



PUBLIC NOTICE

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INTERNATIONAL BUREAU REMINDS CABLE LANDING LICENSEES AND COMMON CARRIERS TO FILE THEIR ANNUAL SUBMARINE CABLE CIRCUIT CAPACITY REPORTS BY APRIL 1, 2019

Electronic Filing Window Open from March 1, 2019 through April 1, 2019

We remind common carriers and cable landing licensees that, by rule, data as of December 31, 2018 for the annual Circuit Capacity Reports are due no later than April 1, 2019.¹ Section 43.82 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 of the preceding calendar year.²

Cable landing licensees and common carriers must file their Circuit Capacity Reports – Cable Operator Data and Capacity Holders Data – through the Commission's Section 43.82 online filing system. Filers should refer to the International Bureau's Filing Manual for Section 43.82 Circuit Capacity Reports (Filing Manual) for instructions on how to file the reports, who must file,³ which reports to file, the required information, and the filing procedures. On December 28, 2018, the International Bureau released a revised Filing Manual⁴ and clarified the definition of "available capacity" to ensure that the submarine cable operators capture all of the capacity on the cable. The term "available capacity," "also known as design capacity, is all of the capacity (both lit and unlit capacity) on the cable as of the reporting date (December 31 of the reporting period)."⁵ The links to the online system and Filing Manual appear below:

- Section 43.82 online filing system is available at <https://apps2.fcc.gov/section4362/login.xhtml>.
- Section 43.82 Filing Manual is available at <https://docs.fcc.gov/public/attachments/DA-18-1306A2.pdf>.

Enforcement of Circuit Capacity Rules. We remind cable landing licensees and common carriers of their obligation to file accurate reports **by April 1, 2019**. We encourage filing entities to file

¹ 47 CFR § 43.82(a). The rule requires the Circuit Capacity Reports to be filed by March 31 each year. As March 31, 2019 is a Sunday, the reports are due the next business day, Monday, April 1, 2019. *See* 47 CFR § 1.4.

² 47 CFR § 43.82(a).

³ Where there are multiple licensees for a cable, we remind filers that only one cable landing licensee may file the capacity data for that cable. Filing Manual at 6, para. 27. The licensees shall determine which licensee will file the capacity data for that cable. *Id.*

⁴ *International Bureau Releases Revised Filing Manual for Section 43.82 Circuit Capacity Reports*, Public Notice, DA 18-1306 (rel. Dec. 28, 2018).

⁵ Filing Manual at 6, para. 26.

their reports as early as possible during the filing window. Failure to comply with Section 43.82 requirements may subject such entities to enforcement action.⁶

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/licenses; (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 43.82 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 FCC authorization/license numbers associated with its filing. For ease of reference, Attachment 3 provides the current license 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 License Numbers for U.S.-International Submarine Cables as of December 31, 2018

We remind filing entities that data for Attachment 2 – Submarine Cable Capacity Holder Data should be reported in Synchronous Transport Module level-1 (STM-1) units. Data for 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.

FCC staff has the capability to send emails through the Section 43.82 online filing system. All system-generated emails will be from FCC-INTL-Part43@fcc.gov. Filing entities should ensure that their systems will accept emails from this address. Finally, any Section 43.82 requests or any other questions should be emailed to Circuit.Capacity@fcc.gov.

For additional information, contact Stacey Ashton, Telecommunications and Analysis Division, International Bureau, Stacey.Ashton@fcc.gov, 202-418-2214 or Francis Gutierrez, Telecommunications and Analysis Division, International Bureau, Francis.Gutierrez@fcc.gov, 202-418-7370.

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⁶ Filing entities that are unable to file by the deadline must submit, no later than April 1, 2019, an online waiver request seeking an extension of time to file. *See* Filing Manual at 3, para. 8; *see* 47 CFR § 1.3.