



U.S. Chamber of Commerce

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May 10, 2025

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, D.C. 20054

In the Matter of Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks (OI Docket No. 24-523); Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules (MD Docket No. 24-524)

Dear Ms. Dortch:

The U.S. Chamber of Commerce (“Chamber”) appreciates the opportunity to comment on the Federal Communications Commission’s (“FCC” or “Commission”) rulemaking proposing to modify its licensing rules and procedures for submarine cable landings (“NPRM”).¹ Submarine (or subsea) cables are essential to modern, global communications networks and digital commerce, and continued private sector deployment of subsea cables is critical for economic growth and national security. The Chamber recognizes that tailored and targeted licensing regulations are necessary to protect national security. The Commission has a unique opportunity, through the NPRM, to modernize subsea cable licensing regulations to protect national security, incentivize private sector investment, and enhance the resiliency of global telecommunications networks.

I. Submarine Cables Are Critical to the Global Economy and National Security

¹ *Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks; Amendment of the Schedule of Application Fees Set Forth in Section 1.1102 through 1.1109 of the Commission's Rules*, Notice of Proposed Rulemaking, FCC 24-119 (2024) (“NPRM”).

Subsea cable infrastructure transports 99% of the world's intercontinental data traffic over more than half a million miles of cable.² This traffic includes financial transactions, digital trade, personal communications, and more. In the financial services sector alone, the subsea cable infrastructure carries trillions of financial transactions daily.³ This trend will likely continue, considering data needs will exceed 200 zettabytes by 2026, which means the importance and role of subsea cable infrastructure will only increase.⁴

The economic importance of subsea cable infrastructure raises national security and non-national security considerations alike. The risks to this infrastructure range from deliberate physical sabotage or cyber-attacks by state and non-state actors to accidental or unintentional damage during storms or by unwitting vessels.⁵ The Chamber agrees that the Commission and the United States government should seriously consider and take steps to mitigate national security risks. The Commission should not lose sight of the benefits of subsea cables and should promote deployment through a more streamlined and predictable licensing process, reasonable compliance obligations, and greater government support for cable protection and repair. These efforts will bolster resiliency, increase competition, and reduce single points of failure.

II. The Commission Should Ensure the Following Considerations Are Addressed in a Final Rule

A. The Commission Should Maintain the Current License Term

The Commission currently provides a twenty-five-year term for submarine cable landing licenses. The Chamber supports maintaining this term and opposes rules that would shorten that term. Subsea cables are major investments costing between several hundred million to more than a billion dollars and costs per kilometer range from \$30,000 to \$50,000.⁶ Further, the lifespan of subsea cables is long, lasting more

² DEP'T OF HOMELAND SEC., PRIORITIES FOR DHS ENGAGEMENT ON SUBSEA CABLE SECURITY & RESILIENCE: A WHITE PAPER BY THE OFFICE OF ECONOMIC SECURITY, THE SUPPLY CHAIN RESILIENCE CENTER, AND THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (2024) ("DHS White Paper:")

³ Sophia Besch & Erik Brown, *Securing Europe's Subsea Data Cables*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (Dec. 16, 2024), <https://carnegieendowment.org/research/2024/12/securing-europes-subsea-data-cables?lang=en¢er=china>

⁴ Comments of the International Connectivity Coalition, FCC-24-119, at 6 (filed April 14, 2025) ("ICC Comments").

⁵ DHS White Paper at 1; *see also* Daniel F. Runde et al., *Safeguarding Subsea Cables: Protecting Cyber Infrastructure amid Great Power Competition*, CSIS (Aug. 16, 2024), <https://www.csis.org/analysis/safeguarding-subsea-cables-protecting-cyber-infrastructure-amid-great-power-competition> ("CSIS Report").

⁶ ICC Comments at 7; *See* CSIS Report.

than the twenty-five years, which is a significant factor the private sector considers when financing and building subsea cable infrastructure. Commenters overwhelmingly agree that shortening the license period would undermine these long-term investments and create financial uncertainty and ultimately hamstring the deployment of subsea cable infrastructure.⁷

B. The Commission Should Refrain From Applying Licensing Requirements to Non-Owners of Subsea Cables

The Commission currently applies the licensing requirements to entities that control or own a subsea cable or entities that have a 5% or more interest in the cable system.⁸ The NPRM proposes to expand the scope of these obligations to subsea cable capacity lessees and entities that own or control Submarine Line Terminal Equipment (“SLTE”). The Commission should abandon this proposal. While the Chamber supports targeted requirements to address national security concerns, the NPRM’s proposal on ownership is a substantial expansion of the Commission’s subsea licensing regulatory framework, and it would apply to entities that cannot exercise direct ownership or control over a subsea cable, and thus presents minimal security risk to the operation of the cable.⁹ Moreover, this additional authority would essentially grant the Commission a veto over a subsea cable infrastructure owner’s customers, which is not the case for any other type of communications infrastructure.¹⁰

Finally, as some commenters noted, the Commission lacks legal authority under the Cable Landing Licensing Act to apply the licensing requirements to entities that do not possess full control over a cable.¹¹

C. The Commission Should Establish a Clear License Revocation Process

The NPRM proposes to codify a process to revoke a cable landing license that involves an informal hearing and an “exchange of full written submissions before the Commission.” While a revocation process is important to address national security concerns, the proposal contains minimal and insufficient details on the standard for

⁷ Comments of INCOMPAS, FCC-24-119, at 21 (filed April 14, 2025) (“INCOMPAS Comments”); Comments of CTIA, FCC-24-119, at 12 (filed April 14, 2025) (“CTIA Comments”); Comments of Amazon Web Services, Inc., FCC-24-119, at 3 (filed April 14, 2025) (“AWS Comments”); Comments of the Information Technology Industry Council, FCC-24-119, at 4 (filed April 14, 2025) (“ITI Comments”).

⁸ 47 C.F.R. § 1.767(h).

⁹ ITI Comments at 3.

¹⁰ Comments of Microsoft Corporation, FCC-24-119, at 11-12 (filed April 14, 2025).

¹¹ ICC Comments at 28; INCOMPAS Comments at 8-9; CTIA Comments at 14.

revocation. This creates substantial uncertainty for licensees who invest substantial resources into subsea cable infrastructure. Further, the Cable Landing Licensing Act requires that the Commission must provide sufficient notice and a hearing, underscoring the necessity for a robust and transparent process.¹²

The Commission should provide licensees with a clearly established process to revoke a license. This should include a clear standard for revocation, such as a clearly stated national security threat posed by changed circumstances, or neglecting to adhere to license terms or other Commission rules. A licensee should also be provided a meaningful opportunity to respond to any allegations of misconduct and to cure or to mitigate any reasonable concerns. Finally, any revocation process must be conducted in coordination with other relevant federal agencies, such as the Department of State to ensure consistency with broader Administration objectives.¹³

D. The Commission Should Not Retroactively Apply New Rules to Existing Licenses

Retroactive application of new rules to existing subsea cable licenses would present significant legal, financial, and practical concerns for existing cable landing license-holders. As discussed previously, subsea cables require substantial capital investment and changing rules that impact license terms, revocation, and termination would adversely change those expectations and inject unnecessary uncertainty into the investment equation moving forward. The Commission should make clear that any new cable landing license regulations will not be retroactively applied to existing licenses. If novel national security issues arise from existing subsea cable licenses, the Team Telecom process and the Commission have sufficient authority to address any concerns.¹⁴

E. The Commission Ensure Team Telecom Coordination and Harmonization with Existing Security Frameworks

The deployment and protection of subsea cable infrastructure is not just the responsibility of the Commission. Other federal agencies including the Departments of Commerce, Homeland Security, and State, have crucial roles, and the existing Team Telecom process can serve as a helpful forum to identify and address national security concerns.¹⁵ The Commission should ensure any new rules are non-duplicative with the Team Telecom process. This will provide consistency for license applications

¹² ICC Comments at 27; AWS Comments at 9.

¹³ INCOMPAS Comments at 6.

¹⁴ CTIA Comments at 15.

¹⁵ INCOMPAS Comments at 17.

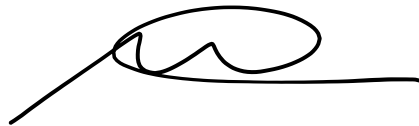
and empower greater collaboration between the Commission, industry, and other government stakeholders.¹⁶

Further, instead of mandating specific requirements, the Commission should consider providing businesses with a range of appropriate standards, guidelines, and frameworks to choose from, thereby facilitating choice and encouraging the participation of parties that may be subject to regulations. This approach will offer providers additional flexibility to align the Commission's strategy for subsea cable security with the use of similar standards, guidelines, and frameworks by other federal agencies, as well as with other Commission programs (e.g., the 5G Fund).¹⁷ This policy will enhance the security and resilience of subsea cable infrastructure and promote regulatory harmonization.

III. Conclusion

We appreciate the Commission's attention to modernizing subsea cable licensing regulations, and we look forward to working with the Commission to achieve this goal. For any questions, please reach out to me at mfurlow@uschamber.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Furlow', with a long horizontal line extending to the right.

Matt Furlow
Senior Director and Policy Counsel
U.S. Chamber of Commerce

¹⁶ ITI Comments at 2.

¹⁷ Comments of USTelecom – The Broadband Association, FCC 24-119, at 9 (filed April 14, 2025); Comments NCTA – the Internet & Television Association, FCC 24-119, at 9-11 (filed April 14, 2025). CTIA Comments at 6.