



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## INTERNATIONAL BUREAU REMINDS COMMON CARRIERS AND CABLE LANDING LICENSEES TO FILE THEIR SUBMARINE CABLE CIRCUIT CAPACITY REPORTS BY APRIL 2, 2018

### *Electronic Filing Window Open from March 2, 2018 to April 2, 2018; Terrestrial and Satellite Data are Not Required to Be Filed*

We remind common carriers and cable landing licensees that, by rule, data for the annual Circuit Capacity Reports are due no later than April 2, 2018.<sup>1</sup> Section 43.62 of the Commission's rules requires any licensee of a submarine cable between the United States and a foreign point, as well as any common carrier with capacity on a submarine cable between the United States and a foreign point, to file Circuit Capacity Report(s) if it had any activated or non-activated circuits as of December 31, 2017.

On October 24, 2017, in the *Section 43.62 Report and Order*, the Commission adopted changes to the Circuit Capacity Reports.<sup>2</sup> While retaining the requirement to file cable operator data and the cable capacity holder data,<sup>3</sup> the Commission eliminated the requirement to file terrestrial and satellite circuit data, finding that eliminating that requirement will reduce burdens on industry without impairing the Commission's ability to fulfill its statutory duties.<sup>4</sup> Those rule changes, however, are still undergoing review by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act.<sup>5</sup> Section 1.3 of our rules authorizes the Commission to suspend, revoke, amend, or waive a Commission rule for good cause shown.<sup>6</sup> We find good cause to temporarily waive the requirement to file data on terrestrial and satellite circuits pending OMB review of the elimination of this requirement. A temporary waiver will prevent facilities-based common carriers and non-common carrier satellite licensees from complying with a requirement that the Commission has determined is unduly burdensome and that OMB may ultimately agree is unnecessary. Temporarily waiving these reporting requirements will preserve the resources of the filing entities and the Commission, and thus will serve the public interest. The temporary waiver extends only until July 1, 2018, or until the Commission provides notification of OMB approval of

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<sup>1</sup> 47 CFR § 43.62(a). The rule requires the Circuit Capacity Reports to be filed by March 31 each year. Since March 31, 2018 is a Saturday, the reports are due the next business day, Monday, April 2, 2018. *See* 47 CFR § 1.4.

<sup>2</sup> *Section 43.62 Reporting Requirements for U.S. Providers of International Services; 2016 Biennial Review of Telecommunications Regulations*, IB Docket Nos. 17-55 and 16-131, Report and Order, 32 FCC Rcd 8115 (2017) (*Section 43.62 Report and Order*).

<sup>3</sup> *Id.* at 8127-33, paras. 24-36.

<sup>4</sup> *Id.* at 8131, para. 31.

<sup>5</sup> *See* Information Collection Being Submitted to the Office of Management and Budget (OMB 3060-1156), 83 Fed. Reg. 6021 (Feb. 12, 2018). Upon OMB approval, the Commission will publish a notice in the Federal Register announcing the effective date of the rule changes.

<sup>6</sup> *See* 47 CFR § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown.").

the elimination of this filing requirement, whichever is earlier.

For the remaining data – Cable Operator Data and the Capacity Holder Data – common carriers and cable landing licensees must file their Circuit Capacity Reports through the Commission’s Section 43.62 online filing system. We note that the satellite and terrestrial circuits page is still available in the Section 43.62 Online Filing System. Filers should leave that page blank when filing cable operator data and the cable capacity holder data.

When filing Cable Operator Data and the Capacity Holder Data, common carriers and cable landing licensees should refer to the International Bureau’s Filing Manual for Section 43.62 Annual Reports (Filing Manual) for instructions on how to file the reports, who must file, which reports to file, the required information, and the filing procedures.<sup>7</sup> The links to the online system and Filing Manual are below:

- Section 43.62 online filing system is available at <https://www.fcc.gov/general/section-4362-online-filing>
- Section 43.62 Filing Manual is available under “Related Sources” at <https://www.fcc.gov/general/section-4362-online-filing>

***Enforcement of Circuit Capacity Rules.*** We remind common carriers and cable landing licensees of their obligation to file accurate reports **by April 2, 2018**. We encourage filing entities to file their reports as early as possible during the filing window. Failure to comply with Section 43.62 requirements may subject such entities to enforcement action.<sup>8</sup>

Each filing entity must use a single CORES FCC Registration Number (FRN) to submit data on: (1) filing entity contact information; (2) preparer contact information; (3) authorizations; (4) submarine cable operator data; (5) submarine cable capacity holder data; and (6) certifying official’s information. Filers must enter the data directly into the online forms in the Section 43.62 online filing system. With respect to (4) submarine cable operator data and (5) submarine cable capacity holder data, the data may be added to the attached templates and then uploaded into the online filing system. Additionally, each filing entity must provide the correct authorization numbers for its filing. For ease of reference, Attachment 3 provides the current authorization number for each U.S. international submarine cable.

- **Attachment 1** – Template for Submarine Cable Operator Data
- **Attachment 2** – Template for Submarine Cable Capacity Holder Data
- **Attachment 3** – Current Authorization Numbers for U.S. International Submarine Cables as of December 31, 2017

We remind filing entities that the figures in the Attachment 2 – Submarine Cable Capacity Holder Data should be reported in Synchronous Transport Module level-1 (STM-1) units. The figures in the Attachment 1 – Submarine Cable Operator Data should be reported in gigabits per second (Gbps). The conversion ratio is 1 Gbps = 6.4 STM-1 units.

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<sup>7</sup> Filers should use the February 2016 Filing Manual. After OMB approval of the rule changes and the completion of the 2017 data filing cycle, the Bureau will seek comment on a revised Filing Manual to address the changes discussed in the *Section 43.62 Report and Order*. See 32 FCC Rcd at 8131-33, paras. 32, 34, 39.

<sup>8</sup> Filing entities that are unable to file by the deadline must submit an online waiver request seeking an extension of time to file by the April 2, 2018 deadline. See Filing Manual at 4, para. 18; see also 47 CFR § 1.3.

FCC staff has the capability to send emails through the Section 43.62 online filing system. All system-generated emails will be from [FCC-INTL-Part43@fcc.gov](mailto:FCC-INTL-Part43@fcc.gov). Filing entities should ensure that their systems will accept emails from this address. Finally, letters notifying the Commission that circuits have been discontinued should be emailed to [Circuit.Capacity@fcc.gov](mailto:Circuit.Capacity@fcc.gov).

For additional information, contact Lindsay Tello, Telecommunications and Analysis Division, International Bureau, [Jacqueline.Tello@fcc.gov](mailto:Jacqueline.Tello@fcc.gov), 202-418-1536 or David Krech, Telecommunications and Analysis Division, International Bureau, [David.Krech@fcc.gov](mailto:David.Krech@fcc.gov), 202-418-7443.

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