

Waiver Request

Cirion Technologies Solutions, LLC (“Cirion”) is requesting a of section 1.767(h)(1) 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 COLT Technology Services¹ ("COLT") and Cirion St. Croix, Inc. (“Cirion St. Croix”) as both entities will only own the cable landing stations in the United States.

COLT owns and operates the U.S. cable landing station located in Shirley, New York² ("Brookhaven Station"). COLT's involvement with the Mid-Atlantic Crossing Submarine Cable System ("MAC") is limited to providing services pursuant to a contractual arrangement with Cirion Technologies Solutions, LLC ("Cirion"). COLT is independent and not affiliated with, nor does it hold any ownership interest in, Cirion. COLT does not have any ability to significantly affect the operation of the MAC. Cirion maintains de jure and de facto control of the MAC cable system. Any rights exercised by COLT in connection with the MAC are limited to those expressly set forth in a service agreement.

The relationship between COLT and Cirion is governed by a service agreement pursuant to which Cirion pays COLT recurring monthly service charges. The MAC is owned and

¹ Services agreement signed is between Lumen Technologies Europe Limited (“Lumen”) and Cirion. Lumen was formerly a member of the same group of companies as Lumen Technology US, and on the November 01 2023, it was divested and became a member of the Colt Technology Services.

controlled by Cirion, and COLT does not hold any equity interest, voting rights, management rights, governance rights, or any other rights or interests over the cable system.

In support of the MAC, COLT provides subsea network services, colocation services, and maintenance services to Cirion at the Brookhaven Station. Cirion is granted the right to occupy designated space within the Brookhaven Station. As agreed by the parties, COLT monitors Cirion's equipment and the performance of the subsea network in accordance with the applicable service level agreements.

Cirion's arrangement with COLT is based on a commercial agreement that remains in effect through 2035 and 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. The agreement term was established pursuant to ordinary business considerations and provides Cirion with the long-term stability necessary to operate and maintain its equipment and services at the site. The expiration date does not reflect any anticipated discontinuance of operations; rather, it allows Cirion, consistent with sound business practice, to reassess at the end of the term whether the location continues to meet its operational and commercial needs and whether an extension or alternative arrangement is appropriate

Neither Cirion nor COLT can terminate the services agreed upon, simply because it chooses to do so; termination is only permitted if expressly allowed by the contract or for a recognized contractual cause. COLT can terminate for specific customer defaults or misconduct but must provide notice and an opportunity to cure.

The cable landing station located in the U.S. Virgin Islands (USVI) is licensed in the name of Cirion St. Croix; however, it is fully managed and controlled by Cirion, as Cirion St.

Croix is a wholly owned subsidiary of Cirion. As a subsidiary, Cirion St. Croix does not operate as an independent entity responsible for managing the cable landing station. Rather, Cirion maintains full physical and logical control over both the cable landing station and the MAC cable system. All operational and management decisions relating to the cable landing station in USVI are made by Cirion.

Accordingly, neither COLT nor Cirion St. Croix qualifies as an applicant under Section 1.767(h)(1) as Cirion retains full physical and logical control over the MAC cable system.