



PUBLIC NOTICE

Federal Communications Commission
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INTERNATIONAL BUREAU SEEKS COMMENT ON DRAFT FILING MANUAL FOR PROPOSED SECTION 43.62 REPORTS

IB Docket No. 04-112

Comment Date: (30 days after publication of the Further Notice of Proposed Rulemaking in the Federal Register)

Reply Comment Date: (45 days after publication of the Further Notice of Proposed Rulemaking in the Federal Register)

On May 13, 2011, the Commission released a First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 04-112.¹ In the First Report and Order, the Commission eliminated a number of international reporting requirements.² The Commission also sought comment on several changes to modernize and streamline the reports in the Further Notice of Proposed Rulemaking (FNPRM).³

As discussed in the FNPRM, the International Bureau has prepared a draft Manual for Filing Section 43.62 Annual Reports (“Draft Filing Manual”).⁴ The attached Draft Filing Manual sets forth proposed instructions on how to file annual reports under section 43.62 if the Commission adopts all of the changes to the international reporting requirements discussed in the FNPRM. (The Commission, of course, may adopt only some of those changes, may adopt different changes based on the record in the proceeding, or may not adopt any of the proposed changes.) We seek comment on the Draft Filing Manual.

¹ *Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission’s Rules*, IB Docket No. 04-112, First Report and Order and Further Notice of Proposed Rulemaking, FCC 11-76 (rel. May 13, 2011) (*FR&O/FNPRM*).

² Specifically, the Commission eliminated: (1) the quarterly traffic and revenue reports for large carriers (47 C.F.R. § 43.61(b)); (2) the quarterly traffic and revenue reports for foreign-affiliated switched resale carriers (47 C.F.R. § 43.61(c)); (3) the circuit-addition report (47 C.F.R. § 63.23(e)); (4) the telegraph toll division report (47 C.F.R. § 43.53); and (5) the requirement to file a traffic and revenue report or circuit-status report for traffic between the continental United States and off-shore U.S. points (*e.g.*, Guam, the U.S. Virgin Islands, etc.) or between off-shore U.S. points, or to file separate reports for off-shore U.S. points. *See* FR&O/FNPRM.

³ *Id.*

⁴ *Id.* at ¶ 62.

The Commission stated that interested parties may include their comments on the proposed Draft Filing Manual with their comments on the FNPRM.⁵ Consequently, we shall use the same pleading cycle for comments on the Draft Filing Manual as those for the FNPRM – comments may be filed on or before 30 days after publication of the FNPRM in the Federal Register, and reply comments on or before 45 days after Federal Register publication.⁶

***Ex Parte* Presentations**

The proceeding this Public Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Section 1.1206(b). In proceedings governed by Section 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Comment Filing Procedures

Comments on the Draft Filing Manual should be filed in IB Docket No. 04-112. Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

⁵ *Id.*

⁶ *See id.* at ¶ 148.

⁷ 47 C.F.R. §§ 1.1200 *et seq.*

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All parties must file one copy of each pleading electronically or by paper to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.
- (2) James Ball, Chief, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail: James.Ball@fcc.gov;
- (3) David Krech, Associate Chief, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail: David.Krech@fcc.gov;
- (4) John F. Copes, Attorney, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail John.Copes@fcc.gov;
- (5) Sean O'More, Attorney, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail Sean.O'More.Uretsky@fcc.gov; and,
- (6) Mark Uretsky, Economist, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail Mark.Uretsky@fcc.gov.

Filings and comments will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com. They will also be accessible through the Commission's Electronic Filing System (ECFS) on the Commission's website, www.fcc.gov.

Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with section 1.49 and all other applicable sections of the Commission's rules.⁸ All parties are encouraged to utilize a table

⁸ 47 C.F.R. § 1.49.

of contents, to include the name of the filing party and the date of the filing on each page of their comments' length of their submission.

Commenters that file what they consider to be proprietary information may request confidential treatment pursuant to section 0.459 of the Commission's rules. Commenters should file both their original comments for which they request confidentiality and redacted comments, along with their request for confidential treatment. Commenters should not file proprietary information electronically. *See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 (1998), Order on Reconsideration, 14 FCC Rcd 20128 (1999). Even if the Commission grants confidential treatment, information that does not fall within a specific exemption pursuant to the Freedom of Information Act (FOIA) must be publicly disclosed pursuant to an appropriate request. *See* 47 C.F.R. § 0.461; 5 U.S.C. § 552. We note that the Commission may grant requests for confidential treatment either conditionally or unconditionally. As such, we note that the Commission has the discretion to release information on public interest grounds that falls within the scope of a FOIA exemption.

For further information, contact David Krech or Mark Uretsky, Policy Division, International Bureau, at (202) 418-1460.

ATTACHMENT – Draft Manual for Filing Section 43.62 Annual Reports

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