



**PACIFIC CROSSING®**  
an NTT Communications Company

August 29, 2011

Mr. David Heyman  
Assistant Secretary for Policy  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Mr. David S. Kris  
Assistant Attorney General  
National Security Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Ms. Teresa M. Takai  
Assistant Secretary of Defense for Networks NII (Acting)  
U.S. Department of Defense  
6000 Defense Pentagon Room 3E240  
Washington, D.C. 20301-6000

Mr. Robert S. Gorman  
General Counsel  
Defense Information Systems Agency  
P.O. Box 4502 (DISA OGC)  
Arlington, VA 22204

Re: *Letter of Assurance, dated September 11, 2009, from PC Landing Corp. to USG Agencies*

Dear Assistant Secretary Heyman, AAG Kris, Assistant Secretary Takai, and Mr. Gorman:

This will confirm the agreement of PC Landing Corp. and the USG Agencies as to the following clarifications of, and additional undertaking in connection with, that certain Letter of Assurance (“LOA”), dated September 11, 2009, outlining commitments of PC Landing Corp. to the USG Agencies and, specifically, Paragraph 9 thereof, relating to certain personnel screening requirements applicable to Pacific Crossing personnel and contractor personnel (collectively, “Personnel”) whose positions involve unescorted access to DCI (the “Personnel Screening Requirements”). Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the LOA.

1. The Personnel Screening Requirements shall not apply to wet maintenance and outdoor plant maintenance Personnel whose only access to DCI is to the undersea transport network (i.e., “wet plant”) and land-based transport network (i.e., “outdoor plant”) of the PC-1 cable system (the “Cable System”) and who do not otherwise have unescorted access to DCI.

2. Personnel who work at the Japanese cable landing stations of the Cable System and whose only unescorted access to the Cable System is at such landing stations, shall not be subject to the financial investigation and public criminal records check obligations of the Personnel Screening Requirements.

3. Personnel whose only access to DCI is at third party interconnection facilities (such as third party data centers and collocation facilities) shall not be subject to the financial investigation obligations of the Personnel Screening Requirements.

4. The financial investigation obligations of the Personnel Screening Requirements shall not be mandatory for contractor personnel with unescorted access to DCI at PC Landing Corp.’s U.S. cable landing stations; provided that, PC Landing Corp. shall request that the screening process of each contractor with personnel subject to this paragraph include a financial investigation for any personnel having unescorted access to DCI hired after January 30, 2010. In addition:

- (a) Pacific Crossing agrees to provide notice to the USG Agencies at least 30 days prior to any changes to its contractors that perform Operations and Maintenance (O&M) outsourcing services for Pacific Crossing at its U.S. cable landing stations whose employees have unescorted access to DCI at the U.S. cable landing stations; and
- (b) Pacific Crossing agrees to provide to the USG Agencies the names, titles, and business addresses of all personnel who have system administrator rights in the U.S. to the DCI, and to maintain an up-to-date listing for USG Agency review of employees who have system administrator rights in the U.S. to the DCI.

5. In consideration of the foregoing, PC Landing Corp. agrees to the following additional operational safeguards:

- (a) Pacific Crossing shall maintain the ability to interrupt in whole or in part traffic to and from the United States on the cable system by disabling or disconnecting circuits at its U.S. cable landing stations;
- (b) Pacific Crossing shall maintain the ability to isolate its U.S. landing stations and connecting cable segments from the rest of the Cable System and to restore and continue service on these segments separate from the rest of the Cable System; and



- (c) Pacific Crossing will configure the Cable System so that its U.S. landing stations or NOC will be able to monitor the status of the Cable System and individual cable segments.

This will also confirm that PC Landing Corp. is providing this clarification to the LOA and additional undertaking on the express understanding that promptly upon execution of this letter, the USG Agencies will request that the Federal Communications Commission modify the conditions applicable to the FCC's consent to the transfer of control of PC Landing Corp. to NTT Communications in File No. SCL-T/C-20090715-00022 to conform to the clarifications and additional undertaking set forth herein.

Please direct any question regarding this submission to the undersigned or to PC Landing Corp.'s counsel, Martin L. Stern at K&L Gates LLP, who can be reached at 202-661-3700 or [marty.stern@klgates.com](mailto:marty.stern@klgates.com).

Sincerely,  
PC LANDING CORP.

By: 

Kurt Johnson  
Chief Financial Officer, LOA POC  
PC Landing Corp.

cc (via email):

[telecom@usdoj.gov](mailto:telecom@usdoj.gov), [IP-FCC@dhs.gov](mailto:IP-FCC@dhs.gov), [GTFCFIUSTeamForwarding@osd.mil](mailto:GTFCFIUSTeamForwarding@osd.mil),  
[GeneralCounselDISA@disa.mil](mailto:GeneralCounselDISA@disa.mil)  
Martin L. Stern, K&L Gates LLP

Attachments