



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET S.W.
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

DA No. 20-707

Report No. SCL-00271

Monday July 6, 2020

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.

Amendment

Grant of Authority

Date of Action: 06/23/2020

Amendment filed by NTT America, Inc. (NTT America), NTT Communications Corporation (NTT Com), and NTT Worldwide Telecommunications Co., Ltd. to the application for a license to land and operate within the United States a non-common carrier fiber-optic submarine cable system connecting Hermosa Beach, California; Cloverdale, Oregon; Maruyama and Shima, Japan; and Daet, the Philippines (JUPITER system). See Streamlined Submarine Cable Landing License Applications Accepted for Filing, File No. SCL-LIC-20180517-00012, Public Notice, Report No. SCL-00219S (IB, rel. Aug. 8, 2018). On May 22, 2020, NTT Worldwide Telecommunications Corporation filed a supplement to provide notice that NTT Worldwide Telecommunications Corporation, not NTT Worldwide Telecommunications Co., Ltd., is the correct legal name of the joint applicant (NTT WT, collectively with NTT America and NTT Com, the NTT Applicants). The NTT Applicants amend the application to replace NTT Com with NTT WT as a joint applicant for the JUPITER cable landing license, to provide updated ownership information for the JUPITER system, and to provide updated information for NTT America and information for NTT WT.

In a series of actions consummated as of July 1, 2019, Nippon Telegraph and Telephone Corporation (NTT) and its subsidiaries and affiliates (collectively, the NTT Group) undertook to reorganize the businesses of NTT Com through a de-merger that separates NTT Com's global telecommunications business from its domestic business in Japan (the De-Merger). Pursuant to the De-Merger, NTT Com assigned its interests in the JUPITER system to another wholly owned subsidiary of NTT, NTT WT, which will replace NTT Com as a joint applicant for the JUPITER cable landing license. NTT WT, NTT Com, and NTT are Japanese entities. The De-Merger consisted of four distinct steps. First, NTT established a new intermediate holding company, NTT Ltd., a United Kingdom entity, to own the NTT Group subsidiaries for the group's global telecommunications businesses. Second, the NTT Group established NTT WT as a new wholly owned, direct subsidiary of NTT Com and contributed to it the assets and liabilities of NTT Com's global telecommunications business (including NTT Com's interest in the JUPITER system). Third, NTT Com contributed the shares of NTT WT and of each of the subsidiaries of its global telecommunications business (including NTT America) to NTT Ltd. Finally, in consideration of the foregoing actions, NTT Ltd. issued shares of its own stock to NTT Com, and which NTT Com distributed such shares to NTT Inc. as dividend in kind. NTT Inc., a Japanese entity, is wholly owned by NTT.

The cable landing license, as amended, is granted. See SCL-LIC-20180517-00012.

Submarine Cable Landing License

Grant of Authority

Date of Action: 06/23/2020

Acceptability for Filing Public Notice: Application filed by NTT America, Inc., NTT Communications Corporation, Edge Cable Holdings USA, LLC, HKT Global (Singapore) Pte. Ltd, PLDT, Inc., SoftBank Corp., and Vadata, Inc. for a license to land and operate within the United States a non-common carrier fiber-optic submarine cable system connecting Hermosa Beach, California; Cloverdale, Oregon; Maruyama and Shima, Japan; and Daet, the Philippines (JUPITER system). On August 1, 2018, Applicants filed a supplement and an amendment to the application to add specific landing point information for the Oregon landing. The Application was placed on Public Notice on August 8, 2018. See Streamlined Submarine Cable Landing License Applications Accepted for Filing, File No. SCL-LIC-20180517-00012, Public Notice, Report No. SCL-00219S (IB, rel. Aug. 8, 2018). No comments or oppositions were filed in response to the Public Notice.

Applicants were granted Special Temporary Authority to construct, connect the U.S. end points of, and test at their own risk those portions of the JUPITER system in U.S. territory. See File Nos. SCL-STA-20190730-00023; SCL-STA-20200206-00013. On August 28, 2019, NTT America, Inc., NTT Communications Corporation, and NTT Worldwide Telecommunications Co., Ltd. filed an amendment to the application to replace NTT Communications Corporation with NTT Worldwide Telecommunications Co., Ltd. as a joint applicant for the JUPITER cable landing license, to provide updated ownership information for the JUPITER system, and to provide updated information for NTT America, Inc. and information for NTT Worldwide Telecommunications Co., Ltd. See File No. SCL-AMD-20190828-00030. On May 22, 2020, NTT Worldwide Telecommunications Corporation filed a supplement to provide notice that NTT Worldwide Telecommunications Corporation, not NTT Worldwide Telecommunications Co., Ltd., is the correct legal name of the joint applicant. See File Nos. SCL-LIC-20180517-00012; SCL-AMD-20190828-00030. On October 30, 2019, Applicants filed a supplement to the application to provide notice that Vadata, Inc. changed its name to Amazon Data Services, Inc. See File Nos. SCL-LIC-20180517-00012; SCL-AMD-20190828-00030. On July 1, 2020, Applicants filed a supplement to the application confirming that Edge Cable Holdings USA, LLC and its affiliates decided to equip a second fiber pair on the system, updating the voting and participation interests in the main trunk, and clarifying that NTT Worldwide Telecommunications Corporation agrees to comply with the reporting requirements in 47 C.F.R. § 1.767(l). See File Nos. SCL-LIC-20180517-00012; SCL-AMD-20190828-00030.

The Application has 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); 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>. The Department of Homeland Security (DHS) filed a letter to defer action on August 17, 2018. DHS filed a Petition to Adopt Conditions to Authorizations and Licenses on June 22, 2020. DHS has no objection to the Commission approving authority to land and operate the JUPITER system, provided that the Commission conditions approval on the commitment of Edge Cable Holdings USA, LLC, NTT America, Inc., NTT Worldwide Telecommunications Corporation, HKT Global (Singapore) Pte. Ltd., PLDT, Inc., SoftBank Corp., and Amazon Data Services, Inc. to abide by the undertakings set forth in the May 22, 2020 Letter of Assurances from Edge Cable Holdings USA, LLC et. al to DHS.

Actions Taken: (1) Grant of Cable Landing License to NTT America, Inc., NTT Worldwide Telecommunications Corporation, Edge Cable Holdings USA, LLC, HKT Global (Singapore) Pte. Ltd, PLDT, Inc., SoftBank Corp., and Amazon Data Services, Inc. for the purpose of landing and operating a non-common carrier fiber-optic submarine cable system, the JUPITER system, connecting Hermosa Beach, California; Cloverdale, Oregon; Maruyama and Shima, Japan; and Daet, the Philippines; (2) waivers of section 1.767(h)(1) of the Commission's rules, 47 CFR § 1.767, in connection with the license; and, (3) grant of the Petition to Adopt Conditions to Authorizations and Licenses filed on June 22, 2020, by the Department of Homeland Security.

Licensee Information: The Applicants for the cable landing license for the JUPITER system are the following: (1) NTT America, Inc. (NTT America), (2) NTT Worldwide Telecommunications Corporation (NTT WT), (3) Edge Cable Holdings USA, LLC (Edge USA), (4) HKT Global (Singapore) Pte. Ltd (HKTGS), (5) PLDT, Inc., (PLDT), (6) SoftBank Corp. (SoftBank), and (7) Amazon Data Services, Inc. (ADSI) (together, Applicants).

NTT America, a Delaware corporation, will serve as the California landing party and control the California cable landing station for the JUPITER system. NTT WT, a Japanese entity, will hold participation and voting interests in the Main Trunk of the JUPITER system, and also own and control the Shima cable landing station for the JUPITER system. The ten percent or greater direct or indirect interest holders of NTT America and NTT WT are: (1) NTT Ltd, a United Kingdom entity (100% voting and equity interest in NTT America and NTT WT); (2) NTT Inc., a Japanese entity (100% voting and equity interest in NTT Ltd); (3) Nippon Telegraph and Telephone Corporation (NTT), a Japanese entity (100% voting and equity interest in NTT Inc.); and (4) Japanese Ministry of Finance (35.42% voting and equity interest in NTT). The remainder of NTT's shares trade publicly on the Tokyo Stock Exchange. Applicants state that as of June 30, 2019, no NTT shareholder holds an interest sufficient to give it a ten percent or greater direct or indirect interest in NTT America or NTT WT.

Edge USA, a Delaware corporation, is a wholly owned, direct subsidiary of Facebook, Inc. (Facebook), a Delaware corporation. Edge USA and its affiliates will hold participation and voting interests in the Main Trunk and Oregon Branch of the JUPITER system. The ten percent or greater direct or indirect interest holders of Facebook are: (1) CZI Holdings, LLC (CZI), a Delaware company (13.79% of Facebook's outstanding shares and 52.73% voting interest in Facebook); and (2) Mark Zuckerberg, a U.S. citizen who serves as Chairman and CEO of Facebook (100% ownership interest in all of CZI's member interests and, together with his other ownership positions in Facebook, owns approximately 13.26% of Facebook's outstanding shares and holds an approximate 59.9% voting interest in Facebook that includes: (a) a 52.18% voting interest for shares he holds directly or controls through CZI; and (b) a 6.6% voting interest that he has authority to vote pursuant to voting agreements with (i) Dustin Moskovitz, Trustee of The Dustin Moskovitz 2008 Annuity Trust dated March 10, 2008, and (ii) Dustin Moskovitz, Trustee of The Dustin A. Moskovitz Trust dated December 27, 2005. Facebook's shares trade publicly on the NASDAQ Stock Market. Applicants state that as of March 31, 2018, no other individual or entity holds a ten percent or greater direct or indirect interest in Facebook or Edge USA.

HKTGS, a Singapore entity, is an indirect subsidiary of PCCW Limited, a Hong Kong entity. HKTGS will hold participation and voting interests in the Main Trunk of the JUPITER system. The ten percent or greater direct or indirect interest holders of HKTGS are: (1) PCCW Communications (Holdings) Limited (PCCW Holdings), a British Virgin Islands entity (100% equity and voting interest in HKTGS); (2) HKT

(International) Limited (HKT International), a British Virgin Islands entity (100% equity and voting interest in PCCW Holdings); (3) Hong Kong Telecommunications HKT (CI) Limited (HKT CI Limited), a Cayman Islands entity (100% equity and voting interest in HKT International); (4) HKT Holdings Limited (HKT Holdings), a Cayman Islands entity (100% equity and voting interest in HKT CI Limited); (5) HKT Group Holdings Limited (HKT Group Holdings), a Cayman Islands entity (100% equity and voting interest in HKT Holdings); (6) HKT Limited, a Cayman Islands entity (100% equity and voting interest in HKT Group Holdings); (7) HKT Trust, a trust constituted on November 7, 2011 under the laws of Hong Kong and managed by HKT Management Limited, a Hong Kong entity (the assets of the HKT Trust are held by HKT Management Limited, and the shares of the HKT Trust are stapled to the shares of HKT Limited and listed on the Hong Kong Stock Exchange); (8) HKT Management Limited (100% equity and voting interest in HKT Limited in its capacity as trustee and manager of the HKT Trust); (8) CAS Holding No. 1 Limited (CAS Holding), a British Virgin Islands entity (direct approximate 51.97% of the issued share stapled units of the HKT Trust and HKT Limited; and 100% equity and voting interest in HKT Management Limited); (9) PCCW Limited (100% equity and voting interest in CAS Holding); (10) Pacific Century Regional Developments Limited (Pacific Century Regional), a Singapore entity (beneficially holds (i) an approximate 22.72% equity and voting interest in PCCW Limited and (ii) an approximate 1.74% voting and equity interest in HKT Trust and HKT Limited); (11) Pacific Century Group (Cayman Islands) Limited (Pacific Century Cayman Islands), a Cayman Islands entity (holds (i) an approximate 43.82% equity and voting interest in Pacific Century Regional; and (ii) 100% equity and voting interest in Anglang Investments Limited, a British Virgin Islands entity, which holds an approximate 44.12% equity and voting interest in Pacific Century Regional); (12) Pacific Century International Limited (Pacific Century International), a Cook Islands entity (beneficially holds 100% equity and voting interest in Pacific Century Cayman Islands); (13) Pacific Century Group Holdings Limited (Pacific Century Group Holdings), a British Virgin Islands entity (beneficially holds (i) 100% equity and voting interest in Pacific Century International; (ii) 100% equity and voting interest in Borsington Limited, a British Virgin Islands entity which beneficially holds an approximate 0.63% equity and voting interest in Pacific Century Regional; (iii) an approximate 0.01% equity and voting interest in Pacific Century Regional; (iv) an approximate 2.27% equity and voting interest in PCCW Limited; and (v) an approximate 0.17% equity and voting interest in the HKT Trust and HKT Limited); (14) Ocean Star Management Limited (Ocean Star Management), a Bermuda entity (100% equity and voting interest in Pacific Century Group Holdings as trustee for The Ocean Unit Trust and The Starlite Unit Trust, both trusts constituted under the laws of Bermuda and which hold no voting or equity interests of Pacific Century Group Holdings); (15) OS Holdings Limited, a Bermuda entity (direct 100% equity and voting interest in Ocean Star Management); (16) China Unicom Group Corporation (BVI) Limited (China Unicom BVI Limited), a British Virgin Islands entity (approximate 18.46% equity and voting interest in PCCW Limited); China United Network Communications Group Company Limited (China Unicom), a Chinese entity (direct 100% equity and voting interest in China Unicom BVI Limited); (17) State-Owned Assets Supervision and Administration Commission of the State Council of the People's Republic of China (98.4% equity and voting interest in China Unicom). PCCW Limited is a publicly held company listed on the Hong Kong Stock Exchange. Applicants state that the most recent date of measurement of shareholder interests is based on disclosure with the Hong Kong Stock Exchange on February 13, 2017. Applicants state that no other individuals or entities hold a ten percent or greater direct or indirect voting or equity ownership interest in HKTGS, including any other individuals or entities that may hold a direct or indirect ownership interest in OS Holdings Limited, PCCW Limited, Pacific Century Regional, the HKT Trust, or HKT Limited.

PLDT, a Philippines corporation, will hold participation and voting interests in the Main Trunk of the JUPITER system and the Philippines Branch. It will also own and control the Daet, Philippines, cable landing station at which the JUPITER system will land. Applicants state that PLDT has the following ten percent or greater direct or indirect interest holders as of February 28, 2018: (1) Philippine Telecommunications Investment Corporation (PTIC), a Philippines entity (3.91% equity interest (based on outstanding capital stock) and 7.11% voting interest (based on outstanding voting stock) in PLDT); (2) Metro Pacific Resources, Inc. (MPRI), a Philippines entity (3.24% equity interest (based on outstanding capital stock) and 5.89% voting interest (based on outstanding voting stock) in PLDT); (3) Semilion Enterprises Inc. (Semilion), a British Virgin Islands company (direct 3.54% common shares interest in PLDT); (4) First Pacific Company Limited (First Pacific Company), a Hong Kong entity whose shares trade publicly on The Stock Exchange of Hong Kong Limited (in aggregate, controls a 25.57% common shares and 15.09% voting interest in PLDT, through its indirect interests in its affiliates, PTIC and MPRI, and wholly-owned subsidiary, Semilion); (5) NTT Communications Corporation (NTT Com), a Japanese entity (1.90% equity interest (based on outstanding capital stock) and 3.45% voting interest (based on outstanding voting stock) in PLDT); (6) NTT DOCOMO, Inc. (NTT DOCOMO), a Japanese entity (4.70% equity interest (based on outstanding capital stock) and 8.56% voting interest (based on outstanding voting stock) in PLDT); (7) NTT (100% voting and equity interest in NTT Com and 63.32% voting and equity interest in NTT DOCOMO); (8) Japanese Ministry of Finance (35.42% voting and equity interest in NTT); (9) BTF Holdings, Inc. (BTF Holdings) (22.52% equity interest (based on outstanding capital stock) and 40.98% voting interest (based on outstanding voting stock) in PLDT), a Philippines entity that is controlled by the Board of Trustees for the Account of the Beneficial Trust Fund Created Pursuant to the Benefit Plan of PLDT Co. Based on a resolution adopted by the Board of Directors of BTF Holdings, the Chairman of the Board of PLDT, Manuel V. Pangilinan, a Philippines citizen, has been appointed as proxy or duly authorized representative of BTF Holdings to represent and vote the PLDT shares of voting preferred stock of BTF Holdings in the annual meeting of PLDT.

SoftBank, a Japanese corporation, is an indirect subsidiary of SoftBank Group Corp., a Japanese entity. SoftBank will hold participation and voting interests in the Main Trunk of the JUPITER system. It will also own and control the Maruyama cable landing station, one of the JUPITER system's two Japan landings. The ten percent or greater direct or indirect interest holders of SoftBank are: (1) SoftBank Group International GK (SoftBank Group International), a Japanese entity (direct 99.99% equity and voting interest in SoftBank); (2) SoftBank Group Corp (direct 100% equity and voting interest in SoftBank Group International); (3) Masayoshi Son, a Japanese citizen who is the Founder and Chairman of SoftBank Group Corp (direct 21% equity and voting interest in SoftBank Group Corp. as of September 30, 2017). Applicants state that no other person or entity holds a ten percent or greater direct or indirect equity or voting interest in SoftBank.

ADSI, a Delaware corporation, is a wholly owned, indirect subsidiary of Amazon.com, Inc. (Amazon), a Delaware corporation. ADSI will hold participation and voting interests in the Main Trunk of the JUPITER system. The ten percent or greater direct or indirect interest holders of ADSI are: (1) Amazon.com Services, Inc. (Amazon.com Services), a Delaware corporation (100% equity and voting interest in ADSI); (2) Amazon (100% equity and voting interest in Amazon.com Services); (3) Jefferey P. Bezos, a U.S. citizen who serves as Chairman, President and CEO of Amazon (approximate 16.3% of Amazon's outstanding shares as of December 31, 2017, and sole voting and investment power with respect to 78,886,458 shares and shared voting and investment power with respect to 6,822 shares). Amazon's shares trade publicly on the NASDAQ Stock Market. Applicants state that as of December 31, 2017, Amazon has no ten percent or greater direct or indirect shareholder other than Mr. Bezos.

Cable Design and Capacity: The JUPITER system will consist of three segments: (1) the Main Trunk will have five fiber pairs and will connect an existing cable landing station in Maruyama, Japan and an existing cable landing station in Shima, Japan with an existing cable landing station in Hermosa Beach, California; (2) the Oregon Branch will have two fiber pairs and will connect a branching unit on the Main Trunk with an existing cable landing station in Cloverdale, Oregon; and (3) the Philippines Branch will have two fiber pairs and will connect an existing cable landing station in Daet, Philippines with a branching unit on the Main Trunk. JUPITER will have a total design capacity of 12 Terabits per second (Tbps) per fiber pair (for a total of 60 Tbps). JUPITER will have a total length of 14,557 kilometers.

—Ownership of the Cable System: Since Edge USA and its affiliates have decided to equip a second fiber pair on the system, the ownership and control of the Main Trunk and common infrastructure of the JUPITER system will be the following: NTT WT (10% equity and voting interest); (2) Edge USA will hold a 40% equity and voting interest in the U.S. territory portion of the system, Edge Network Services Limited (Edge Network) will hold a 40% equity and voting interest in the portion of the system located in international waters, and Edge Network Services Limited (Japan Branch) (Edge Network Japan) will hold a 40% equity and voting interest in the portion of the system located in Japanese territory; (3) HKTGS (10% equity and voting interest); (4) PLDT (20% equity and voting interest); (5) SoftBank (10% equity and voting interest); and (6) ADSI (10% equity and voting interest).

The ownership and control of the Oregon Branch will be the following: Edge USA will hold a 100% equity and voting interest in the U.S. territory portion of the system, and Edge Network will hold a 100% equity and voting interest in the portion of the system located in international waters.

PLDT will hold a 100% equity and voting interest in the Philippines Branch.

Cable System Landing Points: The ownership and control of each of the cable landing stations are: (1) SoftBank owns and controls the existing cable landing station in Maruyama, Japan; (2) NTT WT owns and controls the existing cable landing station in Shima, Japan; (3) RTI-Infrastructure, Inc. (RTI-I) owns the existing landing station in Hermosa Beach, California and NTT America will control JUPITER's use of the landing station; (4) Microsoft Infrastructure Group, LLC (MIGL) owns the existing cable landing station at Cloverdale, Oregon, and Edge USA will control JUPITER's use of the landing station; and (5) PLDT owns and controls the existing cable landing station at Daet, Philippines.

Applicants request a waiver of section 1.767(h)(1) of the Commission's rules, 47 CFR § 1.767(h)(1), so that RTI-I need not be a joint applicant for the JUPITER cable landing license even though it owns the cable landing station building in Hermosa Beach. 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). According to Applicants, RTI-I will have no ability to affect significantly JUPITER system's operation, and inclusion of RTI-I as a joint applicant is not necessary to ensure compliance by the Applicants collectively, or by NTT America as the Hermosa Beach landing party controlling the landing arrangements and contracting with RTI-I, with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license.

Applicants state that for JUPITER's Hermosa Beach landing, NTT America seeks to enter into an agreement with RTI-I granting NTT America an indefeasible right of use (IRU) for RTI-I's beach manhole and one of its bore pipes in Hermosa Beach and for a conduit connecting the beach manhole with RTI-I's existing, highly-secure, and purpose-built cable landing station. Under the contemplated agreement, RTI-I will also grant to NTT America a long-term lease for collocation space for power feed equipment in RTI-I's cable landing station; NTT America, on behalf of the Applicants, will have exclusive control over this space. NTT America, at the Applicants' direction, will have exclusive control over the power feed equipment that they will locate in RTI-I's cable landing station. NTT America will retain operational authority over the JUPITER landing facilities in Hermosa Beach and provide direction to RTI-I in all matters relating to JUPITER. The terminal equipment for all of JUPITER's fiber pairs will not be located in the RTI-I cable landing station, but instead within CoreSite's highly-secure, state-of-the-art LA 2 data center in Los Angeles. Further, NTT America will seek to ensure that both the IRU and lease agreements will have initial 15-year terms, with the option of two five-year extensions that may be exercised at NTT America's sole discretion, for a maximum of 25 years each.

The purpose of the 1.767(h)(1) requirement is to ensure that entities having 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. While RTI-I is the owner of the cable landing station where the JUPITER system will land in Hermosa Beach, California, we find that, based upon the agreements between NTT America and RTI-I described above, RTI-I will not have the ability to significantly affect the operation of the cable system. NTT America will retain effective operational authority and provide direction to RTI-I in all matters relating to the Hermosa Beach landing station. Accordingly, we grant NTT America a waiver of section 1.767(h)(1) and do not require RTI-I to be on this Cable Landing License.

Applicants also request a waiver of section 1.767(h)(1) so that MIGL need not be a joint applicant for the JUPITER cable landing license even though it owns the cable landing station building in Cloverdale. According to Applicants, MIGL will have no ability to affect significantly JUPITER's operation, and inclusion of MIGL as a joint applicant is not necessary to ensure compliance with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license. Applicants state that for JUPITER's Oregon landing, Edge USA will construct a beach manhole and bore pipes. Under the contemplated agreement, Edge USA will secure long-term rights from MIGL for collocation space for power feed equipment in MIGL's cable landing station in Cloverdale and will have exclusive control over this space. Edge USA will have exclusive control over the power feed equipment that it will locate in MIGL's cable landing station. Edge USA will retain operational authority over the JUPITER landing facilities in Oregon and provide direction to MIGL in all matters relating to JUPITER. The terminal equipment for all of JUPITER's fiber pairs in the state of Oregon will not be located in the MIGL cable landing station, but instead at Flexential Brookwood Data Center in Hillsboro, Oregon. Further, Edge USA will ensure that the contemplated agreement has an initial 15-year term, with the option of two five-year extensions that may be exercised at Edge USA's sole discretion, for a maximum term of 25 years.

The purpose of the 1.767(h)(1) requirement is to ensure that entities having 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. While MIGL is the owner of the cable landing station where the JUPITER system will land in Cloverdale, Oregon, we find that, based upon the agreement between Edge USA and MIGL described above, MIGL will not have the ability to significantly affect the operation of the cable system. Edge USA will retain effective operational authority and provide direction to MIGL in all matters relating to the Hermosa Beach landing station. Accordingly, we grant Edge USA a waiver of section 1.767(h)(1) and do not require MIGL to be on this Cable Landing License.

Regulatory Status of the Cable: Applicants propose to operate the JUPITER system on a non-common carrier basis. They state that capacity will not be sold indifferently to the user public. Rather the JUPITER system will provide NTT America, NTT WT, HKTGS, PLDT, and SoftBank with capacity to support their wholesale capacity businesses in Asia and the Americas, offering bulk capacity to particular carrier, enterprise, and government customers pursuant to individually-negotiated IRUs and capacity leases. Applicants also state that the JUPITER system will provide Edge USA and its affiliates with capacity to support Facebook's global platform to connect its users and data centers. They state that the JUPITER system will provide ADSI and its affiliates with capacity to support Amazon's cloud services offerings and connect its data centers. Further, the Applicants state that the JUPITER system will enhance competition by competing vigorously with other submarine cable systems on the U.S.-Japan route (i.e., FASTER, Japan-U.S., New Cross Pacific, Pacific Crossing-1, Tata Global Network-Pacific, Trans-Pacific Express, and

Unity systems) and the U.S.-Philippines route (i.e., Asia America Gateway and SEA-US systems). In addition, the JUPITER system will also compete with Asia Submarine-cable Express, APCN 2, EAC/C2C, and Southeast Asia Japan Cable, which provide connectivity between the Philippines and Japan.

Applicants have 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 22202-22203, 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, 20815-20818, paras. 62-67.

Conditions and Requirements: Applicants shall comply with the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g), and with the requirements of section 1.768 of the Commission's rules, 47 CFR § 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier). NTT America and NTT WT shall comply with the reporting requirements in section 1.767(l) of the Commission's rules, 47 CFR § 1.767(l), for the U.S.-Japan route. PLDT shall comply with the reporting requirements in section 1.767(l) for the U.S.-Philippines route.

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition) filed on June 22, 2020, by the Department of Homeland Security. Accordingly, we condition grant of this application on Edge Cable Holdings USA, LLC, NTT America, Inc., NTT Worldwide Telecommunications Corporation, HKT Global (Singapore) Pte. Ltd., PLDT, Inc., SoftBank Corp., and Amazon Data Services, Inc. abiding by the commitments and undertakings contained in the May 22, 2020 letter from Kevin Salvadori, Director, Edge Cable Holdings USA, LLC, Taro Nagaoka, President, NTT America, Inc., Yoshio Sato, Director, NTT Worldwide Telecommunications Corporation, Genaro C. Sanchez, Vice President and Head, PLDT, Inc., Robert Kennedy, Vice President, Amazon Data Services, Inc., C Marc Halbfinger, C.E.O., HKT Global (Singapore) Pte. Ltd., and Hiromitsu Enosako, Senior Director, Network Service Division, SoftBank Corp., to the Assistant Secretary for Trade and Economic Security, Office of Strategy, Policy and Plans, U.S. Department of Homeland Security (LOA). 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. A copy of the Petition and the LOA are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-LIC-20180517-00012 and accessing "Other filings related to this application" from the Document Viewing area.
