



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 MARCH 31, 2020

Electronic Filing Window to Be Open from March 2, 2020 through March 31, 2020

We remind cable landing licensees and common carriers that, by rule, data as of December 31, 2019 for the annual Circuit Capacity Reports are due no later than March 31, 2020.¹ Section 43.82 of the Commission's rules requires (1) any licensee of a submarine cable between the United States and a foreign point and (2) any common carrier with capacity on a submarine cable between the United States and a foreign point to file Circuit Capacity Reports.² Submarine cable landing licensees must file a Cable Operator Report with the available capacity (both lit and unlit capacity) of the cable as of December 31, 2019 and the planned capacity (the intended capacity, both lit and unlit, of the cable two years out from December 31, 2019).³ Cable landing licensees and common carriers must file a Capacity Holder Report identifying the capacity that they own or hold through an indefeasible right of use (IRU) or an inter-carrier lease (ICL) as of December 31, 2019.⁴

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,⁵ which reports to file, the required information, and the filing procedures. On December 20, 2019, the FCC International Bureau (Bureau) released a revised Filing Manual for filing the Cable Operator Report and the Capacity Holder Report.⁶ We are releasing a corrected Filing Manual.⁷ The Filing Manual is available at <https://docs.fcc.gov/public/attachments/DA-20-192A1.pdf>.

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

¹ 47 CFR § 43.82(a).

² *Id.*; Filing Manual at 2, para. 3.

³ 47 CFR § 43.82(a); *International Bureau Reminds Cable Landing Licensees and Common Carriers to File Their Annual Submarine Cable Circuit Capacity Reports by April 1, 2019*, Public Notice, 34 FCC Red 1008 (2019).

⁴ 47 CFR § 43.82(a); Filing Manual at 2, para. 1.

⁵ Where there are multiple licensees for a cable, we remind filers that only one cable landing licensee may file the Cable Operator Report for that cable. Filing Manual at 6, para. 30. The licensees shall determine which licensee will file the capacity data for that cable. *Id.*

⁶ *International Bureau Releases Revised Filing Manual for Section 43.82 Circuit Capacity Reports*, Public Notice, DA 19-1314 (rel. Dec. 20, 2019).

⁷ The corrected Filing Manual clarifies Example 2 by changing the positive 3.0 to negative 3.0 for column (b). See Filing Manual at 8, Section II.C.

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.⁸

- **Capacity Holder Report.** We clarify the definition of “cable ownership” as “the capacity that an entity owns on a cable.”⁹
- 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.¹⁰
- 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.”¹¹
- **Consolidated Filings.**
 - *Consolidated Cable Operator Report.* If a Filing Entity is filing on behalf of other cable landing licensees on the cable or 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.¹²
 - *Consolidated Capacity Holder Report.* If a Filing Entity is filing on behalf of an affiliated entity or entities, the Filing Entity should submit a list of the entities for which it is filing data in an email at: Circuit.Capacity@fcc.gov.¹³
- **Examples.** Finally, to assist Filing Entities with their submissions, the revised Filing Manual provides examples.¹⁴

Section 43.82 Online Filing System. Filing Entities must file their Circuit Capacity Reports through the 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.¹⁵ Common carriers must file Capacity Holder Reports.¹⁶

Enforcement of Circuit Capacity Rules. We remind cable landing licensees and common carriers of their obligation to file accurate reports **by March 31, 2020**. We encourage Filing Entities to file 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.¹⁷

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,

⁸ Filing Manual at 6, para. 29.

⁹ *Id.* at 7, para. 33.

¹⁰ *Id.* at para. 35.

¹¹ *Id.* at para. 34.

¹² *Id.* at 2-3, 6, paras. 6, 31.

¹³ *Id.* at 2-3, 7, paras. 6, 36.

¹⁴ *Id.* at 7-9, Section II.C.

¹⁵ 47 CFR § 43.82; *see* Filing Manual at 6-9, Section II.

¹⁶ *Id.*

¹⁷ Filing Entities that are unable to file by the deadline must submit, no later than March 31, 2020, an online waiver request seeking an extension of time to file. *See* Filing Manual at 3, para. 11; *see* 47 CFR § 1.3.

the data should be added to templates that are accessed through the online filing system 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, we provide *sample* templates of the Cable Operator Report and the Capacity Holder Report in Attachments 1 and 2. We also provide the current license number for each U.S.-international submarine cable in Attachment 3.

- **Attachment 1** – Sample Cable Operator Report
- **Attachment 2** – Sample Capacity Holder Report
- **Attachment 3** – Current License Numbers for U.S.-International Submarine Cables as of December 31, 2019

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 Gabrielle Kim, Telecommunications and Analysis Division, International Bureau, Gabrielle.Kim@fcc.gov, 202-418-0730.

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