



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00567

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**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-LIC-20240911-00038 S250471
Date filed: 2024-09-11
Submarine Cable Landing License

Starfish Infrastructure Inc.

Starfish Infrastructure Inc. (Starfish) filed an application for a license to construct, land, and operate the

Proa cable system, a non-common carrier fiber-optic submarine cable system that will connect Guam and the Commonwealth of the Northern Mariana Islands (CNMI) to Japan. On September 19, 2024, Starfish filed a supplement to the application. On November 15, 2024, the application was placed on Public Notice. *See* SCL-LIC-20240911-00038, Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00496S, Public Notice (OIA Nov. 15, 2024). No comments were filed in response to the Public Notice.

Executive Branch Review.

On November 25, 2024, the U.S. Department of Homeland Security (DHS) notified the Commission that it was reviewing the application and requested that the Commission defer action on the application until it completes its review. Pursuant to Commission practice, the application was referred to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector(Committee) for its views on any national security, law enforcement, foreign policy or trade policy concerns. SCL-LIC-20240911-00038, Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00500NS, Public Notice (OIA Dec. 5, 2024). *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 Rcd 10927 (2020). On December 20, 2024, the Committee notified the Commission that it was reviewing the application. SCL-LIC-20240911-00038, Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00506NS, Public Notice (OIA Dec. 27, 2024).

On July 21, 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 the Proa cable system, 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 July 16, 2025 National Security Agreement between Starfish and Google on the one hand, and the Committee, represented by DHS, the U.S. Department of Justice, and the U.S. Department of Defense, on the other hand (July 16, 2025 NSA).

Following the completion of the Committee review of the application, the Office of International Affairs 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) (*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). *See* SCL-LIC- 20240911-00038, Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00563NS, Public Notice, DA 25-655 (OIA July 25, 2025).

Actions Taken.

1. Grant of a Cable Landing License to Starfish Infrastructure Inc. for the purpose of constructing, landing and operating the Proa cable system, a non-common carrier fiber-optic submarine cable system connecting Guam and the Commonwealth of the Northern Mariana Islands (CNMI) to

Japan;

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 National Telecommunications and Information Administration on July 21, 2025.

Licensee Ownership Information.

Starfish is an indirect wholly owned subsidiary of Google LLC, a Delaware company. As of June 30, 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 interests in Starfish); (2) Google LLC (100% equity and voting interests in Sea Coral Holdings LLC); (3) XXVI Holdings Inc. (XXVI Holdings), a Delaware company (100% equity and voting interests in Google LLC); (4) Alphabet Inc. (Alphabet), a Delaware company (100% equity interest and more than 99% voting interest in XXVI Holdings); (5) Larry Page, a U.S. citizen (26.8% 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 June 30, 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 Proa cable system will have three segments: (1) from Shima, Japan, to a branching unit (BU) in the Philippine Sea near the Marianas archipelago, a length of 2,623 kilometers; (2) from the Philippine Sea BU to Tanguisson, Guam, a length of 179 kilometers; and (3) from the Philippine Sea BU to Tinian, CNMI, a length of 89 kilometers. Each segment will have 16 fiber pairs, and each fiber pair will have a minimum design capacity of approximately 25 Terabits per second (Tbps).

Starfish states that the Proa cable system will be the first system to directly connect Japan to CNMI and that grant of the license will accelerate Guam's position as a growing gateway for international connectivity. Further, Starfish asserts that the segment landing on the island of Tinian, CNMI, will be physically diverse from existing cables that landing in the CNMI, resulting in path diversity and redundancy in case of a single branch failure.

Ownership of the Cable System.

Starfish and its affiliates will own and control the Proa cable system as follows: (1) Starfish, a Delaware company, 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), a Singapore company, will hold 100% of the equity and voting interests in the portion in international waters; and (3) Seabream Infrastructure G.K. (Seabream), a Japan company, will hold 100% of the equity and voting interests in the portion in Japan territory. Starfish, Sea Fan, and Seabream are all indirect, wholly owned subsidiaries of Google LLC. Starfish states that because Sea Fan and Seabream will not use the U.S. endpoints of the system, neither 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 Proa cable system landing stations are owned and controlled as follows: (1) Tanguisson, Guam: AT&T Enterprise, LLC (AT&T), a Delaware company, owns an existing cable landing station and Starfish will be the U.S. landing party and control the use of the landing station for the Proa cable system; (2) Tinian, CNMI: Unicornfish Services Inc. (Unicornfish), a Google subsidiary, will construct and own a new cable landing station and Starfish will be the U.S. landing party and control the use of the landing station for the Proa cable system; and (3) Shima, Japan: KDDI owns an existing cable landing station and Seabream will contract with KDDI to be the landing party for the Proa cable system in Japan.

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 neither AT&T nor Unicornfish is required to be an applicant for a U.S. cable landing license for the Proa 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 neither AT&T nor Unicornfish will have any independent ability to affect the operation of the Proa cable system and including them as applicants 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, AT&T and Unicornfish are expected to provide certain limited services at the U.S. cable stations that would not enable them to significantly affect the Proa cable system's operation, as these services will be provided at Starfish's direction and under its supervision. Starfish intends to contract with AT&T and Unicornfish for the right to use separately caged collocation space in the Guam and Tinian cable landing stations, and for the provision of certain operation and maintenance services at the cable landing stations. Further, Starfish states that AT&T and Unicornfish are not expected to have access to Starfish's 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 agreements with AT&T and Unicornfish are expected to have an initial term of 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 AT&T and Unicornfish will own cable landing stations in Tanguisson, Guam and Tinian, CNMI, respectively, we find, based on the record in this proceeding that neither AT&T nor Unicornfish will 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 AT&T and Unicornfish to become applicants/licensees for the Proa cable system.

Regulatory Status.

Starfish proposes to operate the Proa cable system on a non-common carrier basis. Starfish states that the system's capacity will be either 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. Further, the capacity provided to affiliates will be pursuant to inter-affiliate agreements.

Starfish asserts that there are sufficient alternative facilities serving the U.S.-Japan route to preclude the system from becoming a bottleneck facility. Specifically, the Proa cable system will compete with other existing and planned cable systems that connect Guam to Japan, including Apricot, JGA North, GOKI, and Tata-TGN Pacific. Tata TGN-Pacific, Juno, Jupiter, NCP, FASTER, TPE, Unity and Pacific Crossing connect the continental U.S. to Japan. Further, Guam and CNMI are connected by the Atisa and MTC Interisland cable 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 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 (Petition) filed in this proceeding by NTIA, on behalf of the Committee, on July 21, 2025. Accordingly, we condition grant of the application on Starfish and Google abiding by the commitments and undertakings set forth in the July 16, 2025 NSA. A copy of the Petition and July 16, 2025 NSA are publicly available and may be viewed on the FCC website through the International Communications Filing System (ICFS) by searching SCL-LIC-20240911-00038 and accessing the "Pleadings & Comments" tab in 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-20240911-00038.