

Waiver Request

Cirion Technologies Solutions, LLC (“Cirion”) is requesting a waiver of section 1.767(h) of the Commission's rules, where entities are required to be applicants for, and licensees on, a cable landing license include: (i) entities that own or control a cable landing station in the United States; and (ii) entities that own or control a five percent (5%) or greater interest in the submarine cable system and use the U.S. points of that system. Through this waiver request, Cirion is requesting a waiver for PC Landing Corp., the owner of the Grover Beach Landing Station, to be exempt as PC Landing Corp. will not have any independent control to affect the operation of Pan American Crossing submarine cable system (“PAC”).

The cable landing station located in Grover Beach, California (the “Grover Beach Cable Landing Station”), is owned by PC Landing Corp., a subsidiary of Pacific Crossing Ltd., which is ultimately owned by NTT Communications. PC Landing Corp.'s role is limited to ownership and operation of the cable landing station and does not have any ability to affect the ownership, management, or operation of the PAC cable system.

Cirion has entered into a colocation agreement with Lumen Technologies Europe Limited (“Lumen”), to occupy technical space leased by Lumen at the Grover Beach Cable Landing Station. Under this agreement, Cirion pays a fixed fee for the occupancy of Lumen's technical space and for certain subsea network support services related to the PAC cable system. While access to the facility, the provision of additional space or capacity, and certain operational matters are subject to PC Landing Corp.'s facility rules and approval processes, these arrangements do not confer upon PC Landing Corp. any ownership, management, operational, or control rights with respect to the PAC cable system.

Cirion's right to occupy the space lasts for the service term specified in the agreement, unless terminated earlier under the agreement. When the term expires, the service automatically continues on a month-to-month basis at the provider's then-current rates unless the parties agree otherwise.

Accordingly, PC Landing Corp. does not qualify as an applicant under Section 1.767(h) because it neither owns nor controls any interest in the PAC submarine cable system. Cirion retains full de jure and de facto control over the PAC cable system, including full physical and logical control of its operations and the space licensed in the Grover Beach Cable Landing