PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
45 L STREET NE
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: http://www.fcc.gov (or ftp.fcc.gov)
TTY (202) 418-2555

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Report No. SCL-00549 **Thursday May 22, 2025**

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.

SCL-LIC-20240621-00030 E Starfish Infrastructure Inc.

Submarine Cable Landing License

Grant of Authority Date of Action: 05/21/2025

Starfish Infrastructure Inc. (Starfish) has filed an application for a license to construct, land, and operate a non-common carrier fiber-optic submarine cable system that will connect the United States to Bermuda, the Azores, and Portugal, the Nuvem system. Starfish filed supplements to the application on July 8, 2024, and May 13, 2025. Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00476S, Public Notice (OIA July 26, 2024). No comments were filed in response to the Public Notice.

Executive Branch Review.

Pursuant to Commission practice, the Application was referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the foreign ownership of the Applicants. 47 CFR § 1.40001(a)(1). On August 29, 2024, 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 a letter requesting that the Commission defer action on the application while the Committee reviewed it for any national security and law enforcement concerns that may be raised by foreign participation in the United States telecommunications services sector. See Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00483NS, Public Notice (OIA July 12, 2024).

On May 7, 2025, the National Telecommunications and Information Administration (NTIA), on behalf of the Committee, filed a Petition to Adopt Conditions to Authorization and License. The Committee states that it has no objection to the Commission approving authority to land and operate Nuvem, provided that the Commission conditions its approval on the assurances of Starfish and Google, LLC (Google) to abide by the commitments and undertakings of the April 30, 2025 National Security Agreement between Starfish and Google on the one hand, and the Committee, represented by the U.S. Department of Homeland Security, the U.S. Department of Justice, and the U.S. Department of Defense, on the other hand (April 30, 2025 NSA).

Following the completion of the Committee review of the Application, the Office of International Affairs (OIA) coordinated the Application 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 Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00543NS, Public Notice (OIA May 8, 2025).

Actions Taken.

(1)Grant of a Cable Landing License to Starfish Infrastructure Inc. (Starfish) for the purpose of constructing, landing and operating a non-common carrier fiber-optic submarine cable system connecting the United States to Bermuda, the Azores, and Portugal, the Nuvem cable system;

(2)Grant of the request for waiver of section 1.767(h)(1) of the Commission's rules in connection with the license; and

(3)Grant of the Petition to Adopt Conditions to Authorization and License filed by the NTIA on May 7, 2025.

Licensee Ownership Information.

Starfish is an indirect wholly owned subsidiary of Google LLC, both Delaware entities. As of April 26, 2024, the 10% or greater direct or indirect interest holders of Starfish are: (1) Sea Coral Holdings LLC, a Delaware company (100% equity and voting interest in Starfish); (2) Google LLC (100% equity and voting interest in Sea Coral Holdings LLC); (3) XXVI Holdings Inc. (XXVI Holdings), a Delaware company (100% equity and voting interest in Google LLC); (4) Alphabet Inc. (Alphabet), a Delaware company (approximately 100% equity interest and more than 99% voting interest in XXVI Holdings); (5) Larry Page, a U.S. citizen (26.7% voting interest in Alphabet through ownership of 44.9% of Alphabet's Class B common stock); and (6) Sergey Brin, a U.S. citizen (25% voting interest in Alphabet through ownership of 41.9% of Alphabet's Class B common stock). Alphabet's shares are publicly traded on the NASDAQ stock market. As of April 26, 2024, no other entity or individual holds a 10% or greater direct or indirect equity or voting interest in either Alphabet or Starfish.

Cable System Design and Capacity.

The Nuvem cable system will consist of the following segments: (1) the Transatlantic Segment between Myrtle Beach, South Carolina, and Sines, Portugal; (2) the Bermuda Segment connecting Bermuda to a branching unit on the Transatlantic Segment; and (3) the Azores Segment connecting the Azores to a second branching unit on the Transatlantic Segment.

The Transatlantic Segment will have a total length of approximately 6,900 kilometers and consist of 16 fiber pairs. The Bermuda Segment will have a total length of approximately 170 kilometers and will consist of 16 fiber pairs. The Azores Segment will have a total length of approximately 124 kilometers and will consist of 16 fiber pairs. Each fiber pair on the system will have a total design capacity of approximately 24 Terabits per second (Tbps) for a total system capacity of approximately 384 Tbps.

Starfish states that Nuvem will be the first system to directly connect the U.S. to both the Azores and mainland Portugal, as well as be the first transatlantic system to have a landing point in Bermuda. This new route between the U.S. and southern Europe will provide significant new and replacement capacity, and further strengthen the redundancy and resilience of transatlantic communications.

Ownership of the Cable System.

Starfish and its affiliates will own and control the Nuvem cable system as follows: (1) Starfish will hold 100% of the equity and voting interests in the portion in U.S. territory; (2) Sea Fan Singapore Infrastructure Pte. Ltd. (Sea Fan) will hold 100% of the equity and voting interests in the portion in international waters; (3) Skipjack Infrastructure Limited (Skipjack) will hold 100% of the equity and voting interests in the portion in Bermudian territory; and (4) Sailfish Infrastructure Unipessoal LDA (Sailfish) will hold 100% of the equity and voting interests in the portion in Portuguese territory (including the Azores. Starfish, Sea Fan, Skipjack, and Sailfish are all indirect, wholly-owned subsidiaries of Google LLC. Starfish states that because Sea Fan, Skipjack, and Sailfish will not use the U.S. endpoint of the system, none of these entities is required by section 1.767(h)(2) of the Commission's rules to be an applicant for the cable landing license. 47 CFR § 1.767(h)(2).

Ownership of Landing Stations.

The cable landing stations will be located in Myrtle Beach, South Carolina; Annie's Bay, Bermuda; Sao Miguel, Azores; and Sines, Portugal. The cable landing stations are owned and controlled as follows: (1) Myrtle Beach, South Carolina: DC Blox Inc. (DC Blox) owns an existing cable landing station and Starfish will be the U.S. landing party; (2) Annie's Bay, Bermuda: Sea Grass Services Limited (Sea Grass) will own a new cable landing station and Skipjack will be the landing party; (3) Sao Miguel, Azores: Angler Fish Services, Unipessoal LDA (Angler Fish) will own a new cable landing station and Sailfish will be the landing party; and (4) Sines, Portugal: Angler Fish will own a new cable landing station and Sailfish will be the landing party.

Waiver of 47 CFR § 1.767(h)(1).

Starfish requests a waiver of section 1.767(h)(1) of the Commission's rules so that DC Blox is not required to be an applicant for a U.S. cable landing license for the Nuvem cable system. Section 1.767(h)(1) requires that "[a]ny 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). Starfish asserts that DC Blox will have no independent ability to affect the Nuvem cable system's operation, and including DC Blox as an applicant is not necessary to ensure compliance by Starfish with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license. According to Starfish, DC Blox is expected to provide certain limited services at the U.S. cable station that would not enable it to significantly affect the Nuvem cable system's operation, as these services will be provided at Starfish's direction and under its supervision. Starfish intends to contract with DC Blox for the right to use separately-caged collocation space and for the provision of certain operation and maintenance services at the cable landing station. Starfish states that DC Blox is not expected to have access to Starfish' space, except: (i) to perform certain operation and maintenance services as per Starfish's direction and instructions; (ii) to conduct work in the space unrelated to the system, after providing Starfish advance notice and opportunity to supervise any such work; or (iii) in cases of emergency. The agreement with DC Blox is expected to have an initial term of 15 years that could be extended by Starfish to 25 years.

The purpose of the 1.767(h)(1) requirement is to ensure that entities with a significant ability to affect the operation of the cable system become licensees so that they are 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 DC Blox owns an existing cable landing station in Myrtle Beach, South Carolina, we find, based on the record in this proceeding that DC Blox will not have the ability to affect significantly the operation of the cable system. Accordingly, we grant the Applicant a waiver of section 1.767(h)(1) and do not require DC Blox to become an applicant/licensee for the Nuvem cable system.

Regulatory Status.

Starfish proposes to operate the Nuvem cable system on a non-common carrier basis. Starfish states that the system's capacity will either be used by Starfish and its affiliates to meet their own internal needs for bandwidth, or made available to third parties pursuant to individually negotiated indefeasible rights of use (IRUs), the terms of which will vary depending on the characteristics and needs of the particular capacity purchase. Starfish expects commercial operation of the U.S. landing point of the system to commence as soon as the second half of 2026.

Starfish asserts that there are sufficient alternative facilities providing transatlantic connectivity to preclude the system from becoming a bottleneck facility. Specifically, on the U.S.-Southern Europe route, Nuvem will compete with the Amitie, Anjana (planned), Grace Hopper, and Marea systems. On the U.S.-Bermuda route, Nuvem will compete with the Gemini and GlobeNet systems.

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, 20815-18, paras. 62-67 (2000).

Conditions and Requirements.

Starfish agrees to accept and will abide by 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 (Petition) filed in this proceeding by NTIA, on behalf of the Committee, on May 7, 2025. Accordingly, we condition grant of this Application on Starfish and Google abiding by the commitments and undertakings set forth in the April 30, 2025 NSA. A copy of the Petition and April 30, 2025 NSA are publicly available and may be viewed on the FCC website through the International Communications Filing System (ICFS) by searching SCL-LIC-20240621-00030 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. 47 CFR § 1.767(g)(15). The in-service notification must be filed in ICFS through the "Pleadings and Comments" for file number SCL-LIC-20240621-00030.