent and will advance the public interest. GCICC states that it does not sell capacity indifferently to the user public, but instead it: (a) uses AU-East Cable System capacity as an input for other services offered to retail, enterprise, and government customers in the United States, and (b) sells 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. On routes served by the AU-East Cable System, GCICC will continue to compete vigorously with existing providers' facilities, including the Northstar and AKORN submarine cable systems of Alaska Communications Systems Group, Inc.

GCICC has provided information and demonstrated that the continued operation of the cable on a non-common carrier basis satisfies the requirements set forth in *National Association of Regulatory Utility Commissioners v. FCC*, 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.

GCICC agrees to accept and abide by the routine conditions specified in section 1.767(g) of the Commission's rules. 47 CFR § 1.767(g).

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 AU-East is already in-service, this license shall expire 25 years from the grant of the new license, on February 26, 2050.
