



# PUBLIC NOTICE

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## Actions Taken Under Cable Landing License Act

### Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

By the Chief, Telecommunications and Analysis Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (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 C.F.R. § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 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 C.F.R. § 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); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at <http://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>.

This public notice serves as each cable landing licensee's 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. Cable landing licensees should review carefully 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.

Submarine Cable Landing License

Grant of Authority

Date of Action: 09/03/2019

Acceptability for Filing Public Notice: 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). The Application was placed on Public Notice on July 31, 2019. See Streamlined Submarine Cable Landing License Applications Accepted for Filing, File No. SCL-LIC-20190718-00020, Public Notice, Report No. SCL-00246S (IB. rel. July 31, 2019). No comments or oppositions were filed in response to the Public Notice.

The Application has been coordinated with the Department of State pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R. § 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, para. 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at <https://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>.

Actions Taken: Grant of Cable Landing License to City of Ketchikan d/b/a Ketchikan Public Utilities for the purpose of constructing, landing and operating a private, non-common carrier fiber optic submarine cable system connecting Ketchikan, Alaska with Prince Rupert, British Columbia, Canada (KetchCan1 system).

Licensee Information: The Applicant for the cable landing license for the KetchCan1 cable system is City of Ketchikan d/b/a Ketchikan Public Utilities. The City of Ketchikan is a home rule municipality organized under Title 29 of Alaska Statutes. The City of Ketchikan owns 100% of KPU.

Ownership of the Cable System and Landing Points: 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. KPU 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.

Cable Design and Capacity: 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.

Regulatory Status of the Cable: 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.

Applicant has provided information sufficient enough to demonstrate 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, Grant of Authority Submarine Cable Landing License GCI Communication Corp. Page 2 of 3 paras. 69-70; Review of Commission Consideration or Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking, 15 FCC Rcd 20789, 20815-20818, paras. 62-67 (2000).

Conditions and Requirements: KPU shall comply with the routine conditions set forth in section 1.767(g)(1)-(14) of the Commission's rules, 47 C.F.R. § 1.767(g)(1)-(14), and with the requirements of section 1.768 of the Commission's rules, § 1.768 (Notification by and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier).