



# PUBLIC NOTICE

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**Report No. SCL-00246S**

**Wednesday July 31, 2019**

## **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](mailto: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.

## Submarine Cable Landing License

Application filed by City of Ketchikan d/b/a Ketchikan Public Utilities (KPU or Applicant) for a license to construct, land, and operate a private, non-common carrier fiber-optic submarine cable system connecting Ketchikan, Alaska with Prince Rupert, British Columbia, Canada. The system will be known as KetchCan1 Submarine Fiber Cable System (KetchCan1).

KetchCan1 will consist of a single continuous segment approximately 167 kilometers in length. It will connect an existing cable landing station in Prince Rupert with a new landing station in Ketchikan. The cable will be a non-repeater type and will consist of a minimum of 24 Fiber Double Armored Submarine Optical Fiber Cables. KetchCan1 will have up to 48 fibers with a design capacity of 2.4 Tbps per fiber pair. The system will have an initial lit capacity of 200 Gbps.

KetchCan1 will connect with existing fiber optic transport networks in Prince Rupert in order to connect to KPU's point of presence in Seattle, Washington. KPU connects to backbone global Internet cloud and wireless service providers from its point of presence in Seattle to ultimately provide the City of Ketchikan with high-speed broadband communications connectivity. Applicant states that KetchCan1 will advance the public interest by providing virtually unlimited "middle mile" broadband capacity to Ketchikan to meet the rural city's immediate and future demands for broadband services. KetchCan1 will ultimately provide the required capacity for future growth. KPU asserts that with 5G in its infancy, businesses and consumers ultimately will benefit from the enhanced capacity and reliability offered by KetchCan1. KPU plans to commence commercial operation of KetchCan1 in September 2020.

KPU will own, control, and operate all portions of, and will have a 100% voting interest in KetchCan1, including the Ketchikan cable landing station, equipment, wet plant, dry plant, and the single contiguous segment of the system-including and not limited to the cable system located in territory subject to U.S. jurisdiction, U.S. territorial waters, or outside of U.S. jurisdiction. KPU will construct a new cable landing station facility in Mountain Point, Ketchikan. The Applicant will also construct a conduit system at the Mountain Point facility for potential future expansion to connect additional U.S. locations to the fiber network. KPU will have a contractual relationship with City West Cable & Telephone Corp., a municipally-owned corporation in Prince Rupert, British Columbia, for the use of the Ridley Island, Prince Rupert landing station. KPU will have no ownership interest in the Ridley Island facility.

KPU proposes to operate KetchCan1 on a non-common carrier basis because there is no legal compulsion to serve the public indiscriminately. According to KPU, the system will provide a competitive alternative to the existing communications options on the U.S.-Canada route, thereby providing redundancy in communications paths and potentially reducing service rates. KPU states that each of the proposed cable landing sites is currently served by at least two or more service platforms such as mobile wireless, fixed wireless, digital subscriber line (DSL), cable, and fiber to the home (FTTH). KPU also asserts that KetchCan1 will provide additional transmission facilities in Alaska. Further, KPU does not intend to sell capacity indiscriminately to the user public. KetchCan1 will provide bulk capacity to wholesale and enterprise customers with terms and conditions pursuant to individualized negotiations.

The City of Ketchikan is a home rule municipality organized under Title 29 of Alaska Statutes. The City of Ketchikan owns 100% of KPU.

KPU certifies that it accepts and will abide by the routine conditions set forth in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).

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**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.