

FILING MANUAL FOR SECTION 43.82 CIRCUIT CAPACITY REPORTS

**Office of International Affairs
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I. FILING REQUIREMENTS

1. Section 43.82(a)(2) of the Commission's rules requires submarine cable landing licensees and common carriers with capacity on a submarine cable between the United States and a foreign point to file a Capacity Holder Report identifying the capacity that they own or hold through an infeasible right of use (IRU) or an inter-carrier lease (ICL) as of December 31 of the of the preceding calendar year.¹

2. Each Filing Entity must file the required circuit capacity data as indicated in the Capacity Holder Report.² The Commission annually compiles the data filed pursuant to section 43.82 and publicly releases the compiled data.³

A. Who Must File a Circuit Capacity Report?

3. Section 43.82(a)(2) of the Commission's rules sets forth annual circuit capacity reporting requirements that apply to (1) any licensee of a submarine cable between the United States and a foreign point (cable landing licensee), and (2) any common carrier with capacity on a submarine cable between the United States and a foreign point (common carrier).⁴

B. Filing Requirements for Merged Entities

4. Where two or more Filing Entities have merged into a single legal entity during the annual reporting period, the successor merged company shall file a single aggregated section 43.82 report that covers the combined operations of the merged companies during the reporting period, including operations prior to the date of the merger. If the merger occurs after the reporting period, but prior to the filing date, the successor company shall file separate section 43.82 reports for each of the Filing Entities.

C. Affiliated Corporations Must File by Legal Entity

5. Affiliated companies must file separate section 43.82 reports to the extent that they are considered to be separate legal entities where they have separate articles of incorporation, articles of formation, or similar legal documents. This requirement parallels the filing requirement under the FCC Form 499-A.⁵ However, where the Commission has authorized them to make a consolidated FCC Form 499-A filing, the affiliated companies similarly shall make a consolidated section 43.82 filing.⁶

6. If a Filing Entity is filing a consolidated section 43.82 report or filing on behalf of an affiliated entity or entities, we ask the Filing Entity to email the Office of International Affairs with the list of entities for which it is filing data at: Circuit.Capacity@fcc.gov.

7. The Commission's rules require all cable landing licensees and common carriers to have a Filer 499 ID.⁷ They must include that ID with all their filings under section 43.82. The legal entity or

¹ 47 CFR § 43.82(a)(2); *see* Appx. B for definition of Common Carrier, IRU, and ICL.

² For purposes of this manual, a "Filing Entity" refers to a person or entity that is required to file information with the Commission pursuant to section 43.82.

³ FCC, Circuit Capacity Data for U.S.-International Submarine Cables, <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.

⁴ 47 CFR § 43.82.

⁵ The filing requirement is explained in Section II.A of the Instructions accompanying Form 499-A. *See* Federal Communications Commission, Telecommunications Reporting Worksheet at 4-8 (Form 499-A). Form 499-A and its Instructions are available at <http://www.fcc.gov/Forms/Form499-A/499a-2010.pdf>.

⁶ *Id.* at 8-9.

⁷ Filer 499 ID refers to an identification number assigned by the FCC to entities that file an annual FCC Form 499-A. Sections 52.17 (b), (c), and 54.708 of the Commission's rules, require all telecommunications carriers in the United

entities responsible for filing data under section 43.82 are the same legal entity or entities identified by the Filer 499 ID. There may be some persons or entities subject to section 43.82 that have not provided any service as a U.S. telecommunications carrier and, therefore, have never obtained a Filer 499 ID. Such a person or entity shall file its section 43.82 report at the legal entity level. Such a person or entity need not obtain a Filer 499 ID for the purpose of filing its section 43.82 report. If such a person or entity subsequently begins to provide service as a U.S. telecommunications carrier, it must obtain a Filer 499 ID for the purpose of filing under section 43.82 of the Commission's rules.

8. The Filer 499 ID is assigned by the Commission's data collection agent after a company files its first FCC Form 499-A. Filer 499 IDs for current Filing Entities can be found at <https://fjallfoss.fcc.gov/cgb/form499/499a.cfm>.

D. Filing Date – Due by March 31 of Each Year

9. Section 43.82(a)(2) of the Commission's rules requires Filing Entities to submit the Capacity Holder Report for the preceding calendar year (the reporting period) on or before **March 31 of each year**.⁸ The earliest date that the Commission will accept filings will be specified annually by the Chief, Office of International Affairs, in a Public Notice.

E. Compliance

10. Failure to file timely section 43.82 reports may subject Filing Entities to the enforcement provisions of the Communications Act and any other applicable law and could result in the imposition of forfeitures or other penalties. Failure to file the Circuit Capacity Report on time is a violation of the Commission's rules and could result in the imposition of forfeitures or other penalties. Inaccurate or untruthful information contained in section 43.82 reports may lead to prosecution under section 220(e) of the Communications Act⁹ or the criminal provisions of Title 18 of the United States Code.¹⁰

11. Any Filing Entity that cannot file its information by the required deadlines must request an extension of time to file by submitting a waiver request prior to the filing date under provisions of section 1.3 of the Commission's rules.¹¹ A Filing Entity must make a request for an extension of time to the Chief, Office of International Affairs. In the request, a Filing Entity must identify the report to be delayed, explain the reasons for the delay, and propose an alternate filing date.

F. Revisions

12. Data on file as of the deadlines identified above for filing Circuit Capacity Reports must be the most accurate data available as of the deadline. If a Filing Entity files data in advance of a deadline and discovers inaccuracies in data prior to the deadline, it must file a corrected report, accompanied by a new Registration Form, on or before the deadline. No waiver is required to file a corrected report.

G. Reporting Period

13. International circuit capacity data in the Capacity Holder Report shall be counted on December 31 of the reporting period.¹²

States to file a Form 499-A. 47 CFR §§ 52.17(b), (c);54.708. When a carrier files its first Form 499-A, the Commission's Data Collection Agent assigns the carrier a Filer 499 ID. See Form 499-A Instructions at 13.

⁸ 47 CFR § 43.82(a)(2).

⁹ 47 U.S.C. § 220(e).

¹⁰ 18 U.S.C. § 1001.

¹¹ 47 CFR § 1.3.

¹² 47 CFR § 43.82.

H. Rounding of Numbers and Negative Numbers

14. *Rounding.* Filing Entities should report capacity holdings in the Circuit Capacity Report – International Submarine Cable Capacity – Capacity Holders chart (Capacity Holder Report) in Gbps rounded to one decimal place.

15. *Negative Numbers.* Net IRUs (column (b)) and Net ICLs (column (c)) in the Capacity Holder Report may be negative numbers.

I. Estimation

16. To the maximum extent possible, provide actual counts of circuits and other statistics. Where that is not possible, use statistical sampling methods that are designed to produce a margin of error of no more than one percent with a confidence interval of 95%. Where it is not possible to use statistical sampling methods, use other estimation methods that would in good faith be expected to produce accuracy comparable to that specified for statistical methods.

J. Record Keeping

17. Filing Entities shall maintain records and documentation in support of information reported in section 43.82 reports for three years and shall provide such records and documentation to the Commission upon request. Filing Entities that acquire operations subject to section 43.82 reporting requirements through, for example, acquisition of property, consolidation, or merger must maintain the records of the acquired operation for three years following the acquisition. Filing Entities that use estimation techniques, including statistical sampling, must keep these studies for at least three years following the reporting period and provide them to the Commission upon request. The Commission's staff or designees may review or audit any corporate records, including records that the Filing Entity has retained for more than three years, for any reason.

K. Filing Format

18. File the section 43.82 report in electronic format, using an electronic spreadsheet (worksheets) designated by the FCC. Filing Entities should provide the following basic information in the worksheet: the name of the Filing Entity, the date of the filing, and the reporting period covered by the filing.

L. The Registration Form

19. A Registration Form must accompany each new or revised section 43.82 report.¹³ The Registration Form elicits basic information about the filer, requires Filing Entities to certify the accuracy and completeness of the filed data, and allows Filing Entities to request confidential treatment of their data.

1. Basic Information about the Filing and Filing Entity

20. Filing Entities should provide the following basic information on the Registration Form: the date of the filing; the reporting period covered by the filing; the name and address of the Filing Entity; the FCC Registration Number (FRN) of the Filing Entity;¹⁴ the Filing Entity's Filer 499 ID, if any; the contact information for the preparer of the filing; whether the filing is a new report or a

¹³ 47 CFR § 43.82(b).

¹⁴ The FRN is a ten-digit number that the Commission uses to identify a Filing Entity for purposes of the Commission's Licensing/Filing systems and its Revenue Accounting Management Information System (RAMIS). Filing Entities may obtain an FRN through the Commission Registration System (CORES), which they may access at <https://www.fcc.gov/licensing-databases/fcc-registration-commission-registration-system>. Filing Entities should ensure that their contact information is correct in the CORES system.

revision to an existing report; information about the Filing Entity's section 214 authorizations and cable landing licenses.¹⁵

2. Certification of Accuracy and Completeness of Reports

20. Filing Entities must certify on the Registration Form the accuracy and completeness of the data filed in the accompanying Circuit Capacity Report. An officer of the Filing Entity must certify the accuracy and completeness of the Filing Entity's section 43.82 information. The Commission will not accept a report until the Filing Entity provides the requisite certification.

21. For the purposes of certification, an officer is a person who occupies a position specified in the corporate by-laws (or partnership agreement, certificate creating a limited liability company, or comparable document) and is typically the president, vice president for operations, vice president for finance, comptroller, treasurer, or someone in a comparable position. If the Filing Entity is a sole proprietorship, the owner must certify the accuracy and completeness of the Filing Entity's section 43.82 information.

22. As indicated on the Registration Form, the certification must contain the signature of the certifying official; the printed name of the certifying official; the title of the certifying official; the physical address, telephone number, and e-mail address of the certifying official; and the Filing Entity's official contact or attorney of record, including physical address, telephone number, and e-mail address.

23. A Filing Entity has not met its filing deadline until the Commission has received a certified filing of the Filing Entity's section 43.82 report.

3. Confidential Treatment of Filed Information

24. Filing Entities may request on the Registration Form confidential treatment of the data filed in their Circuit Capacity Report.¹⁶ Filing Entities may request confidential treatment of the data filed in the Capacity Holder Report. They may do so by checking the appropriate box to request confidential treatment under section 0.459 of the Commission's rules and certifying that the filed data are privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. This certification must be by the same company official who certifies the accuracy and completeness of the accompanying report.

25. Checking the box and certifying the data as warranting confidential treatment affords a Filing Entity the opportunity to defer the need to provide justification for confidential treatment until another party requests access to the data. Upon receipt of a request for inspection of the data, we will notify the Filing Entity of the request and the Filing Entity will be required to justify continued confidential treatment pursuant to section 0.459 of the Commission's rules.

II. ANNUAL CAPACITY HOLDER REPORT

27. Section 43.82(a)(2) of the Commission's rules requires submarine cable landing licensees and common carriers to file certain information identifying the capacity that they own or, in some cases, lease.¹⁷

28. Each cable landing licensee and common carrier that holds capacity on the U.S. end of any submarine cable extending between the United States and a foreign point as of December 31 of the reporting period (capacity holder) shall report in the Capacity Holder Report its available capacity on the U.S. end of every submarine cable between the United States and any foreign point on which it holds

¹⁵ A complete list of the Filing Entity's international section 214 authorizations and cable landing licenses is required the first time that the Filing Entity files its section 43.82 Circuit Capacity Report. Subsequent filings need only contain additions and deletions to the list of these licenses.

¹⁶ 47 CFR § 43.82(b).

¹⁷ 47 CFR § 43.82(a)(2).

capacity as of that date.¹⁸ A holding of capacity is an interest in the U.S. end of an international submarine cable through cable ownership, an indefeasible right of use (IRU), or an inter-carrier lease (ICL). Each capacity holder shall calculate its available capacity as the sum of (1) cable ownership; (2) the net of IRUs leased from other entities less IRUs leased to other entities; and (3) the net of ICLs leased from other entities less ICLs leased to other entities. Capacity holders shall report cable ownership in column (a); net IRUs in column (b); net ICLs in column (c); and the sum of columns (a) through (c) as net capacity held, in column (d) of the Capacity Holder Report.

29. For section 43.82 reporting purposes, “cable ownership” is the capacity that an entity owns on a cable. If a Filing Entity is a licensee of a submarine cable, the Filing Entity is required to report capacity through its ownership interest in the cable as a positive value in the cable ownership category in column (a).

30. Capacity holders shall also categorize net capacity held in column (d), on each cable as either activated (i.e., lit) or non-activated (i.e., unlit) capacity. Activated capacity consists of capacity used for providing services or facilities to customers (on either a common carrier or non-common carrier basis);¹⁹ capacity reserved for internal company use; capacity reserved for restoration services; and unused capacity that is available for immediate use. Non-activated capacity is unused capacity that is not available for immediate use. Capacity holders shall report activated capacity in column (e) and non-activated capacity in column (f).

31. The capacity data shall be reported in Gbps rounded to one decimal place. If a Filing Entity does not hold capacity on a particular cable, the Filing Entity should not input any data entry in columns (a) through (f) for that cable.

32. If a Filing Entity is filing a consolidated Capacity Holder Report on behalf of an affiliated entity or entities, we ask the Filing Entity to email the Office of International Affairs with the list of entities for which it is filing data at: Circuit.Capacity@fcc.gov.²⁰

¹⁸ 47 CFR § 43.82(a)(2). Licensee(s) of a submarine cable that has been granted but not yet commenced service must file Capacity Holder Reports for any other cables on which they hold capacity.

¹⁹ Capacity used for customers includes capacity used for international calling services, international private lines, Internet service provider and Internet backbone services, and other data or high-speed services.

²⁰ See *supra* para. 6.

APPENDIX A: Section 43.82 Rules

§ 43.82 Circuit Capacity Reports.

(a) *International Submarine Cable Capacity*. Not later than March 31 of each year:

(1) [Reserved]

(2) Each cable landing licensee and common carrier shall file a report showing its capacity on submarine cables between the United States and any foreign point as of December 31 of the preceding calendar year.

Note to Paragraph (a): United States is defined in Section 3 of the Communications Act of 1934, as amended, 47 U.S.C. 153.

(b) A Registration Form, containing information about the filer, such as address, phone number, email address, etc., shall be filed with each report. The Registration Form shall include a certification enabling the filer to check a box to indicate that the filer requests that its circuit capacity data be treated as confidential consistent with Section 0.459(a)(4) of the Commission's rules.

(c) Filing Manual. Authority is delegated to the Chief of the Office of International Affairs to prepare instructions and reporting requirements for the filing of these reports prepared and published as a Filing Manual. The information required under this Section shall be filed electronically in conformance with the instructions and reporting requirements in the Filing Manual.

APPENDIX B: Definitions

Capacity Holder refers to a cable landing licensee or common carrier that holds capacity on the U.S. end of an international submarine cable as of December 31 of the reporting period. A holding of capacity is an interest in the U.S. end of an international submarine cable through cable ownership, an indefeasible right of use (IRU), or an inter-carrier lease (ICL).

Circuit refers to a path for electromagnetic transmission of information between two or more points, including transmission by submarine or terrestrial cable, satellite, wire, or radio. In addition to a dedicated channel, a service guarantee for electromagnetic transmission of information between two or more points at an agreed-upon data speed is considered a circuit for reporting International Private Line Service under section 43.82 of the Commission's rules.

Common Carrier refers to a person or entity in the United States that provides telecommunications services (i.e., telecommunications on a common carrier basis) in the United States or between the United States and a foreign point or holds a U.S. section 214 license to do so. A U.S. Common Carrier does not refer to the nationality of the employees or owners of a communications entity. An affiliate of a U.S. Common Carrier that operates in a foreign point as a common carrier is a Foreign Carrier.

Filing Entity refers to a person or entity that is required to file information with the FCC pursuant to section 43.82 of the Commission's rules.

Foreign Point refers to a foreign country or other geographic location outside the United States.

Indefeasible Right of Use (IRU) refers to an arrangement in which the holder has made an upfront payment for the full length of the lease, such as 5, 10, 20 years, or the remaining useful life of the asset.

Inter-Carrier Lease (ICL), for section 43.82 reporting purposes, refers to a lease of bare capacity between one entity and another.

United States refers to the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Canal Zone. 47 U.S.C. § 153.

APPENDIX C: Sample Registration Form

Federal Communications Commission

SAMPLE REGISTRATION FORM

1 **Filing Date:**

2 **Reporting Period:**
(enter calendar year)

3 **Name and address of Filing Entity:**

4 **FCC Registration Number (FRN):**

5 **Filing Entity's Filer 499 ID, if any:**

6 **Preparer's name and contact information**

7 **Check One:**
New Report?

Revision to Existing Report?

SAMPLE REGISTRATION FORM

8 Submarine Cable Landing Licenses

For first-time filers of the Circuit Capacity Report under Section 43.82 of the Commission's rules, list all submarine cable landing licenses:

Initial List

For subsequent filings, list all additions and deletions to submarine cable landing licenses during the reporting period:

Additions

Deletions

9 Confidentiality

I certify that the data contained in the accompanying report are privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the information contained in the report pursuant to Section 0.459 of the Commission's Rules.

Submarine Cable - Capacity Holders

SAMPLE REGISTRATION FORM

10 Certification

I certify that I am an officer of the above-named filing entity, that I have examined the accompanying report and to the best of my knowledge, information, and belief, all statements of fact contained in the report are true and that the report is an accurate statement of the affairs of the above-named company for the reporting period indicated above.

11 Signature

12 Printed name of officer or company official

13 Title of the certifying official:

14 Physical address, telephone number, and e-mail address of the certifying official:

15 Filing Entity's official contact or attorney of record, including physical address, telephone number and e-mail address:

APPENDIX D: Sample Capacity Holder Report

Circuit Capacity Report
International Submarine Cable Capacity
Capacity Holders
As of December 31 of the Reporting Period

Name of Filing Entity:	
Filing Date:	
Reporting Period:	2025

	Capacity Holdings					
	(a)	(b)	(c)	(d)	(e)	(f)
	Cable Ownership	Net IRUs	Net Inter-Carrier Leaseholds	Net Capacity Held (d) = (a)+(b)+(c) (d) = (e)+(f)	Activated (i.e., lit) Capacity	Non-Activated (i.e., unlit) Capacity
Americas Region						
América Móvil Submarine Cable System (AMX1)						
AmeriCan-1						
Americas II						
Antilles Crossing						
ARCOS-1						
BAHAMAS II						
Bahamas Internet Cable System (BICS)						
BRUSA						
Carnival Submarine Networks-1 (CSN-1)						
CFX-1 Cable System (CFX-1)						
Crosslake Fibre						
Curie						
Firmina						
Gemini Bermuda System						
Global Caribbean Network (GCN)						
GlobeNet						
KetchCan1 Submarine Fiber Cable System						
Maya-1						
Monet Cable System						
Neutral Networks Laredo Cable						
Nuvem						
Pacific Caribbean Cable System (PCCS)						
Pan American Crossing (PAC)						
Seabras-1						
SMPR-1						
South America-1 (SAm-1)						
South American Crossing (SAC)						
Taino-Carib Cable System						
TIKAL-AMX3						
Trans Americas Fiber System (TAM-1)						
Total Americas Region	0.0	0.0	0.0	0.0	0.0	0.0
Atlantic Region						
AECConnect-1 Cable System						
Amitié						
Apollo Cable						
Atlantic Crossing 1 (AC-1)						
Dunant						
EXA North and South						
FLAG Atlantic-1						
Grace Hopper						
Havfrue						
MAREA						
TGN Atlantic						
Yellow Cable System						
Total Atlantic Region	0.0	0.0	0.0	0.0	0.0	0.0
Pacific Region						
Apricot						
Asia America Gateway (AAG)						
Australia-Japan Cable						
Echo						
FASTER Cable System						
GOKI Cable Network						
Halaihai						
HANTRU1						
Hawaiki Cable System						
Honomoana						
Honotua Cable System						
Japan-Guam-Australia (JGA) North System (JGA North)						
Japan-Guam-Australia (JGA) South System (JGA South)						
JUNO						
JUPITER						
New Cross-Pacific (NCP)						
Pacific Crossing-1 (PC-1)						
Pacific Light Cable Network (PLCN)						
PPC-1						
Proa						
Samoa American Samoa Cable System						
Southeast Asia-US (SEA-US)						
Southern Cross 1&2						
Southern Cross NEXT						
Tabua						
Taihei						
Telstra Endeavour						
TGN Pacific						
TPU						
Trans-Pacific Express (TPE) Cable Network						
Unity Cable System						
Total Pacific Region	0.0	0.0	0.0	0.0	0.0	0.0

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

We have estimated that each response to this collection of information will take 3-15 hours (one hour for the Registration Form and 2-14 hours for the Circuit Capacity Data). Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please submit your comments to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-1156), Washington, DC 20554. We will also accept your comments via the Internet if you send them to pra@fcc.gov. DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-1156.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507