PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00571 **Thursday August 14, 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-LIC-20241210-00048 S250475 Starfish Infrastructure Inc.
Date filed: 2024-12-10
Submarine Cable Landing License
Grant of Authority Date of Action: 2025-08-12

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

Halaihai 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 French Polynesia and Chile. On January 10, 2025, the application was placed on Public Notice. *See* SCL-LIC-20241210-00048, Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL00509S, Public Notice (OIA Jan. 10, 2025). No comments were filed in response to the Public Notice.

Executive Branch Review.

On January 16, 2025, 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-20241210-00048, Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00514NS, Public Notice (OIA Jan. 24, 2025). *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 January 29, 2025, the Committee notified the Commission that it was reviewing the application. SCL-LIC20241210-00048, Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00517NS, Public Notice (OIA Jan. 29, 2025).

On July 25, 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 Halaihai 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 18, 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 18, 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-20241210-00048, NonStreamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL00564NS, Public Notice, DA 25-675 (OIA July 31, 2025).

Actions Taken.

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

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 25, 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 Halaihai cable system will consist of the following segments: (1) Transpacific Segment from Guam to the Valparaiso Region of Chile, a length of approximately 17,144 kilometers; (2) Tinian Segment from Tinian, CNMI, to a branching unit on the Transpacific Segment, a length of approximately 69 kilometers; (3) Tahiti Nui Segment from Tahiti Nui, French Polynesia to a branching unit on the Transpacific Segment, a length of approximately 133 kilometers; and (4) Tahiti Iti Segment from Tahiti Iti, French Polynesia, to a branching unit on the Transpacific Segment, a length of approximately 137 kilometers. Each segment will have 16 fiber pairs, and each fiber pair will have a minimum design capacity of approximately 14.5 Terabits per second (Tbps).

Starfish states that the Halaihai cable system will also include two additional branching units on the segment from Guam/CNMI to French Polynesia. The Applicant further states that neither Starfish nor its affiliates currently have specific plans to utilize these branching units.

Starfish states that the Halaihai cable system will be the first system to (1) directly connect Guam to French Polynesia, and (2) directly connect Guam, and the Pacific region more generally, to the South American continent. Further, according to the Applicant, grant of the license will accelerate Guam's position as a growing gateway for international connectivity. Starfish states that it intends to install and test the Halaihai cable system in U.S. waters in the first quarter of 2026 and commence commercial operation of the U.S. landing points of the system in the first quarter of 2027.

Ownership of the Cable System.

Starfish and its affiliates will own and control the Halaihai 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; (3) Octopus Infrastructure S.A.S.

(Octopus), a French company, will hold 100% of the equity and voting interests in the portion in French Polynesian territory; and (4) Inversiones del Suelo Chileno Limitada (Suelo Chileno), a Chile company, will hold 100% of the equity and voting interests in the portion in Chilean territory. Starfish, Sea Fan, Octopus, and Suelo Chileno are all indirect, wholly owned subsidiaries of Google LLC. Starfish states that because Sea Fan, Octopus, and Suelo Chileno will not use the U.S. endpoints 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 Halaihai cable landing stations are owned and controlled as follows: (1) Guam (western coast): Starfish will be the U.S. landing party and control the cable landing station, and the ownership and type (new or existing) of cable landing station will be provided to the Commission when finalized; (2) Tinian, CNMI: Unicornfish Services Inc. (Unicornfish), a Google affiliate, will construct and own a new cable landing station, and Starfish will be the U.S. landing party and control the cable landing station; (3) Tahiti Nui, French Polynesia: Sea Turtle Services SAS (Sea Turtle), a French company, will construct and own a new cable landing station, and Octopus will be the landing party and control the cable landing station; (4) Tahiti Iti, French Polynesia: Sea Turtle will construct and own a new cable landing station, and Octopus will be the landing party and control the cable landing station; and (5) Valparaiso Region, Chile: Inversiones y Servicios Frontera del Mar Limitada (Frontera del Mar) will construct and own a new cable landing station, and Suelo Chileno will be the landing party and control the landing station. Unicornfish, Sea Turtle, and Frontera del Mar are all indirect, wholly owned subsidiaries of Google LLC. Starfish is still determining the precise landing points on the west coast of Guam and will file a more specific description of each landing point no later than ninety (90) days prior to construction pursuant to section 1.767(a)(5) of the Commission's rules. 47 CFR § 1.767(a)(5). See also 47 CFR § 1.767(g)(8).

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 Unicornfish is not required to be an applicant for a U.S. cable landing license for the Halaihai 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 Unicornfish will not have any independent ability to affect the operation of Halaihai, and including it 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, in U.S. territory, Unicornfish is expected to provide certain limited services at the U.S. cable station that would not enable Unicornfish to significantly affect the Halaihai system's operation, as these services will be provided at Starfish's direction and under its supervision. Starfish intends to contract with Unicornfish for the right to use separately caged collocation space in the Tinian cable landing station and also intends to contract with Unicornfish for the provision of certain operation and maintenance services at the cable landing station. Further, Starfish states that Unicornfish is not expected to have access to Starfish's space, except: (i) to perform certain operation and maintenance services 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 Unicornfish is 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 Unicornfish will own the cable landing station in Tinian, CNMI, we find, based on the record in this proceeding that Unicornfish 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 Unicornfish to become an applicant/licensee for the Halaihai cable system.

Regulatory Status.

Starfish proposes to operate the Halaihai 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 agreement.

Starfish asserts that the Halaihai cable system will compete with other existing and planned submarine cable systems serving the Pacific Island region. On the U.S.-French Polynesia route, the Halaihai cable system will compete with Bulikula, Honomoana, and Honotua. On the U.S.-Chile route, the system will compete with Curie, SAm-1, and South American Crossing.

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 2220222203, 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 25, 2025. Accordingly, we condition grant of the application on Starfish and Google abiding by the commitments and undertakings set forth in the July 18, 2025 NSA. A copy of the Petition and July 18, 2025 NSA are publicly available and may be viewed on the FCC website through the International Communications Filing System (ICFS) by searching SCL-LIC-20241210-00048 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-20241210-00048.