



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

Report No. SCL-00378S

Friday June 17, 2022

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. Unless otherwise specified, interested parties may file comments with respect to these applications 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.

Submarine Cable Landing License

An application has been filed by GU Holdings Inc. (GU Holdings) for a license to construct, land, and operate a non-common carrier fiber-optic submarine cable system connecting the United States with Brazil, Uruguay, and Argentina, the Firmina cable system. GU Holdings filed a supplement to the Application on June 7, 2022.

The Firmina cable system will consist of: (1) the Main Trunk from Myrtle Beach, South Carolina, to Las Toninas, Argentina; (2) two branching units on the Main Trunk connecting branches to Praia Grande, Brazil, and Punta del Este, Uruguay; (3) one branching unit with a stubbed branch pointing towards Puerto Rico or the Dominican Republic; and (4) one branching unit with a stubbed branch pointing towards Fortaleza, Brazil. GU Holdings states that at this time, there are no specific plans regarding build out of the stubbed branches, and GU Holdings will request any necessary modification to the submarine cable landing license to add a new landing point, in the event construction of any of the stubbed branches goes forward.

The Main Trunk will have a total length of 13,413 kilometers and consist of 16 fiber pairs. The portion of the Main Trunk between the branching unit for the branch to Praia Grande, Brazil, and the branching unit with the stubbed branch pointing towards Puerto Rico or the Dominican Republic will consist of 12 fiber pairs. The branch to Praia Grande, Brazil, will have a total length of 580 kilometers and consist of 24 fiber pairs. The branch to Punta del Este, Uruguay, will have a total length of 524 kilometers and consist of 12 fiber pairs. The stubbed branch pointing toward Puerto Rico or the Dominican Republic (located on the high seas) will consist of 12 fiber pairs. The stubbed branch pointing toward Fortaleza, Brazil (located in Brazil's exclusive economic zone), will consist of 16 fiber pairs. Each fiber pair will have a total design capacity of approximately 15 Terabits per second (Tbps) (for a total of approximately 240 Tbps for the system as a whole). GU Holdings intends to commence commercial operation of the U.S. endpoint of the cable system in December 2023.

The Firmina cable system will provide capacity to connect GU Holdings' affiliates' data centers and points of presence in the United States and South America. GU Holdings states that grant of the license will serve the public interest, convenience, and necessity because the Firmina cable system will provide significant new and replacement capacity on the U.S.-Brazil route. GU Holdings further states that the Firmina cable system will be the first U.S. system with a direct landing in Uruguay and one of the few connecting the United States with Argentina. GU Holdings states that the Firmina cable system will thus further strengthen the redundancy and resilience of U.S.-South American telecommunications.

GU Holdings and its affiliates will own and control the Firmina cable system as follows: (1) GU Holdings will hold 100% of the economic and voting interests in the portion in U.S. territory; (2) Google Singapore Pte. Ltd. (Google Singapore) will hold 100% of the economic and voting interests in the portion in international waters; (3) Google Infraestrutura Brasil Ltda. (Google Brasil) will hold 100% of the economic and voting interests in the portion in Brazil territory; (4) Google Infraestructura Uruguay S.R.L. (Google Uruguay) will hold 100% of the economic and voting interests in the portion in Uruguay territory; and (5) Google Infraestructura Argentina S.R.L. (Google Argentina) will hold 100% of the economic and voting interests in the portion in Argentina territory. GU Holdings, Google Singapore, Google Brasil, Google Uruguay, and Google Argentina are indirect, wholly owned subsidiaries of Google LLC. GU Holdings states that because Google Singapore, Google Brasil, Google Uruguay, and Google Argentina 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).

The cable landing stations for the Firmina cable system will be located in Myrtle Beach, South Carolina, Praia Grande, Brazil, Punta del Este, Uruguay, and Las Toninas, Argentina. The cable landing stations are owned and controlled as follows: (1) Myrtle Beach, South Carolina: DC Blox Inc. (DC Blox) will own a new cable landing station and GU Holdings will be the landing party; (2) Praia Grande, Brazil: Telxius Cable Brasil Ltda will own an existing cable landing station and Google Brasil will be the landing party; (3) Punta del Este, Uruguay: Administración Nacional de Telecomunicaciones will own a new cable landing station and Google Uruguay will be the landing party; (4) Las Toninas, Argentina: CenturyLink Argentina S.A. will own an existing cable landing station and Google Argentina will be the landing party. For each of the foreign landings, the landing party, each of which is an affiliate of GU Holdings, is expected to enter into a long-term lease or an indefeasible right of use (IRU) with the owner of the cable landing station. Under that lease or IRU, the landing party will control access to the spaces within the cable landing station housing Firmina equipment.

GU Holdings 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 Firmina 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 "applicant for, and licensee on, a cable landing license." 47 CFR § 1.767(h)(1). GU Holdings asserts that DC Blox would have no independent ability to affect the Firmina cable system's operation, and including DC Blox as an applicant is also not necessary to ensure compliance by GU Holdings with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license. According to GU Holdings, for the U.S. cable landing station, DC Blox is expected to provide certain limited services that would not enable DC Blox to significantly affect the Firmina cable system's operation. GU Holdings intends to contract with DC Blox for the right to use separately caged collocation space in the cable landing station. GU Holdings also intends to contract with DC Blox for certain operation and maintenance services at the cable landing station. GU Holdings states that DC Blox is not expected to have access to GU Holdings' space, except: (i) to perform certain operation and maintenance services as per GU Holdings' direction and instructions; (ii) to conduct work in the space unrelated to the system, after providing GU Holdings advance notice and opportunity to supervise any such work; or (iii) in cases of emergency. DC Blox is expected to provide the following operation and maintenance services at the cable landing station in Myrtle Beach, South Carolina: site security and access control; telecommunications equipment climate control, alarm monitoring, testing, and troubleshooting (some of which will be under the direction of the system network operations center (NOC)); spare equipment storage and inventory tracking; periodic monitoring of the fronthaul (cable landing station to beach manhole); and billing and site administration. The agreement with DC Blox is expected to have an initial term of 15 years that could be extended by GU Holdings to 25 years. GU Holdings is thus expected to retain full operational authority over the landing in Myrtle Beach, South Carolina, and provide direction to DC Blox in all matters relating to the Firmina cable system.

GU Holdings proposes to operate the Firmina cable system on a non-common carrier basis. GU Holdings states that, on the Firmina cable system, capacity will either be used by GU Holdings and its affiliates to meet their own internal needs for bandwidth, or made available to third parties pursuant to individually negotiated IRUs and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchase. Further, GU Holdings asserts that there are sufficient alternative facilities providing U.S.-South America connectivity to preclude the Firmina cable system from becoming a bottleneck facility on that route. Specifically, GU Holdings states that the U.S.-Brazil route is currently served directly by the BRUSA, Globenet, Monet, Seabras, Sam-1, SAC, and AMX-1 cables. GU Holdings also states that several systems like GlobeNet, Sam-1, and SAC connect the United States with Argentina. In addition, GU Holdings states that onward connectivity to Uruguay and Argentina is provided by a number of submarine cable systems and terrestrial networks between the three countries.

GU Holdings, a Delaware corporation, is an indirect, wholly owned subsidiary of Google LLC, a Delaware company. As of April 19, 2022, the 10% or greater direct or indirect interest holders of GU Holdings are: (1) Google International LLC (Google International), a Delaware company (100% equity and voting interest in GU Holdings); (2) Google LLC (97% equity and voting interest in Google International); (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 91.8% equity interest and 99% voting interest and value of XXVI Holdings, which has different classes of equity with different voting power); (5) Larry Page, a U.S. citizen (26.3% voting interest in Alphabet through ownership of 43.5% of Alphabet's Class B common stock); and (6) Sergey Brin, a U.S. citizen (25.3% voting interest in Alphabet through ownership of 41.8% of Alphabet's Class B common stock). Alphabet's shares are publicly traded on the NASDAQ stock market. GU Holdings asserts that, as of April 19, 2022, no other entity or individual holds a 10% or greater direct or indirect equity or voting interest in Alphabet or GU Holdings.

GU Holdings certifies that it accepts and will abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g).

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.