

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Review of International Section 214	)	IB Docket No. 23-119
Authorizations to Assess Evolving National	)	
Security, Law Enforcement, Foreign Policy,	)	
and Trade Policy Risks;	)	
	)	
Amendment of the Schedule of Application	)	MD Docket No. 23-134
Fees Set Forth in Sections 1.1102 through	)	
1.1109 of the Commission's Rules	)	

**ORDER**

**Adopted: August 22, 2023**

**Released: August 22, 2023**

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

**I. INTRODUCTION**

1. On April 20, 2023, the Federal Communications Commission (Commission) adopted the *Evolving Risks Order and NPRM* to protect the nation's telecommunications infrastructure from threats in an evolving national security and law enforcement landscape by proposing comprehensive changes to the Commission's rules that allow carriers to provide international telecommunications service pursuant to section 214 of the Communications Act of 1934, as amended (Act).<sup>1</sup> In the Order, the Commission adopted a one-time collection of foreign ownership information (One-Time Information Collection) from international section 214 authorization holders (Authorization Holders).<sup>2</sup> In the NPRM, the Commission sought comment on proposed rules and possible alternative approaches, including alternatives for small entities, that will further the Commission's goal of ensuring that the Commission continually accounts for evolving public interest considerations associated with international section 214 authorizations following an initial grant of the authority.<sup>3</sup> The comments on the NPRM are due by August 31, 2023 and reply comments by October 2, 2023.<sup>4</sup>

2. In this Order, we deny a Motion for Extension of Time (Motion) filed by INCOMPAS and Morgan, Lewis & Bockius, LLP (Morgan Lewis) seeking an extension of the deadlines to file comments and reply comments on the *Evolving Risks NPRM*. Second, we exempt qualifying Authorization Holders from disclosing certain details of their reportable foreign ownership in the One-

---

<sup>1</sup> *Review of International Section 214 Authorizations to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks; Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, IB Docket No. 23-119, MD Docket No. 23-134, Order and Notice of Proposed Rulemaking, FCC 23-28, 2023 WL 3152050 (Apr. 20, 2023) (*Evolving Risks Order and NPRM*).

<sup>2</sup> *Id.* at \*1, para. 1.

<sup>3</sup> *See id.* at \*12, para. 24.

<sup>4</sup> Federal Communications Commission, *Review of International Authorizations To Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks; Amendment of the Schedule of Application Fees*, 88 Fed. Reg. 50486 (Aug. 1, 2023) (FCC Review of International Authorizations).

Time Information Collection. Finally, in anticipation of the One-Time Information Collection, we remind all Authorization Holders that they must have an FCC Registration Number (FRN) in order to file their responses.<sup>5</sup>

## II. DENIAL OF MOTION FOR EXTENSION OF TIME

3. On August 7, 2023, INCOMPAS and Morgan Lewis, on behalf of its clients, filed a Motion for Extension of Time (Motion) requesting a 30-day extension of the comment and reply comment deadlines of the *Evolving Risks NPRM*, which, if granted, would move the comment date from August 31, 2023 to September 30, 2023, and the reply comment date from October 2, 2023 to November 1, 2023.<sup>6</sup>

4. In support of their Motion, INCOMPAS and Morgan Lewis state that “the questions posed by the Commission’s [*Evolving Risks NPRM*] involve complex economic, operational, and policy issues and will require [them] to closely consult with [their] respective members and clients.”<sup>7</sup> INCOMPAS and Morgan Lewis further state that the comment due date “falls at the end of August,” a time when key staff of their members and clients “will not be available for consultation due to summer holidays.”<sup>8</sup> They state that they are engaged in “a number of other proceedings . . . that also have similar due dates.”<sup>9</sup> Additionally, they assert that additional time would enable parties to develop feedback on the proposals and provide the Commission “a more robust record with meaningful comment from key stakeholders.”<sup>10</sup>

5. We deny the Motion filed by INCOMPAS and Morgan Lewis. As set forth in section 1.46(a) of the Commission’s rules, “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”<sup>11</sup> We find nothing sufficiently unique or unusual in this instance that would warrant granting the extensions of the comment and reply comment deadlines. Moreover, the Commission made the *Evolving Risks NPRM* publicly available on April 25, 2023, and then published Federal Register notice providing 30 days thereafter for initial comments and an additional 30 days for reply comments, giving interested parties ample time to prepare their comments in advance of the deadlines.<sup>12</sup>

## III. ONE-TIME INFORMATION COLLECTION

6. The *Evolving Risks Order* requires all Authorization Holders to respond to a One-Time Information Collection to update the Commission’s records regarding their foreign ownership.<sup>13</sup> In the

---

<sup>5</sup> *Evolving Risks Order and NPRM* at \*11, para. 22.

<sup>6</sup> Motion for Extension of Time of INCOMPAS and Morgan, Lewis & Bockius, LLP, IB Docket No. 23-119, MD Docket No. 23-134, at 1-2 (filed Aug. 7, 2023), <https://www.fcc.gov/ecfs/document/10807516728823/1> (Motion); see FCC Review of International Authorizations, 88 Fed. Reg. 50486.

<sup>7</sup> Motion at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 2-3 (providing that “[i]n the case of INCOMPAS, [they] are a small staff and are in the middle of several proceedings at the FCC, including 12 GHz, robocalls, MVPD pricing, and [they] are working on comments that are due to the Senate’s USF working group on August 25. Morgan Lewis represents numerous clients directly and indirectly in other ongoing FCC proceedings and transaction reviews, with varying deadlines”) (internal citations omitted).

<sup>10</sup> *Id.* at 3.

<sup>11</sup> 47 CFR § 1.46.

<sup>12</sup> FCC Review of International Authorizations, 88 Fed. Reg. 50486.

<sup>13</sup> *Evolving Risks Order and NPRM* at \*9, para. 16.

Order, the Commission directed each Authorization Holder to identify its 10% or greater direct or indirect foreign interest holders that hold such equity and/or voting interests, or a controlling interest, in the Authorization Holder (Reportable Foreign Interest Holders) as of thirty (30) days prior to the filing deadline,<sup>14</sup> and to certify as to the accuracy of the information provided.<sup>15</sup> The Commission directed the Office of International Affairs (OIA) to conduct the information collection<sup>16</sup> and directed OIA to take into account information recently provided to the Commission on the record that has not materially changed.<sup>17</sup>

7. Pursuant to the Commission's directive to take into account recently-provided information that has not changed, OIA adopts an exemption (Exemption) for Authorization Holders whose applications were granted within three years prior to the deadline of the One-Time Information Collection. The Exemption will reduce the burden for qualifying Authorization Holders while still allowing the Commission to collect necessary information from the One-Time Information Collection. Under this Exemption, qualifying Authorization Holders are exempt from answering questions in the One-Time Information Collection regarding the identities, specific equity and voting interests, and description of controlling interests, of their Reportable Foreign Interest Holders. Instead, Authorization Holders that qualify for the Exemption will be required to identify, on an aggregated basis, all of the citizenship(s) or place(s) of organization of their Reportable Foreign Interest Holders. Specifically, to qualify for the Exemption:

- (1) The Authorization Holder must have filed an application for an initial International Section 214 Authorization, modification, or *substantial* (not a *pro forma* filing) assignment or transfer of control of the authorization that was reviewed by the Executive Branch agencies and was granted by the Commission on or after [date 3 years before date of filing deadline, 2020]; and
- (2) There are no Reportable Foreign Interest Holders of the Authorization Holder other than those disclosed in the application (including any amendment), and there are no changes to the Reportable Foreign Interest Holders disclosed in the application (including any amendment) as of [date 30 days prior to filing deadline, 2023].<sup>18</sup>

8. To qualify for the Exemption, Authorization Holders will also need to supply the File Number of the application that fulfills all of these requirements.

#### IV. ONE-TIME INFORMATION COLLECTION - REQUIREMENT FOR AN FRN

9. In anticipation of the One-Time Information Collection, we remind all Authorization Holders that they must have an FRN to file their responses.<sup>19</sup> OIA will conduct the One-Time Information Collection, including the creation of the forms, submit the information collection for Office of Management and Budget (OMB) review and, following OMB review, publish notice of the effective

---

<sup>14</sup> *Id.* at \*10, para. 18 & nn.73-74.

<sup>15</sup> *Id.* at \*10, para. 18.

<sup>16</sup> *Id.* at \*11, para. 21.

<sup>17</sup> *Id.* (citing Letter from Angie Kronenberg, President, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 23-119, at 1-2 (filed April 14, 2023) (INCOMPAS *Ex Parte*)).

<sup>18</sup> To qualify for the Exemption, there must be no changes to the Reportable Foreign Interest Holders disclosed in the application (including any amendment), including but not limited to: no change in the reported citizenship(s), including dual or multiple citizenships, and/or place(s) of organization of any Reportable Foreign Interest Holder; no removal of any Reportable Foreign Interest Holder from an Authorization Holder's chain of ownership; and no change in a Reportable Foreign Interest Holder's ownership interests to less than 10% equity and/or voting interests or less than a controlling interest. *See Evolving Risks Order and NPRM* at \*10-11, paras. 18-20 & nn.72-74, 78-80.

<sup>19</sup> *Id.* at \*11, para. 22.

date of the information collection requirement and the filing deadline in the Federal Register.<sup>20</sup> The filing deadline shall be no fewer than thirty (30) days following the effective date.<sup>21</sup> We note that OIA will also issue a separate Public Notice announcing the deadline and will provide instructions for filing this information with the Commission.<sup>22</sup>

10. It is important for all Authorization Holders to ensure they have or obtain an FRN. An FRN is the 10-digit number assigned to all individuals and entities that transact business with the Commission,<sup>23</sup> and it must be provided any time an Authorization Holder submits an application in ICFS.<sup>24</sup> As the Commission stated in the *Evolving Risks Order*, many international section 214 authorizations were granted to entities prior to the Commission requiring an FRN in 2001.<sup>25</sup> Such entities will need to obtain an FRN prior to filing their response to the information collection.<sup>26</sup>

## V. ORDERING CLAUSES

11. Accordingly, IT IS ORDERED, pursuant to sections 0.19, 0.204, 0.351, and 1.46 of the Commission's rules, 47 CFR §§ 0.19, 0.204, 0.351, 1.46, that the Motion for Extension of Time is DENIED.

12. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 214, 218, 219, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 4(i), 214, 218, 219, and 403, and sections 0.19, 0.204, and 0.351 of the Commission's rules, 47 CFR §§ 0.19, 0.204, 0.351, that the Exemption from responding to certain portions of the One-Time Information Collection, as described herein, is ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION

Denise Coca  
Chief  
Telecommunications and Analysis Division  
Office of International Affairs

---

<sup>20</sup> *Id.* at \*11, para. 21. On June 6, 2023, OMB granted approval of the new information collection adopted in the *Evolving Risks Order. Reporting On Foreign Ownership of International Section 214 Authorization Holders*, Notice of Office of Management and Budget Action, OMB Control No. 3060-1308 (June 6, 2023), [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202305-3060-001#](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202305-3060-001#); see FCC Review of International Authorizations, 88 Fed. Reg. 50486.

<sup>21</sup> *Evolving Risks Order and NPRM* at \*11, para. 21.

<sup>22</sup> *Id.*

<sup>23</sup> 47 CFR § 1.8002(a) (“The FRN must be obtained by anyone doing business with the Commission, see 31 U.S.C. 7701(c)(2) . . .”).

<sup>24</sup> *Evolving Risks Order and NPRM* at \*11, para. 22.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* An authorization holder may obtain an FRN through the Commission’s CORES webpage. FCC, *Commission Registration System (CORES)*, <https://apps.fcc.gov/cores/userLogin.do> (last visited Aug. 22, 2023).