



PUBLIC NOTICE

Federal Communications Commission
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DA 16-531
May 12, 2016

NTIA Letter Regarding Information and Certifications from Applicants and Petitioners for Certain International Authorizations

IB Docket No. 16-155

Comments Due: May 23, 2016

The Commission has received a letter dated May 10, 2016 from the National Telecommunications and Information Administration (NTIA), on behalf of the Executive Branch, asking the Commission to obtain information and certifications from applicants and petitioners (together, “applicants”) for certain international authorizations.¹ The NTIA Letter observes that as part of its public interest review for applications involving reportable foreign ownership, the Commission has a practice of seeking the views of the relevant Executive Branch agencies as to whether an application poses any national security, law enforcement, foreign policy, or trade concerns.²

Specifically, the NTIA Letter asks the Commission to require applicants seeking international section 214 authorizations (and transfers thereof), section 310 rulings, submarine cable landing licenses, and satellite earth station authorizations (together, “applications”) to: (1) provide information on ownership, network operations, and related matters as part of the applications; and (2) certify compliance with certain law enforcement assistance requirements.³ For item (1), the NTIA Letter proposes that the Commission require the information from each applicant with reportable foreign ownership and, for item (2), the proposal would require all applicants to certify.⁴

The NTIA Letter states that these proposed steps will improve the ability of the Executive Branch to expeditiously and efficiently review and respond to the applications, particularly in regard to identifying and assessing applications that raise national security or law enforcement concerns. It further states that, the proposed certifications may, in many cases, obviate the need for any national security or law

¹ Letter from The Honorable Lawrence E. Strickling, Assistant Secretary for Communications & Information, U.S. Department of Commerce to Marlene H. Dortch, Secretary, FCC (filed May 10, 2016) (NTIA Letter).

² *Id.* at 1-2 (citing to *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23919, para. 61 (1997); *Market Entry and Regulation of Foreign-Affiliated Entities*, Report and Order, 11 FCC Rcd 3873, 3955-56, para. 219 (1995)).

³ *Id.* at 1.

⁴ *Id.* at 3, 5.

enforcement conditions on the grant of the license or authorization, and therefore should facilitate an expeditious response to the Commission on specific applications.⁵

We seek comment on the letter, which we attach to this public notice. These comments will help inform the drafting of a notice of proposed rulemaking addressing issues raised in the NTIA Letter in the near future. In responding to this public notice, commenters may want to focus on issues and questions that could be raised in the notice of proposed rulemaking. There will be an additional opportunity to comment on proposals set out in the notice of proposed rulemaking.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules,⁶ interested parties may file comments on or before **May 23, 2016**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁷

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

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 and boxes 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).

In addition, filers may provide one copy of each filing to each of the following: (1) David Krech, Associate Division Chief, Telecommunications and Analysis Division, International Bureau, at David.Krech@fcc.gov; and (2) Kathleen Collins, Assistant Bureau Chief, International Bureau, at Kathleen.Collins@fcc.gov.

⁵ *Id.* at 1.

⁶ 47 CFR §§ 1.415, 1.419.

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Pursuant to the provisions of Sections 1.1200(a) and 1.1204(b)(1) of the Commission's rules,⁸ this proceeding is deemed an **exempt** proceeding, comparable to a Notice of Inquiry proceeding since presentations, like comments on a Notice of Inquiry, will not directly result in the promulgation of new rules. *Ex parte* presentations to or from Commission decision-making personnel are permissible and need not be disclosed.

For further information, please contact David Krech, Telecommunications and Analysis Division, International Bureau, at 202-418-7443.

⁸ 47 CFR §§ 1.1200(a), 1.1204(b)(1).