



PUBLIC NOTICE

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**OFFICE OF INTERNATIONAL AFFAIRS REMINDS CABLE LANDING LICENSEES AND
COMMON CARRIERS TO FILE THEIR ANNUAL SUBMARINE CABLE CIRCUIT
CAPACITY REPORTS BY APRIL 1, 2024**

Electronic Filing Window Opens on March 1, 2024

We remind cable landing licensees and common carriers that, by rule, data as of December 31, 2023 for the annual Circuit Capacity Reports are due no later than April 1, 2024.¹ 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, 2023 and the planned capacity (the intended capacity, both lit and unlit, of the cable two years out from December 31, 2023).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 intercarrier lease (ICL) as of December 31, 2023.⁴

Section 43.82 Online Filing Manual and System. Filers should refer to the Filing Manual for Section 43.82 Circuit Capacity Reports (Filing Manual) for instructions on how to file the reports, who must file, which reports to file, the required information, and the filing procedures. To assist Filing Entities with their submissions, the Filing Manual provides examples.⁵

- **Filing Manual** - The Filing Manual is available at <https://docs.fcc.gov/public/attachments/DOC-362660A1.pdf>.
- **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>.

CONSOLIDATED CABLE OPERATOR REPORT REMINDER: Every cable must have a single Cable Operator Report reporting its total capacity filed by one of its licensees. Where there are multiple licensees for a cable, only one cable landing licensee may file the Cable Operator Report for that cable.⁶ The licensees shall determine which licensee will file the capacity data for that cable.⁷

¹ 47 CFR § 43.82(a); Filing Manual for Section 43.82 Circuit Capacity Reports, at 2, para. 2 (Feb. 2020) (Filing Manual), <https://docs.fcc.gov/public/attachments/DOC-362660A1.pdf>. The rule requires the Circuit Capacity Reports to be filed by March 31 each year. As March 31, 2024 is a Sunday, the reports are due the next business day, Monday, April 1, 2024. See 47 CFR § 1.4.

² 47 CFR § 43.82(a).

³ *Id.*

⁴ *Id.*; Filing Manual at 2, para. 1.

⁵ Filing Manual at 7-9, Section II.C.

⁶ *Id.* at 6, para. 30.

⁷ *Id.*

- If the 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 to Circuit.Capacity@fcc.gov.⁸

CONSOLIDATED CAPACITY HOLDER REPORT REMINDER: Each licensee must file a single Capacity Holder Report with its capacity holdings on all cables, including cables on which it is not a licensee.⁹ Similarly, each common carrier that is not a licensee must file a single Capacity Holder Report for its capacity holdings on all cables.¹⁰

- 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 to Circuit.Capacity@fcc.gov.¹¹

ENFORCEMENT OF CIRCUIT CAPACITY RULES. We remind cable landing licensees and common carriers of their obligation to file timely and accurate reports **by April 1, 2024**. We encourage Filing Entities to file their reports as early as possible during the filing window. A failure to comply with the section 43.82 requirements may subject such entities to enforcement action.¹²

Each Filing Entity must use a single CORES FCC Registration Number (FRN) when filing 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 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. All contact information must be kept up-to-date.

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. **Filing Entities should use the templates from the section 43.82 online filing system to file their data and not the sample templates included in this Public Notice.**

- **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, 2023

FCC staff will 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, Office of International Affairs, Stacey.Ashton@fcc.gov, 202-418-418-2214.

⁸ *Id.* at 2-3, 6, paras. 6, 31.

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

¹⁰ Filing Manual at 6, para 32.

¹¹ *Id.* at 2-3, 7, paras. 6, 36.

¹² Filing Entities that are unable to file by the deadline must submit an online waiver request seeking an extension of time to file as soon as possible, but no later than April 1, 2024. Filing Manual at 3, para. 11; *see* 47 CFR § 1.3.