

September 10, 2018

Assistant Secretary for Policy  
U.S. Department of Homeland Security  
Office of Policy  
Foreign Investment Risk Management  
3801 Nebraska Avenue NW  
Washington, D.C. 20528  
[IP-FCC@hq.dhs.gov](mailto:IP-FCC@hq.dhs.gov)

Ladies and Gentlemen:

This Letter of Assurances (“LOA”) outlines the commitments made by Crosslake Fiber USA LP (“CF USA”) to the U.S. Department of Homeland Security (“DHS”) in order to address national security, law enforcement, and public safety concerns raised with regard to an application filed by CF USA with the Federal Communications Commission (“FCC”) requesting authority to land and operate a fiber optic submarine cable system linking the United States and Canada (“Crosslake Fibre Cable System”).<sup>1</sup> The Crosslake Fibre Cable System will be a non-common carrier fiber optic cable. CF USA has agreed to provide this LOA to DHS, and CF USA understands that DHS will petition the FCC to condition the requested authorization on compliance with this LOA.

Upon grant of the requested FCC authority, CF USA undertakes to comply with the following commitments:

### **1. Security Points of Contact**

Within sixty (60) business days of the execution of this LOA, CF USA will nominate a Security Point of Contact (“POC”) for purposes of this LOA, as well as at least one alternate POC in the event the primary POC cannot be reached. The nominated POCs shall be U.S. citizens and shall reside in the United States. CF USA shall notify DHS of any proposed change to a POC at least ten (10) business days in advance of such change. All nominated POCs shall be subject to DHS review and non-objection and may be subject to a background check at the sole discretion of DHS.

The POC, or the designated alternate, shall be available twenty-four (24) hours per day, seven (7) days per week, regarding any national security, law enforcement, or public safety concerns that DHS may raise with respect to the Crosslake Fibre Cable System. The POCs shall be responsible for receiving and promptly effectuating any lawful

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<sup>1</sup> SCL-LIC-20180216-00002, Application for a License to Land and Operate a Private Fiber-Optic Submarine Cable System Connecting Burt, New York, and Toronto, Ontario.

inquiries or requests for information and for otherwise ensuring compliance with obligations set forth in this LOA.

## **2. Customer Information**

Within ninety (90) business days of the execution of this LOA, every ninety (90) business days thereafter, and annually (as part the Annual Report described in Paragraph 4 below), CF USA agrees to provide a complete and current list of all CF USA customers, identifying any changes from the previous submission. Each submission will include a list of all equipment deployed or intended to be deployed for purposes of communications transmitted on the Crosslake Fibre Cable System, including but not limited to any submarine line terminal equipment (“SLTE”). CF USA agrees to meet and confer with the DHS and to resolve to the satisfaction of DHS any concerns DHS may raise about equipment being used or proposed to be used by a CF USA customer.

## **3. Notification of Network Operations Center Operator and Location**

CF USA agrees to notify DHS of the entity chosen to serve as the Network Operations Center (“NOC”) operator for the Crosslake Fibre Cable System within 7 business days of making this selection. In such notification, CF USA will provide the full location for the NOC and any backup NOC, identify any other tenants located at such premises, and provide a document or documents detailing the physical and logical security measures employed by the NOC operator to secure the NOC facilities, to include any screening measures applied to personnel with access to such facilities. CF USA agrees to notify DHS within 7 business days of any changes to the security measures employed by the NOC operator. Representatives of CF USA, and the NOC operator, as appropriate, agree to meet and confer with DHS to discuss any concerns DHS may raise about security of the NOC or backup NOC facilities.

## **4. Annual Report**

On or before each anniversary of the date of execution of this LOA, CF USA will submit to DHS a report including the following information:

- (a) The names and contact information of the then-current POCs and any known upcoming changes to these POCs;
- (b) Customer Information, as described in Paragraph 2 above, noting any changes during the reporting period;
- (c) Locations of all NOCs and Cable Landing Stations for the Crosslake Fibre Cable System; and
- (d) Any changes to the services being provided by CF USA.



**5. USG Parties Consultation and Visitation**

CF USA agrees to meet and confer with DHS and to resolve to the satisfaction of DHS any concerns DHS may raise about materials submitted pursuant to this LOA.

CF USA agrees to negotiate in good faith to resolve to the satisfaction of DHS any national security, law enforcement, or public safety concerns DHS may raise with respect to any matters set forth in this LOA.

CF USA agrees that, upon reasonable advance notice, DHS may visit any part of the Crosslake Fibre Cable System, to include any NOC or Cable Landing Stations, to conduct an on-site review concerning the implementation of the terms of this LOA. Subject to applicable law, during such visits, CF USA shall cooperate with any request from DHS to make available information, facilities, and personnel to verify compliance with the terms of this LOA.

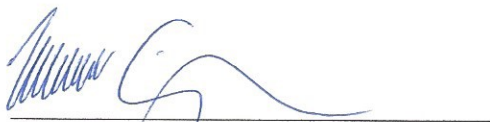
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This LOA shall inure to the benefit of, and shall be binding upon, CF USA and its successors, assigns, subsidiaries, and affiliates.

CF USA agrees that, in the event the commitments set forth in this letter are breached, in addition to any other remedy available at law or equity, DHS may request that the FCC modify, condition, revoke, cancel, terminate, or render null and void any relevant license, permit, or other authorization granted by the FCC to CF USA or any successors-in-interest.

CF USA understands that, promptly upon execution of this letter by an authorized representative of CF USA, DHS shall notify the FCC that it has no objection to the FCC's grant of the pending application.

For and on behalf of Crosslake Fiber USA LP



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