



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Streamlined Submarine Cable Landing License Applications Accepted For Filing

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing license; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless upon further examination an application is deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. Filings relating to this application must be received within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Modification

Application filed by Hawaiian Telcom, Inc. (HTI) for authority to modify the cable landing license for the Hawaiian Interisland Cable System (HICS or HICS Cable), SCL-LIC-19921015-00008 (old File No. S-C-L-93-003), to extend the license term for an additional five year period to and including July 31, 2024. The HICS Cable's 25 year license term is scheduled to expire July 31, 2019. HTI filed supplemental information on March 13, 2019.

The HICS Cable is a common carrier cable system that is approximately 282 miles in length, connecting four of the Hawaiian Islands: Oahu, Kauai, Maui, and Hawaii. The HICS Cable consists of 12 fiber strands and has a current cumulative design capacity of 300 gigabits per second. The Commission granted a cable landing license for the HICS Cable in 1993. GTE Hawaiian Telephone Company, Application for a License to Land and Operate a High Capacity Digital Submarine Cable System Wholly Within the State of Hawaii, Linking the Islands of Kauai, Oahu, Maui and Hawaii, Cable Landing License, File No. S-C-L-93-003, 8 FCC Rcd 7605 (CCB 1993) (HICS Licensing Order).

HTI requests that the HICS Cable license be modified to extend the license term for five more years so that HTI and its affiliates can continue to meet their customers' demands for telecommunications, video, and broadband services. HTI is an ILEC in Hawaii and the HICS Cable supports provision of services to the entire state. HTI notes that the inability to use the HICS Cable upon termination of its license on July 31, 2019 would be extremely disruptive to HTI's end-users and wholesale customers. Although HTI believes that the HICS Cable will be at the end of its technological life within the next five years, it says that a five year extension of its current license would give it time "to evaluate operational and technical considerations and implement any permanent transition without prematurely withdrawing the HICS Cable capacity."

The Kauai landing station is located at Lihue, Hawaii. The Oahu landing stations are located at Ko Olina, Hawaii and Honolulu, Hawaii. The Maui landing station is located at Kihei, Hawaii. The Hawaii landing station is located at Kawaihae, Hawaii. HTI will continue to operate HICS on a common carrier basis.

The HICS Cable and all landing stations are 100% owned (voting and equity) by HTI, a Hawaiian corporation. HTI is 100% owned (voting and equity) by Hawaiian Telcom Communications, Inc. (HTCI), a holding company incorporated in Delaware. HTCI is 100% owned (voting and equity) by Hawaiian Telcom Holdco, Inc. (HTHI), also a holding company incorporated in Delaware. HTHI is 100% owned (voting and equity) by Cincinnati Bell, Inc., a holding company incorporated in Ohio. Cincinnati Bell, Inc. is publicly traded, and its shares are widely held. BlackRock, Inc., an investment management company incorporated in Delaware, holds a 14.5% interest in Cincinnati Bell, Inc.

HTI certifies that it will continue to abide by the conditions imposed in the Commission's 1993 HICS Licensing Order, 8 FCC Rcd. 7605. HTI also certifies that it will continue to abide by the Letter of Assurance, dated December 7, 2012, from Eric Yeaman, President & CEO, to the Assistant Attorney General, National Security Division, U.S. Department of Justice, and the Assistant Secretary for Policy, U.S. Department of Homeland Security (DHS) (2012 LOA), and the letter, dated June 1, 2018, from Christopher J. Wilson, Vice President & General Counsel, Cincinnati Bell Inc., to the Assistant Secretary, Office of Policy, DHS (2018 LOA) (Cincinnati Bell, as the parent of HTI, agrees to abide by the 2012 LOA). A copy of the 2012 LOA and the 2018 LOA are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-MOD-20190305-00007 and accessing "Other filings related to this application" from the Document Viewing area.

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See C.F.R. §§ 1.2001-1.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may be removed from streamlined processing and may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.