



PUBLIC NOTICE

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INTERNATIONAL BUREAU RELEASES REVISED FILING MANUAL FOR SECTION 43.82 CIRCUIT CAPACITY REPORTS

Instructions for Filing Submarine Cable Operator and Capacity Holder Data

By this Public Notice, we release a revised manual (Filing Manual) for filing the section 43.82 Circuit Capacity Reports, which consist of cable operator reports (Cable Operator Report) and cable capacity holder reports (Capacity Holder Report).¹ The Commission collects annual circuit capacity data for U.S.-international submarine cable systems pursuant to section 43.82 of the Commission's rules.² Under our rules, Filing Entities must file capacity data as of December 31, 2019 no later than March 31, 2020.³ The International Bureau will release a subsequent Public Notice announcing the opening of the electronic filing window.⁴

The changes in the revised Filing Manual are highlighted below:

- *Cable Operator Report.* We clarify that if a cable landing license has been granted but the cable has not yet commenced service, the licensee(s) of that cable must report the planned capacity of the cable in the Cable Operator Report.⁵
- *Capacity Holder Report.* We clarify the definition of "cable ownership" as "the capacity that an entity owns on a cable."⁶
- Similar to the Cable Operator Report, data for the Capacity Holder Report must be reported in gigabits per second (Gbps). Filers should no longer report in Synchronous Transport Module level-1 (STM-1) units.⁷

¹ International Bureau, Filing Manual for Section 43.82 Circuit Capacity Reports (Dec. 2019). The Filing Manual is attached to this Public Notice. The International Bureau has delegated authority to prepare a Filing Manual with instructions on how to file the reports. 47 CFR § 43.82(c).

² 47 CFR § 43.82.

³ The rule requires the Circuit Capacity Reports to be filed by March 31 each year. 47 CFR § 43.82(a).

⁴ Failure to file a timely Circuit Capacity Report may subject a Filing Entity to the enforcement provisions of the Communications Act of 1934, as amended and other applicable law and could result in the imposition of forfeitures or other penalties. Inaccurate or untruthful information contained in Circuit Capacity Reports may lead to prosecution under section 220(e) of the Communications Act, 47 U.S.C. § 220(e), or the criminal provisions of Title 18 of the United States Code, 18 U.S.C. § 1001.

⁵ Filing Manual at para. 29.

⁶ *Id.* at para. 33.

⁷ *Id.* at para. 35.

- We clarify that capacity holders shall “categorize net capacity held in column (d), on each cable as either activated (i.e., lit) or non-activated (i.e., unlit) capacity.”⁸
- If a Filing Entity is filing a Cable Operator Report on behalf of other cable landing licensees on the cable or a consolidated Circuit Capacity Report on behalf of an affiliated entity or entities, the Filing Entity should submit a list of the licensees or entities for which it is filing data in an email at: Circuit.Capacity@fcc.gov.⁹
- *Examples.* Finally, to assist Filing Entities with their submissions, the revised Filing Manual provides examples.¹⁰

Filing Entities must file their Circuit Capacity Reports through the Commission’s section 43.82 online filing system at <https://apps2.fcc.gov/section4362/login.xhtml>. Licensees of each cable must file a Cable Operator Report for the cable and each licensee must file a Capacity Holder Report with its capacity holdings on all cables, including cables on which it is not a licensee.¹¹ Common carriers must file Capacity Holder Reports.

For further information, please contact Stacey Ashton, Telecommunications and Analysis Division, International Bureau at Stacey.Ashton@fcc.gov or at (202) 418-2214 or Gabrielle Kim, Telecommunications and Analysis Division, International Bureau at Gabrielle.Kim@fcc.gov or at (202) 418-0730.

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⁸ *Id.* at para. 34.

⁹ *Id.* at para. 6, 31, 36.

¹⁰ *Id.* at Section II.C.

¹¹ 47 CFR § 43.82; *see* Filing Manual at Section II.