

FCC FACT SHEET*

Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership

Second Report and Order – IB Docket No. 16-155

Background: By this Second Report and Order, the Commission would adopt the Standard Questions – a baseline set of national security and law enforcement questions – for certain applicants with reportable foreign ownership and complete the final step to implement the *Executive Branch Review Order*. In that *Order*, the Commission adopted rules and procedures to facilitate a more streamlined and transparent process for coordinating the referral of certain applications with reportable foreign ownership with the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the Committee) for its views on any national security and law enforcement issues associated with the foreign ownership of the applicants. To expedite the review of such applications, applicants must provide answers to certain Standard Questions directly to the Committee prior to or at the same time they file their applications with the Commission. This process would replace the current practice of the Executive Branch seeking such threshold information directly from the applicants after the Commission refers the applications.

Importantly, once effective, the Standard Questions would be made available on the Commission’s website, and with such access, applicants would be able to prepare much earlier in the application process answers to this baseline set of national security and law enforcement questions. Overall, this Second Report and Order would provide regulatory certainty, significantly decrease administrative burdens, and result in a timely and transparent process for Commission applicants, thereby encouraging and facilitating foreign investment and the provision of new services and infrastructure in the United States.

What the Second Report and Order Would Do:

- Adopt six sets of Standard Questions, plus a Personally Identifiable Information (PII) Supplement, that proponents of certain applications and petitions involving reportable foreign ownership, whose applications and petitions will be referred to the Committee, will be required to answer as part of the application review process.
 - **Attachment A - Standard Questions for an International Section 214 Authorization Application.** Standard Questions for an international section 214 authorization application filed pursuant to 47 CFR § 63.18, including a modification of an existing authorization.
 - **Attachment B - Standard Questions for an Application for Assignment or Transfer of Control of an International Section 214 Authorization.** Standard Questions for an assignment or transfer of control of an international section 214 authorization application filed pursuant to 47 CFR § 63.24.
 - **Attachment C - Standard Questions for a Submarine Cable Landing License Application.** Standard Questions for a cable landing license application filed pursuant to 47 CFR § 1.767 including a modification of an existing license.
 - **Attachment D - Standard Questions for an Application for Assignment or Transfer**

* This document is being released as part of a “permit-but-disclose” proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in IB Docket No. 16-155, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs/>). Before filing, participants should familiarize themselves with the Commission’s *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR § 1.1200 *et seq.*

of Control of a Submarine Cable Landing License. Standard Questions for an assignment or transfer of control of a cable landing license application filed pursuant to 47 CFR § 1.767.

- **Attachment E - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Broadcast Licensee.** Standard Questions for a petition for declaratory ruling for foreign ownership in a broadcast licensee above the benchmarks in section 310(b) of the Communications Act (the Act) filed pursuant to 47 CFR §§ 1.5000-1.5004.
 - **Attachment F - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Common Carrier Wireless or Common Carrier Earth Station Licensee.** Standard Questions for a petition for declaratory ruling for foreign ownership in a common carrier wireless or common carrier earth station licensee above the benchmarks in section 310(b) of the Act filed pursuant to 47 CFR §§ 1.5000-1.5004.
 - **Attachment G - Personally Identifiable Information (PII) Supplement.** Each set of Standard Questions references a supplement to assist the Committee in identifying PII.
- Modify, as appropriate, the Standard Questions to address commenters' concerns and suggestions provided to the Commission in response to the Public Notice that sought comment on proposed Standard Questions.
 - Establish the process for changes mandated by the Second Report and Order to take effect.

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Process Reform for Executive Branch Review of
Certain FCC Applications and Petitions Involving
Foreign Ownership
IB Docket No. 16-155

SECOND REPORT AND ORDER*

Adopted: []

Released: []

By the Commission:

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* This document has been circulated for tentative consideration by the Commission at its September 2021 open meeting. The issues referenced in this document and the Commission’s ultimate resolutions of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Acting Chairwoman has determined that, in the interest of promoting the public’s ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The Commission’s ex parte rules apply, and presentations are subject to “permit-but-disclose” ex parte rules. See, e.g., 47 CFR §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR §§ 1.1200(a), 1.1203.

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- Attachment E – Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Broadcast Licensee
- Attachment F – Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Common Carrier Wireless or Common Carrier Earth Station Licensee
- Attachment G – Personally Identifiable Information (PII) Supplement

I. INTRODUCTION

1. In this Second Report and Order, we adopt a set of standardized national security and law enforcement questions (Standard Questions) that certain applicants and petitioners (together, “applicants”) with reportable foreign ownership will be required to answer as part of the Executive Branch review process of their applications and petitions (together, “applications”). In the *Executive Branch Review Order*, the Commission adopted rules and procedures to facilitate a more streamlined and transparent review process for coordinating applications with the Executive Branch agencies¹ for their views on any national security, law enforcement, foreign policy, or trade policy issues associated with the foreign ownership of the applicants.² The *Executive Branch Review Order* also established firm time frames for the Executive Branch agencies to complete their review consistent with Executive Order No. 13913, which established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the Committee).³ To expedite the national security and law enforcement review of such applications, applicants must provide their answers to the Standard Questions

¹ The Executive Branch agencies include the Departments of Justice, Homeland Security, Defense, State, and Commerce, as well as the United States Trade Representative.

² *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10927, para. 1 (2020) (*Executive Branch Review Order*); *Erratum* (Appendix B – Final Rules), DA 20-1404 (OMD/IB rel. Nov. 27, 2020).

³ Executive Order No. 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643, 19643-44 (Apr. 8, 2020) (Executive Order 13913) (establishing the “Committee,” composed of the Secretary of Defense, the Secretary of Homeland Security, and the Attorney General of the Department of Justice, who serves as the Chair, and the head of any other executive department or agency, or any Assistant to the President, as the President determines appropriate (Members), and also providing for Advisors, including the Secretary of State, the Secretary of Commerce, and the United States Trade Representative); *id.* (stating that, “[t]he security, integrity, and availability of United States telecommunications networks are vital to United States national security and law enforcement interests”).

directly to the Committee prior to or at the same time they file their applications with the Commission.⁴ This process would replace the current practice of the Executive Branch seeking such threshold information directly from the applicants after the Commission refers the applications. Today, we adopt the Standard Questions and complete the final step to implement the *Executive Branch Review Order*. Importantly, once effective, the Standard Questions will be made available on the Commission's website, and with such access, applicants will be able to prepare much earlier in the application process answers to this baseline set of national security and law enforcement questions. Further, the Committee will receive answers to the questions earlier in its review process, and the Commission's public interest analysis will continue to benefit from the Committee's national security and law enforcement expertise. Overall, our actions today will provide regulatory certainty, significantly decrease administrative burdens, and result in a timely and transparent process for Commission applicants, thereby encouraging and facilitating foreign investment, and the provision of new services and infrastructure, in the United States.

II. BACKGROUND

2. For over 20 years, the Commission has referred certain applications that have reportable foreign ownership to the Executive Branch agencies for their review.⁵ In the *Executive Branch Review Order*, the Commission formalized the review process and established firm time frames for the Executive Branch national security and law enforcement agencies to complete their review, consistent with Executive Order No. 13913 that established the Committee in 2020.⁶ The types of applications the Commission generally refers include applications for international section 214 authorizations and submarine cable landing licenses and applications to assign, transfer control or modify such authorizations and licenses where the applicant has reportable foreign ownership, and all petitions for section 310(b) foreign ownership rulings.⁷

3. Among other requirements of the Executive Order, for applications referred by the Commission, the Committee has 120 days for initial review, plus an additional 90 days for secondary assessment if the Committee determines that the risk to national security or law enforcement interests

⁴ 47 CFR § 1.40003.

⁵ In adopting rules for foreign carrier entry into the U.S. telecommunications market over two decades ago in its *Foreign Participation Order*, the Commission affirmed that it would consider national security, law enforcement, foreign policy, and trade policy concerns in its public interest review of applications for international section 214 authorizations and submarine cable landing licenses and petitions for declaratory ruling under section 310(b) of the Act. *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23919, para. 63 (1997) (*Foreign Participation Order*), recon. denied, 15 FCC Rcd 18158 (2000).

⁶ *Executive Branch Review Order*, 35 FCC Rcd at 10928.

⁷ *Id.* at 10935-38, paras. 24-28 (setting out which types of applications will generally be referred to the Executive Branch, but noting the Commission has the discretion to refer additional types of applications if we find that the specific circumstances of an application require the input of the Executive Branch); *see also Erratum*, 47 CFR § 1.40001(a)(1); *Numbering Policies for Modern Communications*, WC Docket No. 13-97; *Telephone Number Requirements for IP-Enabled Service Providers*, WC Docket No. 07-243; *Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources*, WC Docket No. 20-67; *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Further Notice of Proposed Rulemaking, FCC 21-94, paras. 23-29 (2021) (seeking comment on referring certain numbering applications to the Executive Branch). Pursuant to the new rules, an applicant for an international section 214 authorization or submarine cable license is considered to have “reportable foreign ownership” when any foreign owner of the applicant must be disclosed in the application pursuant to section 63.18(h) of the Commission's rules. 47 CFR § 63.18(h); *see Erratum*, 47 CFR § 1.40001(d).

cannot be mitigated with standard mitigation measures.⁸ The Executive Order states that the 120-day initial review period starts when the Chair of the Committee determines that an applicant has provided complete responses to the Standard Questions.⁹

4. In the *Executive Branch Review Order*, the Commission required (1) international section 214 authorization and submarine cable landing license applicants with reportable foreign ownership, and (2) petitioners for a foreign ownership ruling under section 310(b) whose applications are not excluded from routine referral, to provide specific information regarding ownership, network operations, and other matters when filing their applications.¹⁰ The Commission adopted the following five categories of information that will be required by rule from applicants, but did not adopt the specific questions: (1) corporate structure and shareholder information; (2) relationships with foreign entities; (3) financial condition and circumstances; (4) compliance with applicable laws and regulations; and (5) business and operational information, including services to be provided and network infrastructure.¹¹ The Commission directed the International Bureau (Bureau) to develop, solicit comment on, and make publicly available on the Commission's website the Standard Questions.¹² The Commission also directed the Bureau to maintain and update the Standard Questions, as needed.¹³ The rules require applicants to submit responses to the Standard Questions directly to the Committee prior to, or at the same time as, the filing of certain applications with the Commission.¹⁴ As explained in the *Executive Branch Review Order*, responses to the Standard Questions are only required to be submitted for applications that the Commission refers to the Committee.¹⁵ If an application is not subject to referral, or is subject to one of the exclusion categories in section 1.40001(a)(2),¹⁶ then the applicant need not submit responses to the Standard Questions to the Committee.¹⁷

⁸ See Executive Order No. 13913, 85 Fed. Reg. at 19645, § 5. During the initial review or secondary assessment of an application, “if an applicant fails to respond to any additional requests for information after the Chair determines the responses are complete, the Committee may either extend the initial review or secondary assessment period or make a recommendation to the FCC to dismiss the application without prejudice.” *Id.* at § 5(d).

⁹ *Id.* at § 5(b)(iii). See also 47 CFR § 1.40004(a).

¹⁰ *Executive Branch Review Order*, 35 FCC Rcd at 10934-35, paras. 17-19.

¹¹ *Id.* at 10943, para. 42; see *Erratum*, 47 CFR § 1.40003(a).

¹² *Executive Branch Review Order*, 35 FCC Rcd at 10944, para. 45.

¹³ *Id.*

¹⁴ *Id.* at 10946, paras. 48-49; see *Erratum*, 47 CFR § 1.40003(a), 47 CFR §§ 1.767(i), 1.5001(m), 63.18(p) (effective date delayed indefinitely, see 85 Fed. Reg. 76360, Nov. 27, 2020). Currently, and consistent with the national security and law enforcement agencies' practice prior to release of the *Executive Branch Review Order*, the Committee generally initiates review of a referred application by sending the applicant a set of questions seeking further information (that is, after an application has been filed). The applicant provides answers to these questions and any follow-up questions directly to the Committee, without involvement of Commission staff. The Committee uses the information gathered through the questions to conduct its review and determine whether it needs to negotiate a mitigation agreement, which can take the form of a letter of assurances or national security agreement with the applicant to address potential national security or law enforcement issues. See *Executive Branch Review Order*, 35 FCC Rcd at 10929-30, para. 5.

¹⁵ *Executive Branch Review Order*, 35 FCC Rcd at 10942, para. 40, n.107.

¹⁶ 47 CFR § 1.40001(a)(2).

¹⁷ Since the *Executive Branch Review Order* specifically stated that applicants whose application comes within the categories of applications generally excluded from referral will not be required to submit responses to the Standard Questions, we see no need to make any changes to address MLB's suggestion that an applicant submitting an application that fits within the referral exclusion categories “should only be required to complete a certification to that effect and be able to forgo responding to the Standard Questions.” MLB Comments at 5; see *Executive Branch Review Order*, 35 FCC Rcd at 10942, para. 40, n.107.

5. Under the Commission's rules, the Committee has up to 30 days after the Commission refers an application to send further specifically tailored questions (Tailored Questions) to an applicant in the event that additional information is needed to conduct the national security and law enforcement review of the application.¹⁸ The initial 120-day review time frame begins when the Committee Chair notifies the Commission that it has determined that the responses to the national security and law enforcement questions are complete.¹⁹

6. *Standard Questions Public Notice.* On December 30, 2020, the Bureau released a public notice seeking comment on six separate sets of Standard Questions and a supplement for the provision of personally identifiable information (PII), all of which are based on questions that the Committee currently provides to applicants after our referral of an application.²⁰ Specifically, the Bureau invited comment on specific suggested changes to language in the questions contained in the following documents:

- **Attachment A - Standard Questions for an International Section 214 Authorization Application.**²¹ Standard Questions for an international section 214 authorization application filed pursuant to 47 CFR § 63.18, including a modification of an existing authorization;
- **Attachment B - Standard Questions for an Application for Assignment or Transfer of Control of an International Section 214 Authorization.**²² Standard Questions for an assignment or transfer of control of an international section 214 authorization application filed pursuant to 47 CFR § 63.24;
- **Attachment C - Standard Questions for a Submarine Cable Landing License Application.**²³ Standard Questions for a cable landing license application filed pursuant to 47 CFR § 1.767 including a modification of an existing license;
- **Attachment D - Standard Questions for an Application for Assignment or Transfer of Control of a Submarine Cable Landing License.**²⁴ Standard Questions for an assignment or

¹⁸ 47 CFR § 1.40002(b).

¹⁹ 47 CFR § 1.40004(e)(1) (“In the event that the Executive Branch has not transmitted the tailored questions to an applicant within thirty (30) days of the Commission’s referral of an application, petition, or other filing, the Executive Branch may request additional time by filing a request in the public record established in all applicable Commission file numbers and dockets associated with the application, petition, or other filing. The Commission, in its discretion, may allow an extension or start the Executive Branch’s 120–day review clock immediately. If the Commission allows an extension and the Executive Branch does transmit the tailored questions to the applicant, petitioner, or other filer within the authorized extension period, the initial 120–day review period will begin on the date that Executive Branch determines the applicant’s, petitioner’s, or other filer’s responses to be complete. If the Executive Branch does not transmit the tailored questions to the applicant, petitioner, or other filer within the authorized extension period, the Commission, in its discretion, may start the initial 120–day review period.”).

²⁰ *International Bureau Seeks Comment on Standard Questions for Applicants Whose Applications Will Be Referred to the Executive Branch for Review Due to Foreign Ownership*, IB Docket No. 16-155, Public Notice, 35 FCC Rcd 14906 (IB 2020), 86 Fed. Reg. 12312 (Mar. 3, 2021) (*Standard Questions Public Notice*).

²¹ *Standard Questions Public Notice*, Attachment A - Standard Questions for an International Section 214 Authorization Application, 35 FCC Rcd at 14911 (Attachment A/International Section 214).

²² *Standard Questions Public Notice*, Attachment B - Standard Questions for an Application for an Assignment or Transfer of Control of an International Section 214 Authorization, 35 FCC Rcd at 14924 (Attachment B/International Section 214 Assignment or Transfer).

²³ *Standard Questions Public Notice*, Attachment C - Standard Questions for Submarine Cable Landing License Application, 35 FCC Rcd at 14938 (Attachment C/Submarine Cable Application).

²⁴ *Standard Questions Public Notice*, Attachment D - Standard Questions for an Application for Assignment or Transfer of Control of a Submarine Cable Landing License, 35 FCC Rcd at 14951 (Attachment D/Submarine Cable Assignment or Transfer).

transfer of control of a cable landing license application filed pursuant to 47 CFR § 1.767;

- **Attachment E - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Broadcast Licensee.**²⁵ Standard Questions for a petition for declaratory ruling for foreign ownership in a broadcast licensee above the benchmarks in section 310(b) of the Communications Act (the Act) filed pursuant to 47 CFR §§ 1.5000-1.5004;
- **Attachment F - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Common Carrier Wireless or Common Carrier Earth Station Licensee.**²⁶ Standard Questions for a petition for declaratory ruling for foreign ownership in a common carrier wireless or common carrier earth station licensee above the benchmarks in section 310(b) of the Act filed pursuant to 47 CFR §§ 1.5000-1.5004; and
- **Attachment G - Personally Identifiable Information (PII) Supplement.**²⁷ Each set of Standard Questions references a supplement to assist the Committee in identifying PII.

7. Five parties filed comments in response to the *Standard Questions Public Notice*.²⁸ NAB filed three *ex parte* letters regarding conversations with Commission staff.²⁹ In addition, Commission staff spoke with staff from the Committee on June 30, 2021, August 16, 2021, and August 25, 2021 regarding the comments filed on the Standard Questions.³⁰

III. DISCUSSION

8. Based on the comments in the record, we adopt the Standard Questions largely as proposed in the *Standard Questions Public Notice*, with some important changes to more narrowly tailor and clarify the instructions and certain questions that will decrease the burdens on applicants. We find that the Standard Questions—with these changes and clarified instructions—will ensure that the Committee has the information it needs to conduct its national security and law enforcement review, while also addressing concerns raised by commenters that certain questions were unclear or overly

²⁵ *Standard Questions Public Notice*, Attachment E - Standard Questions for Section 310(b) Petition for Declaratory Ruling Involving a Broadcast Licensee, 35 FCC Rcd at 14965 (Attachment E/Broadcast Section 310(b) PDR).

²⁶ *Standard Questions Public Notice*, Attachment F - Standard Questions for Section 310(b) Petition for Declaratory Ruling Involving a Common Carrier Wireless or Common Carrier Earth Station Licensee, 35 FCC Rcd at 14979 (Attachment F/Common Carrier Wireless or Earth Station PDR).

²⁷ *Standard Questions Public Notice*, Attachment G - Personally Identifiable Information (PII) Supplement, 35 FCC Rcd at 14993 (Attachment G/PII).

²⁸ See Covington & Burling LLP (C&B); CTIA (CTIA); Morgan, Lewis & Bockius LLP (MLB); National Association of Broadcasters (NAB); USTelecom – The Broadband Association (USTelecom) (rec. Apr. 2, 2021). No replies were filed. C&B's filing is as counsel, and not on behalf of any client. C&B Comments at 1 n.2. MLB is also a law firm with multiple clients who are international carriers and foreign investors in the telecommunications space. MLB Comments at 2.

²⁹ Letter from Erin L. Dozier, Senior Vice President and Deputy General Counsel, Legal and Regulatory Affairs, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 16-155 (filed May 4, 2021) (NAB May 4, 2021 *Ex Parte* Letter); Letter from Erin L. Dozier, Senior Vice President and Deputy General Counsel, Legal and Regulatory Affairs, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 16-155 (filed June 14, 2021) (NAB June 14, 2021 *Ex Parte* Letter); Letter from Erin L. Dozier, Senior Vice President and Deputy General Counsel, Legal and Regulatory Affairs, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 16-155 (filed July 30, 2021) (NAB July 30, 2021 *Ex Parte* Letter).

³⁰ Letter from Francis Gutierrez, Deputy Chief, Telecommunications and Analysis Division, International Bureau, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 16-155 (filed Sept. 7, 2021) (FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter) (describing the issues for which Commission staff requested Committee staff feedback with regard to the Standard Questions and summarizing Committee staff's response on each issue).

burdensome.

A. Terminology

9. *Clarification and Improvement of Definitions.* The instructions section in each questionnaire contains definitions of key terms. The term “Corporate Officer” is defined in all attachments to encompass “Senior Officers,” a separately defined term.³¹ As proposed, each set of Standard Questions included a definition of “Senior Officer,” but only Attachment E/Broadcast Section 310(b) PDR included the term “Senior Vice President” in the definition as an example of a “Senior Officer.”³² MLB states that “the Standard Questions include separate definitions for ‘corporate officer,’ ‘senior officer,’ and ‘director,’ even though the questions themselves do not distinguish between these categories because they seek the same information from all individuals in these managerial roles.”³³ With respect to Attachment E/Broadcast Section 310(b) PDR, NAB states that by only including Senior Vice President in this attachment’s definition of “Senior Officer,” it puts “an undue and unjustified burden on broadcast petitioners” because broadcasters assign the title of Senior Vice President to numerous employees, many of whom have no ability to make executive decisions at the company level.³⁴ NAB recommends that the term “Senior Officer” should be limited to those officers who have authority to make executive decisions at the company level.³⁵

10. We agree that the definition of “Senior Officer” should be modified to be consistent across all the Standard Questions. Specifically, as suggested by NAB, we modify the definition of “Senior Officer” to capture any individual with authority to act on behalf of the entity, not by an individual’s title. In the Standard Questions, the definition of “Senior Officer” is modified to include: “any individual that has actual or apparent authority to act on behalf of the Entity. Depending upon the circumstances, such individuals could include the Chief Executive Officer, the President, Chief Financial Officer, Chief Information Officer, Senior Vice President, Chief Technical Officer, or Chief Operating Officer.”

11. We reject MLB’s suggestion to eliminate separate definitions for “Remote Access” and “Managed Services.”³⁶ MLB questions why the terms “Remote Access” and “Managed Services” are defined separately, “even though these features are functionally identical for the underlying information sought by the questions.”³⁷ MLB suggests condensing definitions in order to “lessen the likelihood of confusion over terms that can be used interchangeably. . . .”³⁸ The Standard Questions define “Remote Access” as “access from a point that is not physically co-located with the Applicant’s network facilities, or that is not at a point within the Applicant’s network.”³⁹ The term “Managed Services” is also referred

³¹ For example, as originally proposed, the instructions for Attachment A/International Section 214 stated: “‘Corporate Officer’ refers to any Individual (including senior officers) hired or appointed by the Entity’s board of directors that has actual or apparent authority to exercise day-to-day management responsibilities over an Entity.” 35 FCC Rcd at 14913.

³² Attachment E/Broadcast Section 310(b) PDR, 35 FCC Rcd at 14968.

³³ MLB Comments at 8-9 (footnotes omitted).

³⁴ NAB Comments at 4; NAB May 4, 2021 *Ex Parte* Letter at 2 n.2.

³⁵ NAB Comments at 3-4; NAB May 4, 2021 *Ex Parte* Letter at 2 n.2.

³⁶ MLB Comments at 9.

³⁷ *Id.* (citing proposed Attachment A/International Section 214, “Remote Access is access from a point that is not physically co-located with the Applicant’s network facilities, or that is not at a point within the Applicant’s network.” 35 FCC Rcd at 14913.).

³⁸ *Id.*

³⁹ Attachment A/International Section 214, 35 FCC Rcd at 14913; Attachment B/International Section 214 Assignment or Transfer, 35 FCC Rcd at 14926; Attachment C/Submarine Cable Application, 35 FCC Rcd at 14941;

(continued....)

to as “Enterprise Services” both of which are defined as “the provision of a complete, end-to-end communications solution to customers.”⁴⁰ While it is possible that there may be situations in which an applicant’s “Managed Services” could include “Remote Access,” we do not view the terms as synonymous. We therefore retain the separate definitions of these two terms. For consistency with the questionnaires, we correct an omission and add the definitions of “Remote Access” and “Managed Services” to Attachment F/Common Carrier Wireless or Earth Station PDR.

12. MLB adds that the terms “Controlling Interest” and “Immediate Owner” are defined but not used in any questions.⁴¹ Contrary to MLB’s claim, the term “Controlling Interest” is used in Attachment C/Submarine Cable Application, Question 3.⁴² However, after review of the other questionnaires, we observed that versions of this question are used in all other attachments without using the term “Controlling Interest.”⁴³ For clarity and consistency, we modify this question in all other attachments to add the term “Controlling Interest.”⁴⁴ We remove “Immediate Owner” from the definitions section of all Standard Questions as that term is not used in any subsequent questions.

13. We also recognize that the Standard Questions used inconsistent terms, and correct these inadvertent errors in each set of Standard Questions.⁴⁵ For example, we have revised all questionnaires so that they are consistent in the use of the defined terms “Ultimate Owner” and “Ultimate Parent.” In addition, questions in the proposed questionnaires inconsistently asked for information about Corporate Officers, Senior Officers, and Directors, or occasionally just Corporate Officers.⁴⁶ We modify the questions such that each time a question asks for Corporate Officer information, the question will include Senior Officers and Directors.⁴⁷

14. *Five Percent (5%) Ownership Interest.* We reject comments that request we modify the

Attachment D/Submarine Cable Assignment or Transfer, 35 FCC Rcd at 14954; Attachment E/Broadcast Section 310(b) PDR, 35 FCC Rcd at 14968.

⁴⁰ See, e.g., Attachment A/International Section 214, 35 FCC Rcd at 14913.

⁴¹ MLB Comments at 9.

⁴² Attachment C/Submarine Cable Application, Question 3 states: “Identify each Individual or Entity included as part of the submarine cable system Applicant, specifically identifying any foreign Entities or Foreign Government-controlled Entities, including the Ultimate Parent/Owner of the Applicant and any other Individuals/Entities holding an Ownership Interest in the chain of ownership, including a *Controlling Interest* in the Applicant.” 35 FCC Rcd at 14942 (emphasis added).

⁴³ Attachment A/International Section 214, Question 2, 35 FCC Rcd at 14914; Attachment B/International Section 214 Assignment or Transfer, Question 2, 35 FCC Rcd at 14927; Attachment D/Submarine Cable Assignment or Transfer, Question 3, 35 FCC Rcd at 14942; Attachment E/Broadcast Section 310(b) PDR, Question 2, 35 FCC Rcd at 14969; Attachment F/Common Carrier Wireless or Earth Station PDR, Question 2, 35 FCC Rcd at 14982.

⁴⁴ See Appx. C, Attachment A/International Section 214, Question 2; Attachment B/International Section 214 Assignment or Transfer, Question 2; Attachment D/Submarine Cable Assignment or Transfer, Question 3; Attachment E/Broadcast Section 310(b) PDR, Question 2; Attachment F/Common Carrier Wireless or Earth Station PDR, Question 2.

⁴⁵ For example, in Attachment A/International Section 214, as proposed, the term “senior executives” was used instead of “Senior Officers” in the definition of “Controlling Interest.” See Attachment A/International Section 214, 35 FCC Rcd at 14912. The term “Corporate Officer” is defined broadly enough in all attachments to encompass “Senior Officers,” a separately defined term.

⁴⁶ For example, compare Attachment A/International Section 214, Question 13, 35 FCC Rcd at 14916 (“Has the Applicant, any investor with an Ownership Interest in the Applicant, any of its Corporate Officers, or any associated foreign entities . . .”), with Attachment B/International Section 214 Assignment or Transfer, Question 13, 35 FCC Rcd at 14929 (“Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, Directors, or any associated foreign entities . . .”) (emphases added).

⁴⁷ See, e.g., Appx. C, Attachment A/International Section 214, Question 13.

definition of “Ownership Interest.” Each set of Standard Questions defines an Owner as “an Individual or Entity that holds an Ownership Interest in the Applicant/Licensee” and an Ownership Interest in turn is defined as “a 5% or greater equity (non-voting) and/or voting interest, whether directly or indirectly held, or a Controlling Interest in the Applicant, and includes the ownership in the Ultimate Parent/Owner of the Applicant and any other Entity(ies) in the chain of ownership. . . .”⁴⁸ Subsequent questions in each questionnaire seek information, including PII, about applicant owners and entities with ownership interests (i.e., the 5% or greater interest holders).

15. MLB, NAB, and USTelecom argue that the Ownership Interest definition is too expansive and requires applicants to submit information for owners that have no influence or control over the applicant, including as insulated interest holders.⁴⁹ MLB argues that “[s]ome of the information, including PII, requested from intermediate or non-controlling investors should not be required if the applicant can certify that the intermediate investor is truly passive and has no ability to control or influence the operations of licensee, as is the case with limited partners in a private equity fund.”⁵⁰ MLB also believes that “[c]ompiling and reviewing this information is a tedious endeavor that has negligible bearing on the fundamental questions of foreign ownership, control, and influence analyzed by the Committee.”⁵¹ USTelecom urges the Commission to “revise the Standard Questions to apply only to the Commission’s standard 10% ownership interest because the 5% threshold would sweep in far too many owners, with little influence per owner, and lead to unnecessary complications, delays and burdens in responding to the standard questions,” and adds that “[l]arge, publicly traded companies may not have the level of visibility into entities owning 5% stakes that would enable them to complete the questions as proposed.”⁵² C&B argues for using a 20% ownership threshold or the ability to appoint Board members as the basis for defining Relevant Parties.⁵³ NAB contends that a publicly traded company should be required to provide only publicly available information about its shareholders.⁵⁴ MLB states that the questions should be revised to clarify that PII is sought from only those individuals or entities in the ownership chain with control over the applicant and who participate in “operations or decision-making related to the applicant or the licensee.”⁵⁵

16. The Committee staff, in response, advised that a 5% threshold is appropriate because in some instances a less-than-ten percent foreign ownership interest – or a collection of such interests – may pose a national security or law enforcement risk.⁵⁶ The Committee staff added that when ownership is widely held, five percent can be a significant interest and is consistent with requirements imposed by other agencies such as the Securities and Exchange Commission, which requires disclosure beyond that threshold.⁵⁷ The Committee staff indicated that a group of foreign entities or persons, each owning nine percent and working together, could easily reach a controlling interest in a company without having to

⁴⁸ See, e.g., Attachment A/International Section 214, 35 FCC Rcd at 14913.

⁴⁹ MLB Comments at 5; USTelecom Comments at 5; NAB Comments at 4-5; NAB May 4, 2021 *Ex Parte* Letter at 2; NAB June 14, 2021 *Ex Parte* Letter at 1; NAB July 30, 2021 *Ex Parte* Letter at 3.

⁵⁰ MLB Comments at 5.

⁵¹ *Id.* at 6.

⁵² USTelecom Comments at 5.

⁵³ C&B Comments at 4-5.

⁵⁴ NAB Comments at 8.

⁵⁵ MLB Comments at 6.

⁵⁶ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 2.

⁵⁷ *Id.*

disclose any of their interests to the Committee for certain FCC application types.⁵⁸ In addition, the Committee staff stated that retaining the current threshold is particularly important with respect to those foreign entities who have been identified by the Commission and the Executive Branch as posing a national security threat.⁵⁹ Finally, the Committee staff added that Commission's ownership rules serve their own purpose – for the Commission's analysis and for its referral threshold – while the Committee reviews the applications for a different purpose, a comprehensive national security and law enforcement analysis as required under Executive Order 13913.⁶⁰

17. While we recognize that requiring the submission of 5% ownership information to the Committee is a lower threshold for information than the 10% ownership threshold generally set out in our rules, we agree with the Committee staff and reject commenters' requests to modify the submission of 5% or greater ownership information or otherwise change the definition to exclude insulated interests. As indicated by the Committee staff, national security and law enforcement analysis is separate and apart from the foreign ownership analysis the Commission conducts under its statutory authority.⁶¹ We also take into account the Committee's expertise in assessing national security and law enforcement concerns and the importance of collecting this information to assess any national security or law enforcement risks under Executive Order 13913.⁶² Additionally, consistent with the goal of this proceeding to streamline and expedite consideration of these applications, we believe that a 5% or greater bright line rule avoids the kinds of complex case-by-case inquiries into, for example, the adequacy of insulation criteria that the Commission conducts for section 310(b) reviews. Given our experience, this could otherwise result in potentially extensive Committee delays and may circumvent the Commission's timeframes and streamlined processing we put in place in the *Executive Branch Review Order*. Finally, in our experience, this information has been collected in the past, and we expect applicants for Commission authorizations and licenses to be in a position to exercise reasonable diligence in securing important information from their investors required by the Commission or the Committee.

18. *Definition of Relevant Parties.* We agree that including the current owners of an international section 214 authorization holder or cable landing licensee within the definition of "Relevant Parties" goes beyond the scope of the Committee's current triage questions and serves no additional purpose. Attachment B/International Section 214 Assignment or Transfer and Attachment D/Submarine

⁵⁸ *Id.* at 2, n.6 (citing 31 CFR § 800.208(b) (2021) (noting for Committee on Foreign Investment in the United States ("CFIUS") reviews that in "examining questions of control in situations where more than one foreign person has an ownership interest in an entity, consideration will be given to factors such as whether the foreign persons are related or have formal or informal arrangements to act in concert"); 31 CFR § 800.256(d) (2021) (when determining voting interests for CFIUS critical technology mandatory declarations, providing that the individual holdings of multiple foreign persons who are related or have arrangements to act in concert may be aggregated)).

⁵⁹ *Id.* at 2-3, n.7 (citing FCC, List of Equipment and Services Covered by Section 2 of the Secure Networks Act, Mar. 12, 2021, <https://www.fcc.gov/supplychain/coveredlist>).

⁶⁰ *Id.* at 3.

⁶¹ *Id.* at 3. However, the Commission has employed a 5% ownership standard in other contexts. For example, section 1.767(h)(2) requires all entities owning or controlling 5% or greater interest in a submarine cable system (and using U.S. points of the cable system) to be applicants for, and licensees on, a cable landing license. *See* 47 CFR § 1.767(h)(2). In addition, the Commission uses a 5% standard in the foreign ownership review context. *See* 47 CFR § 1.5001(i); *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, GN Docket 15-236, Report and Order, 31 FCC Rcd 11272, 11284-85 & 11293-97, paras. 22-24 & 44-52 (2016) (*2016 Foreign Ownership Order*), *pet. for recon. dismissed*, 32 FCC Rcd 4780 (2017); *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, IB Docket 11-133, Second Report and Order, 28 FCC Rcd 5741, 5767-72, paras. 47-54 (2013) (*2013 Foreign Ownership Second Report and Order*).

⁶² FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 3; *see Executive Branch Review Order*, 35 FCC Rcd at 10928, 10932-34, paras. 1, 11-14.

Cable Assignment or Transfer define “Relevant Parties” and use the term in a manner that would require information from both the current owners and proposed owners of authorization or license holders. Question 1 in these questionnaires seeks broad information, such as ownership and PII about all Relevant Parties.⁶³ Several commenters urge the Commission to clarify that the disclosures in these questions do not apply to transferors or assignors.⁶⁴ CTIA indicated that the current triage questions only request information concerning the “Prospective Owner(s)/Controller(s) and Prospective Licensee(s).”⁶⁵

19. We amend Question 1 of the transfer and assignment questionnaires in Attachments B/International Section 214 Assignment or Transfer and D/Submarine Cable Assignment or Transfer. The Committee’s national security or law enforcement review is primarily focused on the buyer or new entity obtaining the authorization or license. We therefore remove transferors and assignors (the sellers) from the definition of “Relevant Parties.”⁶⁶ Accordingly, the term “Relevant Parties” will only include “the Proposed Authorization Holder(s) of an international section 214 authorization or the Proposed Licensee(s) of a cable landing license, and any individual or entity with an ownership interest in the Proposed Authorization Holder(s) or Proposed Licensee(s).” This change focuses the Standard Questions on the appropriate parties and decreases burdens on the applicants.

20. *Domestic Communications Infrastructure.* We reject USTelecom’s request to remove Network Operations Center (NOC) facilities from the definition of “Domestic Communications Infrastructure.” USTelecom notes that Domestic Communications Infrastructure includes any NOC facilities,⁶⁷ and argues this “is inconsistent with the many cases where the NOC is placed outside the U.S. (and thus not ‘domestic.’)[.]”⁶⁸ USTelecom “urge[s] the Commission to remove NOC facilities from the definition of ‘Domestic Communications Infrastructure’ and address [sic] as a separate item.”⁶⁹ We disagree. Although a NOC can be located outside of the United States, a foreign NOC can control an entity’s Domestic Communications Infrastructure, and is therefore appropriately included within this definition. Information concerning a NOC located outside the United States, including information regarding the individuals and entities with access to that NOC, is critical information to assess the national security and law enforcement concerns of the foreign NOC. As a result, we reject USTelecom’s

⁶³ Attachment B/International Section 214 Assignment or Transfer, Question 1, 35 FCC Rcd at 14927; Attachment D/Submarine Cable Assignment or Transfer, Question 1, 35 FCC Rcd at 14955. Question 1 asks the Applicant to “[p]rovide the name, address, principal place of business, and place of incorporation of Relevant Parties.”

⁶⁴ For instance, USTelecom argues in its comments that “[g]iven that an assignment or transfer of control necessarily involves an existing, Commission-approved license, there is no need to scrutinize the existing holder of the license for national security concerns.” USTelecom Comments at 4-5. Likewise, CTIA argues that “the Commission should not expand the scope of the Standard Questions to require transferring parties to respond to questions that are only relevant to – and historically, were limited to – transferees and license holders involved in transactions.” CTIA Comments at 3. *See also* C&B Comments at 5 (stating that “the Standard Questions appear to solicit information from existing owners of the Licensee”).

⁶⁵ CTIA states that “the Commission should revise draft Questions 6-14 of Attachment B/International Section 214 Assignment or Transfer and Questions 12-21 of Attachment D/Submarine Cable Assignment or Transfer to apply only to ‘current and prospective authorization holders’ and ‘prospective owners/controllers.’” CTIA Comments at 5. *See* National Telecommunications and Information Administration, U.S. Department of Commerce, Supplemental Comments, Attachment 2 at 1, Transfer of Control/Assignment of International Section 214 Authorization Sample Triage Questions (rec. June 19, 2020). Question 2 of Section I: Company Details states, “Identify the total number of current employees, and planned number of employees for the *Prospective Authorization Holder(s)* and the *Prospective Owner(s)/Controller(s)* for the next 12 months.” *Id.* (emphasis added).

⁶⁶ *See* Attachment B/International Section 214 Assignment or Transfer, Question 1, 35 FCC Rcd at 14927; Attachment D/Submarine Cable Assignment or Transfer, Question 1, 35 FCC Rcd at 14955.

⁶⁷ *See* Attachment C/Submarine Cable Application, 35 FCC Rcd at 14940.

⁶⁸ USTelecom Comments at 8.

⁶⁹ *Id.* at 9.

suggestion to remove NOC facilities located outside of the United States from the definition of “Domestic Communications Infrastructure,” or to address NOC facilities as a separate item. Accordingly, we retain the current definition.

B. Protection of Submitted Information

21. We concur with MLB that all information submitted in response to the Standard Questions should be treated as business confidential and protected from disclosure and change the instructions accordingly. As proposed, the Standard Questions stated that applicants must “[s]pecifically identify answers or documents for which a claim of privilege or confidentiality is asserted based on the information containing trade secrets or commercial or financial information.”⁷⁰ MLB notes that “all of the information submitted by applicants to the Committee should be automatically deemed as business confidential information and properly exempt from disclosure under FOIA and Section 8 of Executive Order 13913.”⁷¹ Based on our experience and understanding of the responses to such questions from the Executive Branch agencies in the past, we agree that most of the information supplied in response to the Standard Questions is business confidential as it is “extremely sensitive and proprietary.”⁷² Moreover, no commenter opposed MLB’s suggestion. Most importantly, however, the Committee staff – to whom the information will be submitted – agrees that all responses to the Standard Questions submitted to the Committee will be treated as business confidential and the applicant(s) should not have to specifically identify information for such treatment.⁷³ Consequently, we modify the instructions in all questionnaires to provide that all of the submitted information will be treated as business confidential and that applicants will not have to specifically identify information for such treatment.⁷⁴

22. We decline, however, to take any specific action with regard to MLB’s request for “heightened protection” of PII and restrictions on sharing it within Committee agencies.⁷⁵ The Privacy Act⁷⁶ already requires federal agencies to protect PII⁷⁷ and Executive Order 13913 explicitly addresses this issue, thereby ensuring the Committee protects this information. In particular, Section 8 of the Executive Order states that “[i]nformation submitted to the Committee . . . shall not be disclosed beyond

⁷⁰ See, e.g., Attachment A/International Section 214, 35 FCC Rcd at 14911.

⁷¹ MLB Comments at 4.

⁷² *Id.* at 3-4.

⁷³ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 5. Information submitted to the Committee may not be shared except under the terms of Executive Order No. 13913. *Id.*

⁷⁴ See Appx. C, Attachment A/International Section 214 at 2; Attachment B/International Section 214 Assignment or Transfer at 2; Attachment C/Submarine Cable Application at 2; Attachment D/Submarine Cable Assignment or Transfer at 2; Attachment E/Broadcast Section 310(b) PDR at 2; Attachment F/Common Carrier Wireless or Earth Station PDR at 2.

⁷⁵ MLB Comments at 4.

⁷⁶ 5 U.S.C. § 552a.

⁷⁷ The Privacy Act generally applies to U.S. citizens and legal permanent residents; however, in 2016 Congress enacted the Judicial Redress Act of 2015, 5 U.S.C. § 552a note, which extends the right to pursue certain civil remedies under the Privacy Act to citizens of designated countries or regional economic organizations. Claims under the Judicial Redress Act are limited to those involving “covered records,” defined as a record that is transferred – (A) by a public authority of, or private entity within, a country or regional economic organization, or member country of such organization, which at the time the record is transferred is a covered country; and (B) to “a designated Federal agency or component” for purposes of preventing, investigating, detecting, or prosecuting criminal offenses. *Id.* § 2(h)(4). The Attorney General is responsible for designating covered countries or regional economic organizations, as well as federal agencies and components for purposes of the Judicial Redress Act. *Id.* § 2(d), (e), (h)(2), and (h)(5). A list of covered countries is available at 84 Fed. Reg. 3493 (Feb. 12, 2019). A list of designated federal agencies and components is available at 82 Fed. Reg. 7860 (Jan. 23, 2017) and includes members of the Committee.

Committee Member entities and Committee Advisor entities, except as appropriate and consistent with procedures governing the handling of classified or otherwise privileged or protected information”⁷⁸ Therefore, we do not believe any additional Commission action is necessary to address this concern.

C. Filings Involving Multiple Applicants

23. Based on comments in the record, we decline to revise and reorganize the Standard Questions with regard to filings involving multiple applicants (joint applicants); however, we clarify and improve the instructions on how applicants can submit joint filings confidentially. USTelecom urges the Commission to make the questionnaires clearer so that questions requiring joint responses can be separated from questions where applicants must respond individually.⁷⁹ CTIA asks that the questions be organized so when there are multiple applicants they can clearly see which questions can be answered jointly and which can be separated so sensitive information is not shared.⁸⁰ USTelecom requests removal of questions that ask for a list of all government customers and descriptions of services.⁸¹ We recognize that joint applicants have a legitimate interest in preventing the sharing of certain information and identifying which questions an applicant is responsible for answering. Consequently, we will clarify the instructions in the Standard Questions on how joint applicants can file confidentially with the Committee, but we will not reorganize or remove certain questions. This approach is consistent with the instructions in the proposed questionnaires, which state, “[i]f there are multiple applicants, each applicant should also clearly mark any answers or documents that contain sensitive information that should not be disclosed to the other applicants.”⁸²

24. When there are multiple applicants for a single application (such as consortium applicants for a single submarine cable landing license), each applicant should (1) provide a clear statement as to how they have submitted their responses and (2) identify which applicants have filed jointly and which applicants can view each other’s business confidential information.⁸³ For instance, Committee staff recommend that applicants clearly identify, in headings, the group of applicants that have filed together, along with a case name and FCC file number, and suggest that applicants use an applicant-specific identification system, such as Bates Numbering, along with the identification of the FCC file number and case/transaction name(s).⁸⁴ We believe that this approach would alert the Committee staff of which information should not be shared and should prevent disclosure of customer lists between joint applicants. We direct the International Bureau to provide, on an as-needed basis, updated instructions on the Commission’s website regarding coordination of multiple applicant responses and other issues based on feedback from interested parties.

⁷⁸ Executive Order No. 13913, 85 Fed. Reg. at 19646, § 8.

⁷⁹ USTelecom Comments at 4.

⁸⁰ CTIA Comments at 7-8.

⁸¹ USTelecom Comments at 7. In particular, USTelecom states that some questions (e.g., Attachment C/Submarine Cable Application, Section II, Questions 4-7 and Section III) ask for sensitive information that multiple applicants would not want to share with one another. *Id.* at 4.

⁸² Attachment A/International Section 214, 35 FCC Rcd at 14911; Attachment B/International Section 214 Assignment or Transfer, 35 FCC Rcd at 14924-25; Attachment C/Submarine Cable Application, 35 FCC Rcd at 14938-39; Attachment D/Submarine Cable Assignment or Transfer, 35 FCC Rcd at 14951-52; Attachment E/Broadcast Section 310(b) PDR, 35 FCC Rcd at 14966; Attachment F/Common Carrier Wireless or Earth Station PDR, 35 FCC Rcd at 14980.

⁸³ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 5-6. Applicants should provide this information in a cover letter or email (if responses are submitted electronically). *Id.*

⁸⁴ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 6. The Committee staff indicated that if co-applicants decide to submit separate Standard Question responses by email, co-applicants should submit them on the same day, so the Committee may easily assess if all expected Standard Question responses for an application have been submitted. *Id.*

D. Cross-Referencing Previously Filed Materials

25. We reject commenters' request that applicants generally be allowed to cite to previously filed information in their responses to the Standard Questions rather than resubmit information that was previously filed with the Commission and that remains unchanged.⁸⁵ We recognize that allowing applicants to cross-reference to previously filed materials within their responses to questionnaires may ease certain burdens on the applicants. We believe, however, that permitting cross references to previously filed materials may delay Committee staff review of applicants' submissions because Committee staff would then have to locate materials that were previously filed with respect to a different application. Accordingly, we require applicants to provide full and complete responses to the Standard Questions in a complete, self-contained document (or documents). This approach is consistent with Commission staff practice for applications, and it benefits applicants by focusing Committee staff resources on the review of applicants' responses to the Standard Questions. We will, however, allow internal cross-referencing of responses within a single document to streamline the process for applicants. For example, if an applicant provided a response to Question 15, and the applicant's response to Question 27 contains the same information, the applicant may refer back to its earlier response.

26. We also reject NAB's specific request that, for petitioners that have previously been granted a declaratory ruling approving foreign investment, the petitioner be permitted to respond to a streamlined questionnaire that only seeks information on that new investor, rather than having to complete the questionnaire with respect to all Relevant Parties.⁸⁶ We decline this request and note that we continue to require petitioners to provide a full and complete Petition for Declaratory Ruling to the Commission, and we similarly require petitioners to submit full and complete responses to the Standard Questions to the Committee. The Committee needs information regarding all owners to conduct its review, including updated information, just as the Commission requires a complete petition with information on all owners, not just the new investors, when reviewing the petition. Consequently, the responses must include the requested information with respect to all Relevant Parties as defined by the Questionnaires.

E. Relationships with Foreign Individuals or Entities

27. *Retain "Prior Relationship" in Attachment E/Broadcast Section 310(b) PDR and Remove it from Attachment F/Common Carrier Wireless or Earth Station PDR.* We reject NAB's recommendation "to eliminate prior relationships" from Question 3 in Attachment E/Broadcast Section 310(b) PDR, or to "establish a defined 'look-back' period of six months prior to the date a Section 310(b) petition is filed."⁸⁷ We will retain the request for information concerning broadcast petitioners' prior relationships, with no time limit or "defined look-back period," as Committee staff advise that this information is necessary for staff's national security and law enforcement review of broadcast applications.⁸⁸ Specifically, Committee staff indicated that this information may identify situations where past agency relationships with foreign principals, such as funding or employment arrangements, may be relevant to an assessment of continuing foreign influence over broadcast content.⁸⁹ We note that the

⁸⁵ See, e.g., USTelecom Comments at 10 ("We urge the FCC to avoid duplication across the appendices, by ensuring that applicants are not charged with individually rehashing volumes of information already provided in prior applications."); CTIA Comments at 8 ("[T]he Commission should avoid duplication and minimize reporting burdens by permitting parties to cite previous submissions when there have been no material changes, rather than requiring such information to be resubmitted.").

⁸⁶ NAB Comments at 11.

⁸⁷ *Id.* at 7.

⁸⁸ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 3. Committee staff also indicated that this information helps the Committee evaluate foreign influence concerns related to the Foreign Agents Registration Act (FARA), 22 U.S.C. § 611 *et seq.*, that are specific to broadcasters. *Id.*

⁸⁹ *Id.*

legislative history of Section 310(b) reflects particular concern regarding foreign influence over broadcast licensees.⁹⁰ However, Commission staff unintentionally added language regarding prior relationships to Attachment F, Question 3. Because the Committee has expressed a particular interest in prior foreign relationships only with regard to broadcasters, we remove the prior relationship language from Attachment F.

28. *Modify and Clarify “Planned” Relationships in Attachments A-F.* We agree with commenters that the question asking if applicants have “planned” relationships with certain foreign individuals and entities can be improved, and we clarify this in each set of Standard Questions.⁹¹ MLB argues that what constitutes a “relationship” outside of funding or a contract is unclear and argues that there should be a timeframe associated with the question.⁹² C&B proposes that the question should be limited to relationships that confer foreign government influence over the applicant’s operations.⁹³ C&B also asserts that the question should exclude subscribers to the applicant’s service and foreign employees of the applicant who are covered in another question.⁹⁴

29. We clarify that “planned relationships” are “current relationships or those reasonably anticipated by negotiations or that are identified under current business plans” and clarify that this includes any situations in which contracts have been signed or where the parties are already in negotiations. We decline to place a time limit on this question, as this question should capture any reasonably anticipated future foreign relationships regardless of the timeframe. We find that this change will clarify for applicants the scope of reportable foreign relationships and will improve and facilitate Committee review of applicants’ responses to the Standard Questions.

30. *Clarify Foreign Relationships Do Not Include Customers.* As requested by C&B, we clarify that existing or planned relationships/partnerships, and prior relationships/partnerships in the case of broadcast applicants, and funding or service contracts, do not include foreign subscribers to an applicant’s retail services.⁹⁵ We also clarify that, for the purposes of this question, these relationships do not include foreign employees who are identified in other questions, such as Senior Officers and Directors, and Non-U.S. Individuals with physical access to certain facilities, records, networks, or electronic interfaces.⁹⁶ We decline, however, C&B’s request to limit the question to only relationships

⁹⁰ See, e.g., *Fox Television Stations, Inc.*, Memorandum Opinion and Order, 10 FCC Rcd 8452, 8472, para. 44 (1995); *Primemedia Broadcasting, Inc.*, Memorandum Opinion and Order, 3 FCC Rcd 4293, 4294, para. 8 (1988); *Commission Policies and Procedures Under Section 310(b)(4) of the Communications Act, Foreign Investment in Broadcast Licensees*, MB Docket No. 13-50, Declaratory Ruling, 28 FCC Rcd 16244, 16244-45, para. 3 & n.3 (2013) (*2013 Broadcast Clarification Order*).

⁹¹ Attachment A/International Section 214, Question 3, 35 FCC Rcd at 14914; Attachment B/International Section 214 Assignment or Transfer, Question 3, 35 FCC Rcd at 14927-28; Attachment C/Submarine Cable Application, Question 8, 35 FCC Rcd at 14942-43; Attachment D/Submarine Cable Assignment or Transfer, Question 21, 35 FCC Rcd at 14958; Attachment E/Broadcast Section 310(b) PDR, Question 3, 35 FCC Rcd at 14969-70; Attachment F/Common Carrier Wireless or Earth Station PDR, Question 3, 35 FCC Rcd at 14982-83.

⁹² MLB Comments at 7.

⁹³ C&B Comments at 7.

⁹⁴ *Id.*

⁹⁵ *Id.* See Attachment A/International Section 214, Question 3, 35 FCC Rcd at 14914; Attachment B/International Section 214 Assignment or Transfer, Question 3, 35 FCC Rcd at 14927; Attachment C/Submarine Cable Application, Question 8, 35 FCC Rcd at 14942-43; Attachment D/Submarine Cable Assignment or Transfer, Question 21, 35 FCC Rcd at 14958; Attachment E/Broadcast Section 310(b) PDR, Question 3, 35 FCC Rcd at 14969-70; Attachment F/Common Carrier Wireless or Earth Station PDR, Question 3, 35 FCC Rcd at 14982-83.

⁹⁶ See, e.g., Attachment A/International Section 214, Questions 17, 21, 35 FCC Rcd at 14917, 14918-19; Attachment B/International Section 214 Assignment or Transfer, Questions 17, 21, 35 FCC Rcd at 14930, 14932; Attachment C/Submarine Cable Application, Questions 10, 34, 35 FCC Rcd at 14943, 14946-47. In their responses to the

(continued....)

with foreign governments or foreign government owned entities, as foreign individuals and entities also may raise national security and law enforcement concerns.

31. *Limit the Use of “Foreign Party” in Attachment E/Broadcast Section 310(b) PDR.* As proposed, the Standard Questions ask if the Applicant or “Relevant Parties” have “existing (or planned) relationships” with any foreign Individuals, foreign companies, Foreign Governments, and/or any Foreign Government-controlled companies or entities⁹⁷ but only Attachment E/Broadcast Section 310(b) PDR “contains an expansive definition of ‘Foreign Party’ in Question 3 and incorporates this term in numerous subsequent questions.”⁹⁸ NAB argues that the inclusion of Foreign Party in the questions requires broadcasters to gather extensive information on each Foreign Party even if that party has a limited relationship with the applicant, “such as a one-time agreement for access to a location for the production of a single program.”⁹⁹ NAB expressed concern about the burden imposed on broadcaster petitioners by the expanded scope of the Standard Questions.¹⁰⁰

32. We recognize that the broadcaster questionnaire alone seeks detailed information about relationships with Foreign Parties. Committee staff explain that questions 13-17 in Attachment E/Broadcast Section 310(b) PDR are designed to identify situations in which the applicant may be acting as an agent for a foreign principal and are directly related to Committee concerns under FARA.¹⁰¹ As recommended by Committee staff, we retain the Foreign Parties information requirement in questions 13-17. However, since the Committee staff do not identify the need for such information in connection with the remaining questions, we conclude the burden of producing Foreign Party information in other questions asked in Attachment E/Broadcast Section 310(b) PDR outweighs the benefit of this information to the Committee. Therefore, we remove the reference to “Foreign Party” in certain questions of Attachment E/Broadcast Section 310(b) PDR.¹⁰²

F. Background Information Regarding the Applicant(s)

33. Based on the comments in the record, we modify the Standard Questions to clarify the

foreign relationship questions, applicants may want to consider cross-referencing their response to these other foreign employee questions to aid the Committee in its review.

⁹⁷ Attachment A/International Section 214, Question 3, 35 FCC Rcd at 14914; Attachment B/International Section 214 Assignment or Transfer, Question 3, 35 FCC Rcd at 14927-28; Attachment C/Submarine Cable Application, Question 8, 35 FCC Rcd at 14942-43; Attachment D/Submarine Cable Assignment or Transfer, Question 21, 35 FCC Rcd at 14958; Attachment E/Broadcast Section 310(b) PDR, Question 3, 35 FCC Rcd at 14969-70; Attachment F/Common Carrier Wireless or Earth Station PDR, Question 3, 35 FCC Rcd at 14982-83. As noted in para. 27 above, we are retaining the requirement for disclosure of prior relationships with foreign entities in Attachment E/Broadcast Section 310(b) PDR, Question 3.

⁹⁸ NAB Comments at 5. For example, in proposed Attachment E/Broadcast Section 310(b) PDR, Question 12 asks for the criminal history of both Relevant and Foreign Parties; Question 19 asks about Foreign Parties’ access to their own foreign facilities; Question 21 asks for information about Foreign Parties’ websites; Question 26 asks for present and anticipated addresses of Relevant and Foreign Parties’ facilities and data storage locations; Question 31 asks for licensee’s and Foreign Parties advertiser information; Question 34 asks about U.S. subscriber data held by the Relevant and Foreign Parties and any of their subsidiaries that have web-based content. 35 FCC Rcd at 14971-72, 14973-74, 14976, 14977.

⁹⁹ NAB Comments at 6-7.

¹⁰⁰ *Id.* at 7 (“information may also be difficult or impossible to obtain from a third party that neither the licensee nor its parent exerts any control over.”); NAB July 30, 2021 *Ex Parte* Letter at 2-3.

¹⁰¹ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 4.

¹⁰² Committee staff did not object to the deletion of “Foreign Party” from all other questions in this questionnaire. FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 4. Specifically, we remove the reference to “Foreign Party” from questions 12, 18-21, 26, 31-34 in Attachment E/Broadcast Section 310(b) PDR. *See* Appx. C, Attachment E/Broadcast Section 310(b) PDR, Questions 12, 18-21, 26, 31-34.

type of background information applicants should provide. Currently, each set of proposed Standard Questions includes several questions regarding the applicant's background and asks if "the Applicant, any Corporate Officers, Senior Officers, Directors, or any Individual/Entity with an Ownership Interest in the Applicant" have "ever been involved or associated with" a previous application to the Commission or a previous filing with the Committee on Foreign Investment in the United States (CFIUS), or if these individuals or entities have "ever been convicted of any felony" or "been subject to any criminal, administrative, or civil penalties for imposed for violating the regulations of" a number of government agencies.¹⁰³

34. With respect to prior Commission or CFIUS filings, USTelecom is concerned that the phrase "involved or associated with" could include "any level of activity associated with a filing from corporate officer responsibilities to more mechanical involvement with accomplishing a filing, which seems far outside the scope of concern."¹⁰⁴ To clarify and reduce burdens on the applicants, we amend this language to specify that an "involved" or "associated" Individual or Entity was either the Applicant in a prior Commission or CFIUS filing or listed as an owner in such a prior filing.¹⁰⁵ Modifying the questionnaires accordingly would focus the inquiry to the parties most relevant to any prior Commission or CFIUS filings.

35. We decline USTelecom's recommendation that the Commission provide a two-year time limit for questions concerning previous filings with the Commission or CFIUS, or that the Commission eliminate this question with respect to prior Commission applications. We will not impose any time limit for CFIUS filings as Committee staff have stated that all information regarding prior CFIUS filings would be relevant to their national security and law enforcement review. We find, however, that we can adopt a ten-year time boundary regarding prior Commission filings, which the Committee indicated would be acceptable.¹⁰⁶ Although we agree that imposing a time limit regarding previous Commission filings is appropriate, we find that USTelecom's proposed two-year limit on such filings is too short and would likely exclude many relevant filings and information. The ten-year time limit will reduce the burdens on the applicant while providing the Committee sufficient relevant information concerning recent Commission filings it requires for its review.

36. We are unpersuaded by USTelecom's argument that the questions regarding criminal, administrative, or civil penalties¹⁰⁷ are "incredibly broad . . . and could be extremely burdensome to even

¹⁰³ See, e.g., Attachment A/International Section 214, Questions 7, 8, 11, 12, 35 FCC Rcd at 14915-16; Attachment B/International Section 214 Assignment or Transfer, Questions 12, 14, 16, 17, 35 FCC Rcd at 14929-30.

¹⁰⁴ USTelecom Comments at 6.

¹⁰⁵ Specifically, we add this clarification to Attachment A/International Section 214, Questions 7, 8; Attachment B/International Section 214 Assignment or Transfer, Questions 7, 9; Attachment C/Submarine Cable Application, Questions 12, 14; Attachment D/Submarine Cable Assignment or Transfer, Questions 13, 15; Attachment E/Broadcast Section 310(b) PDR, Questions 5, 6; Attachment F/Common Carrier Wireless or Earth Station PDR, Questions 7, 8.

¹⁰⁶ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 7.

¹⁰⁷ Four of the questionnaires ask if "any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors, [have] ever been subject to any criminal, administrative, or civil penalties imposed for violating the regulations" of a number of federal agencies, including the Commission, the Departments of State, Treasury, Energy, and Commerce, the Federal Trade Commission, the Securities and Exchange Commission, the Environmental Protection Agency, the World Bank Group, or the Commodity Futures Trading Commission, or any comparable state or foreign agencies. See; Attachment B/International Section 214 Assignment or Transfer, Question 12, 35 FCC Rcd at 14929; Attachment D/Submarine Cable Assignment or Transfer, Question 18, 35 FCC Rcd at 14957; Attachment E/Broadcast Section 310(b) PDR, Question 10, 35 FCC Rcd at 14971; Attachment F/Common Carrier Wireless or Earth Station PDR, Question 12, 35 FCC Rcd at 14984. Two of the questionnaires ask if "the Applicant, any Corporate Officers, Senior Officers, Directors, or any Individual/Entity with an Ownership Interest in the Applicant, [have] ever been subject to any criminal, administrative, or civil penalties

(continued....)

attempt to answer,” particularly taking into consideration the age of some communications companies.¹⁰⁸ We therefore reject USTelecom’s recommendation that the Commission set parameters on this question “by limiting the ownership interest threshold by 10% and creating a definitive timeframe of interest, not to exceed two years.”¹⁰⁹ As we explained above, we are not increasing the numerical ownership threshold from 5% or greater to 10% or greater.¹¹⁰ As to the time frame, we do not believe it would create an undue burden for applicants to report as to such serious actions taken against them or their officers, directors, or attributable owners, as we would expect them to have records of such actions. Additionally, Committee staff informed Commission staff that no time limits can be placed on the reporting period for this inquiry due to the serious nature of the underlying question, as past felonies or regulatory violations may be indicative of possible future behavior, or may give the Committee staff insight on where to focus any additional questions for the applicant.¹¹¹ We agree with the Committee’s views on this matter and decline to accept USTelecom’s recommendations.

G. Provision of Personally Identifiable Information (PII) by Applicants

37. We modify the Standard Questions in Attachment E/Broadcast Section 310(b) PDR to clarify the set of individuals for whom broadcasters must provide PII, as requested by NAB. Each set of Standard Questions requires applicants to provide PII for several categories of individuals involved in the ownership and management of the applicant as well as non-U.S. individuals with access to the applicant’s facilities. This PII will be required to be submitted in a separate attachment, Attachment G. This PII is required so that the Committee can conduct investigations of individuals involved in the ownership and operations of the applicant and those non-U.S. individuals with access to facilities.¹¹² NAB contends that Question 19 in Attachment E/Broadcast Section 310(b) PDR, which seeks information concerning “any non-U.S. Individual, owners, or management, including independent or third-party Individuals/Entities of the Relevant Party or Foreign Party” that has access to “physical facilities or equipment under the Relevant Party’s or Foreign Party’s control,”¹¹³ is “overly broad, unduly burdensome and intrusive.”¹¹⁴ NAB argues that Question 19 “appears to sweep in virtually any non-U.S. employee, all of whom presumably have access to ‘physical facilities’ of the Relevant Parties”¹¹⁵ NAB suggests that we modify Question 19 “to describe specific types of facilities or equipment that would give rise to potential

imposed for violating the regulations” of a number of federal agencies, including the Commission, the Departments of State, Treasury, Energy, and Commerce, the Federal Trade Commission, the Securities and Exchange Commission, the Environmental Protection Agency, the World Bank Group, or the Commodity Futures Trading Commission, or any comparable state or foreign agencies. *See* Attachment A/International Section 214, Question 12, 35 FCC Rcd at 14916; Attachment C/Submarine Cable Application, Question 17, 35 FCC Rcd at 14944.

¹⁰⁸ USTelecom Comments at 6.

¹⁰⁹ *Id.* at 7.

¹¹⁰ *See supra* discussion of Ownership Interest, paras. 14-17.

¹¹¹ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 6. The Committee staff added that placing a time limit from the date of conviction would allow for situations in which an applicant would not be required to disclose a serious offense. *Id.*

¹¹² Pursuant to the process set out in the Executive Order, for each application reviewed by the Committee, the Office of the Director of National Intelligence shall produce a written assessment of any threat to national security interests of the United States posed by granting the application or maintaining the license. Executive Order No. 13913, 85 Fed. Reg. at 19646, § 7.

¹¹³ Attachment E/Broadcast Section 310(b) PDR, Question 19, 35 FCC Rcd at 14973-74. As discussed in paras. 31-32, we are deleting the reference to “Foreign Party” from this question.

¹¹⁴ NAB Comments at 8.

¹¹⁵ *Id.*

Committee concerns and to focus on U.S. facilities only.”¹¹⁶

38. We agree with NAB that, as proposed, Question 19 is overly inclusive and could be viewed as applying to any non-U.S. employee with access to any facility of the broadcaster, including production facilities located outside of the United States. Additionally, Committee staff has clarified that it is only concerned with facilities outside of the United States that store, process, or provide access to U.S. person data (including data on current, past, and potential customers) or that are used to broadcast into the United States.¹¹⁷ Based on this, we believe that narrowing the scope of this question is therefore warranted. Accordingly, we clarify that broadcasters must provide the information listed in Question 19 for non-U.S. Individuals with access to (1) all facilities and equipment in the United States, (2) facilities outside the United States that are used to broadcast into the United States, and (3) facilities both inside and outside the United States that store, process, or provide access to U.S. person data (including data on current, past, and potential U.S. customers).

39. We decline USTelecom’s request that we change the PII reporting requirements for individuals with access to submarine cable facilities. USTelecom argues that Question 34 in Attachment C—which seeks information on Non-U.S. Individuals’ access to submarine cable facilities, equipment, communications content, and customer records, among other things, including PII concerning those Non-U.S. Individuals with such access¹¹⁸—“should be confined to the Domestic Communications Infrastructure (except for the NOC), as it has been in practice in past proceedings.”¹¹⁹ USTelecom also argues that because this question “applies to specific individuals, this will be a constantly changing list given normal personnel activity over time” and “in certain foreign jurisdictions, some of the required information may not be legally obtainable from individuals or may be very difficult to provide to the U.S. government given the country’s own limitations and privacy laws.”¹²⁰ USTelecom urges the Commission to eliminate Question 34 or revise the question to ask generally if non-U.S. individuals will have such access “without any requirement to identify specific individuals.”¹²¹

40. We reject USTelecom’s suggestion. The Committee staff opposed the modification of this question, stating that submarine cables are U.S. critical infrastructure and that applicants should provide PII and other details about non-U.S. individuals with access to either U.S. or foreign facilities (e.g., cable landing stations, Network Operations Centers, etc.) related to the submarine cable as it is necessary for the Committee’s national security and law enforcement analysis.¹²² We agree. We also agree with Committee staff that submarine cable operators should have in place access control policies for these critical facilities that will enable them to provide details concerning the individuals with access to their facilities, whether they are located in the United States or in a foreign country.¹²³ With regard to USTelecom’s contention that it would be difficult to answer this question given the changes in personnel activity and limitations imposed by foreign laws, the Standard Questions can only be answered with information known at the time of submission. If there are future changes, we anticipate that a mitigation agreement between the applicant and the Committee could address how the applicant should update the

¹¹⁶ *Id.*

¹¹⁷ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 4.

¹¹⁸ Attachment C/Submarine Cable Application, Question 34, 35 FCC Rcd at 14946-47.

¹¹⁹ USTelecom Comments at 9.

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 5.

¹²³ *Id.*

Committee with any necessary information.¹²⁴

41. We agree with USTelecom that questions that require the applicant to identify an Individual to be the Licensee's authorized law enforcement point of contact¹²⁵ should be limited to the U.S. cable landing party.¹²⁶ This is consistent with the Commission's statement in the *Executive Branch Review Order* that for consortium cables, the consortium must "identify one U.S. citizen or lawful permanent U.S. resident as a point of contact for lawful requests and an agent for legal service of process for each licensee of the consortium cable."¹²⁷

H. Information about the Applicant's Services

1. Critical Infrastructure

42. Based on C&B's request, we will update the list of U.S. critical infrastructure sectors outlined in the Standard Questions to track Presidential Policy Directive 21 (PPD-21). Each set of Standard Questions (excluding Attachment E/Broadcast Section 310(b) PDR) asks if the applicant will serve any sectors of U.S. critical infrastructure and includes a checklist of various sectors. C&B notes that "the listed sectors do not align with the current list of critical infrastructure sectors identified under Presidential Policy Directive 21 (PPD-21)."¹²⁸ PPD-21 establishes a national policy on critical infrastructure security and resilience, and identifies 16 critical infrastructure sectors, not all of which overlap with the sectors listed in the proposed Standard Questions' checklist.¹²⁹ Upon closer review and consultation with Committee staff,¹³⁰ we agree with C&B that the list of critical infrastructure sectors provided in the Standard Questions¹³¹ should be revised to be consistent with PPD-21. Accordingly, we have modified the Standard Questions to reflect the list of sectors contained in PPD-21.

43. We agree with C&B that additional clarity is needed with regards to the meaning of the word "serve" in questions pertaining to serving sectors of U.S. critical infrastructure. C&B contends that the intent of Question 36 in Attachment A/International Section 214, which asks whether "the Applicant [will] serve any sectors of U.S. critical infrastructure," is unclear.¹³² C&B notes that this question could be interpreted in different ways and asks the Commission to provide clarity as to the meaning of "serve" to "appropriately narrow the scope of the question."¹³³ We modify the question to be consistent between the Attachments to use the phrase "provide services to," which includes situations where the applicant provides service to, has customers in, or participates in the market in certain sectors of U.S. critical

¹²⁴ Committee staff also indicated that if an applicant is unable to provide this information, it can explain such limitations in its response. FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 5.

¹²⁵ Attachment C/Submarine Cable Application, Question 37, 35 FCC Rcd at 14947-48; Attachment D/Submarine Cable Assignment or Transfer, Question 38, 35 FCC Rcd at 14961.

¹²⁶ USTelecom Comments at 9.

¹²⁷ See *Executive Branch Review Order*, 35 FCC Rcd at 10953, para. 69.

¹²⁸ C&B Comments at 9.

¹²⁹ Presidential Policy Directive 21: Critical Infrastructure Security and Resilience (PPD-21), <https://go.usa.gov/xMxNZ> (Feb. 12, 2013).

¹³⁰ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 7.

¹³¹ Attachment A/International Section 214, Question 36, 35 FCC Rcd at 14921; Attachment B/International Section 214 Assignment or Transfer, Question 36, 35 FCC Rcd at 14934; Attachment C/Submarine Cable Application, Question 45, 35 FCC Rcd at 14949; Attachment D/Submarine Cable Assignment or Transfer, Question 47, 35 FCC Rcd at 14963; and Attachment F/Common Carrier Wireless or Earth Station PDR, Question 39, 35 FCC Rcd at 14989.

¹³² C&B Comments at 8. C&B misidentifies this question as 35 in its comments. *See id.*

¹³³ *Id.*

infrastructure.¹³⁴ We also note that if applicants are unsure whether or to what extent they believe they are providing service to a critical infrastructure sector, applicants should provide an explanatory note in their answers to the Standard Questions explaining to the Committee why they responded in a particular way.¹³⁵

2. Proposed Services Checklist

44. We will not modify the list of services in the Reference Question section in Attachments A/International Section 214, B/International Section 214 Assignment or Transfer, and F/Common Carrier Wireless or Earth Station PDR, but will rename this list to clarify the information targeted by this question. Attachments A/International Section 214, B/International Section 214 Assignment or Transfer, and F/Common Carrier Wireless or Earth Station PDR as proposed included an “Applicant Services Portfolio Checklist and Reference Questions” section designed to gather detailed information regarding the types of telecommunication services applicants intend to provide. Applicants indicate with a checkmark the types of services and technologies they intend to offer. C&B contends that some of the named proposed services are not services (such as TDM) or are too generic (such as “video” or “email”).¹³⁶ C&B therefore suggests we revise the proposed services checklist “to add specificity and eliminate redundancies, or remove it altogether.”¹³⁷ Although we agree with C&B that not all items included on this list are strictly services, we find that the list will be useful to the Committee, which has a specific interest in knowing if the applicant will provide any of the items in the checklist, including certain technologies and types of network infrastructure. To address any confusion as to what the list includes, we will rename the list from “Proposed Services” to “Proposed Services/Technologies/Network Infrastructure.” We do not believe applicants will be unduly burdened in determining how to fill out the checklist, and, as we have discussed, we encourage applicants to explain to the Committee how they interpreted a particular question in providing their response.

3. Reference Questions

45. We do not agree that the “Reference Questions” and Questions 35 in Attachments A/International Section 214 and B/International Section 214 Assignment or Transfer and 38 in Attachment F/Common Carrier Wireless or Earth Station PDR are duplicative, but we provide clarification regarding the information sought by each question. MLB believes that the “Reference Questions” are duplicative of an earlier question that seeks information concerning the manner in which applicants will deliver services to their customers.¹³⁸ Specifically, MLB argues that Reference Question 1 in Attachments A/International Section 214 and B/International Section 214 Assignment or Transfer, as proposed, is nearly the same as Question 35 regarding delivery of services.¹³⁹ MLB also asserts that the

¹³⁴ C&B observed that this question could be interpreted in two ways—either “to understand whether the Applicant provides services that are tailored to or suited for the specified sectors. . . [or] it could seek to understand whether the Applicant has, or intends to have, customers in the specified sectors.” C&B Comments at 8. We contend that these interpretations are not mutually exclusive, and, depending upon the way in which an applicant chooses to respond to this question, such a response could address either or both of the interpretations described by C&B.

¹³⁵ See *infra* para. 51 for discussion of providing explanatory notes in Standard Question responses.

¹³⁶ C&B Comments at 9.

¹³⁷ *Id.*

¹³⁸ MLB Comments at 6.

¹³⁹ *Id.* For comparison, proposed Question 35 of Attachments A/International Section 214 and B/International Section 214 Assignment or Transfer states: “(35) In what manner will services be delivered to customers?” See Attachment A/International Section 214, Question 35, FCC Rcd at 14921; Attachment B/International Section 214 Assignment or Transfer, Question 35, 35 FCC Rcd at 14934. The proposed Reference Questions of Attachments A/International Section 214 and B/International Section 214 Assignment or Transfer require an applicant to indicate on a checklist which services and delivery platforms it will offer, along with this request (among others): “In what manner will the service(s) be delivered to your customers?” See Attachment A/International Section 214, Reference

(continued....)

Reference Questions ask for network infrastructure information that would have already been provided in response to Question 32(b) in Section V.¹⁴⁰ MLB advises omitting the Reference Questions altogether, suggesting they are redundant and “needlessly expend the resources of applicants and the Committee.”¹⁴¹ Although Question 35 and Reference Question 1 appear to be similar, the Committee indicated that they are in fact meant to seek different, albeit related, information. Importantly, Committee staff informed Commission staff that Question 35 is intended to obtain a general description of the services to be provided, whereas the Reference Questions are intended to obtain finer technical detail on the way services are or will be provided with specific reference to each service selected in the services checklist table.¹⁴² Similarly, we find that Question 32(b) is intended to obtain a more general description of the Applicant’s network, whereas the Reference Questions are structured to obtain specific technical details, such as equipment models and software update plans. We give deference to the Committee on their need for this information to inform their national security and law enforcement review. Accordingly, we will retain these separate questions but revise Question 35 (now Question 36 in Attachment A/International Section 214) to indicate that this question seeks a general description of the manner in which services will be delivered to customers.¹⁴³ To the extent that an applicant believes that its responses to questions are the same, it can cross-reference its responses as directed in the Standard Questions’ instructions.

4. Use of Interconnecting Carriers and Peering Relationships

46. We decline to make any changes to questions concerning interconnecting carriers or peering relationships. Questions 33 in Attachment B/International Section 214 Assignment or Transfer, 41 in Attachment C/Submarine Cable Application, and 42 in Attachment D/Submarine Cable Assignment or Transfer ask whether the Proposed Authorization Holder(s) or Applicant(s) “use interconnecting carriers and/or peering relationships,” and ask the Applicants to provide details and list the carriers with whom they have these relationships.¹⁴⁴ USTelecom argues that these questions are “misguided” because “it is unclear as to how this information is useful to the determination of a submarine cable’s public interest, nor does it evince a clear understanding of what ‘interconnecting carriers’ do or what ‘peering relationships’ mean in this case.”¹⁴⁵ USTelecom contends that “[t]his is particularly true because [these

Questions, 35 FCC Rcd at 14921-22; Attachment B/International Section 214 Assignment or Transfer, Reference Questions, 35 FCC Rcd at 14935-36.

¹⁴⁰ MLB Comments at 7. For comparison, Question 32(b) states: “Will the Applicant be operating any physical and/or virtual telecommunications switching platforms (e.g., TDM and/or VoIP switches)?” *See, e.g.*, Attachment A/International Section 214, Question 32(b), 35 FCC Rcd at 14920. MLB says that some of the reference questions in Section VI are similar (e.g., “b) What kind of network infrastructure will be utilized to deliver the service(s)?” and “c) What equipment (manufacturer, make, model) and software version will be utilized to provide the service(s)? Will the software be regularly updated?”). *See, e.g.*, Attachment A/International Section 214, Reference Questions b), c), 35 FCC Rcd at 14923.

¹⁴¹ MLB Comments at 7.

¹⁴² FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 8.

¹⁴³ *See* Appx. C, Attachment A/International Section 214, Question 36; Attachment B/International Section 214 Assignment or Transfer, Question 36. We also make this change to Attachment F/Common Carrier Wireless or Earth Station PDR, Question 38 (now Question 37), which is the same as Attachment A/International Section 214, Question 36 and Attachment B/International Section 214 Assignment or Transfer Question 35, as Attachment F/Common Carrier Wireless or Earth Station PDR contains a “Reference Questions” section as well. *See* Appx. C, Attachment F/Common Carrier Wireless or Earth Station PDR, Question 37.

¹⁴⁴ Attachment B/International Section 214 Assignment or Transfer, Question 33, 35 FCC Rcd at 14934; Attachment C/Submarine Cable Application, Question 41, 35 FCC Rcd at 14948; Attachment D/Submarine Cable Assignment or Transfer, Question 42, 35 FCC Rcd at 14962.

¹⁴⁵ USTelecom Comments at 9. Although commenters USTelecom and CTIA did not specifically address this, the peering question is present in Attachment A/International Section 214 (Question 33) and Attachment F/Common Carrier Wireless or Earth Station PDR (Question 36) as well. *See* Attachment A/International Section 214, Question

(continued....)

questions] seek[] this information only from the Applicants, not anyone who will purchase the capacity on the system, which for some cables will represent the bulk, if not all, of the traffic carried.”¹⁴⁶ These types of relationships are relevant to the Committee’s national security and law enforcement analysis of the application, even if they do not reach everyone who may use the submarine cable. With regard to CTIA’s argument that “[r]ather than require a comprehensive, detailed list of peering and interconnection relationships . . . the question should allow sufficient flexibility for parties to determine the level of detail they are able and expected to provide,”¹⁴⁷ we believe that the Standard Questions do provide applicants with flexibility in how they choose to describe peering relationships, and thus do not need to be changed or eliminated.

I. National Security/Law Enforcement Questions

47. We do not make any changes to the questions related to an applicant’s national security and law enforcement obligations. Question 19 in Attachments A/International Section 214 and B/International Section 214 Assignment or Transfer asks whether the applicant, “if required by law, regulation, or license condition,” would report certain named incidents immediately upon discovery.¹⁴⁸ USTelecom asks what the effect of a “no” answer is to Question 19, expressing concern that the question “appears to be an attempt to compel Applicants to provide information they would not otherwise be legally required to provide” and if so, USTelecom says it should be made an explicit obligation through other regulatory means.¹⁴⁹ We do not share USTelecom’s concerns regarding this question. If Committee staff has any concerns with an answer of “no,” they may decide to follow up with Tailored Questions.

48. USTelecom also has concerns with the national security implications of certain questions in the section 214 and submarine cable questionnaires (Attachments A-D). Question 21 in Attachments A/International Section 214 and B/International Section 214 Assignment or Transfer asks if any non-U.S. individuals will have access to any of the applicant’s facilities, equipment, customer records, and network control features, among other things, and if so, to provide their identity and certain PII.¹⁵⁰ Question 23 in these questionnaires asks for information about encryption technologies that have been or will be installed in the applicant’s network.¹⁵¹ USTelecom believes that together, Questions 21 and 23 require disclosure of too much network security plan information, and this disclosure could amount to a security risk in and of itself.¹⁵² We find that USTelecom’s concern about over-disclosure of network security plans through responses to Questions 21 and 23 is misplaced and we make no changes to these questions. The disclosure in this case is solely to the U.S. government agencies most involved in network security issues and for the purposes of assessing risk to U.S. national security and law enforcement interests. To the extent that an applicant has concerns about co-applicants seeing its responses to Questions 21 and 23, it

33, 35 FCC Rcd at 14921; Attachment F/Common Carrier Wireless or Earth Station PDR, Question 36, 35 FCC Rcd at 14989.

¹⁴⁶ USTelecom Comments at 9.

¹⁴⁷ CTIA Comments at 6.

¹⁴⁸ Attachment A/International Section 214, Question 19, 35 FCC Rcd at 14918; Attachment B/International Section 214 Assignment or Transfer, Question 19, 35 FCC Rcd at 14931.

¹⁴⁹ USTelecom Comments at 7-8.

¹⁵⁰ Attachment A/International Section 214, Question 21, 35 FCC Rcd at 14918-19; Attachment B/International Section 214 Assignment or Transfer, Question 21, 35 FCC Rcd at 14932.

¹⁵¹ Attachment A/International Section 214, Question 23, 35 FCC Rcd at 14919; Attachment B/International Section 214 Assignment or Transfer, Question 23, 35 FCC Rcd at 14932.

¹⁵² USTelecom Comments at 8.

can mark those responses as sensitive and ask that they not be shared with co-applicants.¹⁵³

49. USTelecom recommends “greater clarity surrounding the security expectations of applicants,” citing Question 33 in Attachment C/Submarine Cable Application, which asks “[w]hat provision will be made to monitor suspicious activity occurring over the paths of the cables,” as an example.¹⁵⁴ USTelecom believes that the details regarding “what an applicant can and cannot monitor from a practical standpoint can vary widely depending on the arrangement and technical architecture of the submarine cable equipment,” and requests that the question be modified to reflect these different arrangements.¹⁵⁵ We understand USTelecom’s concern that Question 33 in Attachment C, as written, may not capture the variations in different cable systems’ monitoring systems. The Standard Questions must be high-level to a certain extent and applicants may want to consider providing additional details about their monitoring capabilities as part of their response to the Standard Questions to properly frame and explain their responses.

J. Legal Authority for Certain Questions Concerning Broadcasters

50. We reject NAB’s argument that the Commission should eliminate certain questions in Attachment E/Broadcast Section 310(b) PDR, “because they concern issues outside of the scope of the Commission’s jurisdiction and are thus not properly the subject of Committee review.”¹⁵⁶ Specifically, NAB raises concerns with Questions 29,¹⁵⁷ 30,¹⁵⁸ 31,¹⁵⁹ and 34.¹⁶⁰ NAB argues that the “Committee’s review should analyze whether the proposed transaction will implicate national security, law enforcement, foreign policy or trade policy issues arising from the assignment or transfer of the broadcast license, not

¹⁵³ See *supra* Section III.C for discussion of filings involving multiple applicants.

¹⁵⁴ USTelecom Comments at 9. A similar question is contained in Attachment D/Submarine Cable Assignment or Transfer: “(34) What provision is in place to monitor suspicious activity occurring over the paths of the cables?” Attachment D/Submarine Cable Assignment or Transfer, Question 34, 35 FCC Rcd at 14960.

¹⁵⁵ USTelecom Comments at 9 (referencing Attachment C/Submarine Cable Application, Question 33, 35 FCC Rcd at 14946).

¹⁵⁶ NAB Comments at 9; *see id.* at 9-11.

¹⁵⁷ *Id.* at 9. Question 29 asks, “Will programming be rebroadcast via satellite or cable? If yes, provide details.” Attachment E/Broadcast Section 310(b) PDR, Question 29, 35 FCC Rcd at 14976.

¹⁵⁸ NAB Comments at 9. Question 30 asks, “Will programming be available online? If yes, describe the streaming business operation (including what platform(s) will be used to make the programming available online.)” Attachment E/Broadcast Section 310(b) PDR, Question 30, 35 FCC Rcd at 14976.

¹⁵⁹ NAB Comments at 9-10 (arguing that Question 31 implicates a Licensee’s First Amendment rights as well as the Act’s prohibition on the Commission engaging in censorship and stating that “questions concerning a station’s format, target audience, and sources of advertising are not appropriate for Executive Branch review”). Question 31 asks the Applicant to “[d]escribe the intended viewer/listener base of the Licensee’s broadcasts, primary language spoken of the target audience, and other demographics, including: a) An explanation of how services are offered to each category of viewers/listeners and platform; and b) Identification of any specific business or economic sectors that supply advertising or other assistance to either the Licensee or Petitioner.” Attachment E/Broadcast Section 310(b) PDR, Question 31, 35 FCC Rcd at 14977.

¹⁶⁰ NAB Comments at 9, 10-11 (contending that “the Commission does not regulate consumer data privacy or security of broadcast audiences and has no authority to review broadcasters’ data privacy and security practices either generally or in connection with proposed transactions”). Question 34 asks the Applicant to “[i]ndicate whether any Relevant Party or any of its subsidiaries that offer application or web-based content collect, process, or store any U.S. subscriber data. If so, identify what types of data (e.g., name, address, email address, phone number, credit card number, etc.) are collected, processed, or stored for each U.S. subscriber.” Attachment E/Broadcast Section 310(b) PDR, Question 34, 35 FCC Rcd at 14977-78. Among other things, Question 34 also seeks the location of U.S. subscriber data storage, who serves as the custodian and/or has access to such data and those individuals’ countries of citizenship, as well as whether U.S. subscriber data is disclosed to third parties, and the security measures that are intended to protect subscriber data from unauthorized access or disclosure. *See id.*

from other business lines a broadcaster may be involved in or activities the FCC cannot lawfully regulate.”¹⁶¹ NAB contends, among other things, that “the Commission does not regulate consumer data privacy or security of broadcast audiences and has no authority to review broadcasters’ data privacy and security practices either generally or in connection with proposed transactions.”¹⁶² We disagree with NAB that these questions should be excluded from Attachment E/Broadcast Section 310(b) PDR. The Commission considers national security, law enforcement, foreign policy, and trade policy concerns of foreign ownership in excess of the 25% statutory benchmarks in its public interest review of petitions for declaratory rulings under section 310(b)(4) of the Act and refers applications with reportable foreign ownership to the Committee, which has specific expertise in these matters.¹⁶³ In this regard, the information solicited by the Standard Questions enables the Committee to assess potential foreign influence of such foreign owners over a licensee as part of the Committee’s review of a particular application for national security and law enforcement concerns.¹⁶⁴ Thus, we are not regulating format or content but are assessing whether the public interest would be served by not permitting foreign ownership in accordance with section 310(b) of the Act, and information provided to the Committee concerning the nature of the broadcast services, for example, is relevant to the Committee’s review of the potential for such influence by foreign owners.¹⁶⁵ To the extent a broadcast applicant finds that a question raises a particular concern, it should explain that in its response to the Committee, which may send Tailored Questions to the applicant if the Committee requires further explanation.

K. Additional Recommendations Concerning the Submission of the Standard Questions to the Committee

51. By their very nature, Standard Questions that are meant to address a broad range of situations will ask for information that an individual applicant may not find to be specific to its own situation. To the extent that a question is not applicable to an applicant’s situation, we encourage applicants to explain this in their responses to the Standard Questions. Similarly, to the extent that an applicant finds a question to be overly broad or unclear in its applicability to the applicant’s situation,¹⁶⁶ it

¹⁶¹ NAB Comments at 9.

¹⁶² *Id.*

¹⁶³ See *Executive Branch Review Order*, 35 FCC Rcd at 10935-36, para. 24; *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Report and Order, 31 FCC Rcd 11272, 11289, para. 34 (2016); *2013 Broadcast Clarification Order*, 28 FCC Rcd at 16251, para. 14; *Foreign Participation Order*, 12 FCC Rcd at 23918-19, paras. 61-63.

¹⁶⁴ See NAB Comments at 9.

¹⁶⁵ See, generally, *2013 Broadcast Clarification Order*, 28 FCC Rcd at 16245-46, para. 3 (stating that “[t]he Commission’s approach to the benchmark for foreign investments in broadcast licensees has reflected ‘heightened concern for foreign influence over or control of [broadcast] licensees which exercise editorial discretion over the content of their transmissions.’” (citing *Market Entry and Regulation of Foreign-Affiliated Entities*, Notice of Proposed Rulemaking, 10 FCC Rcd 4844, 4884, para. 99) (1995)).

¹⁶⁶ See, e.g., C&B Comments at 3-4 (stating that the definition of “relevant parties” is more broad than necessary); NAB Comments at 6 (sharing concerns about the “very broad definition of Foreign Party”); MLB Comments at 7 (arguing that Attachment C, Question 8 “needs to specify more clearly what is required from the applicant”); *id.* at 7-8 (contending that Attachment C, Questions 36 and 38 and Attachment D, Questions 37 and 39 “are difficult-to-parse and far-reaching questions for international companies with locations in multiple jurisdictions”). See also CTIA Comments at 5-6 (“[T]he Commission should be wary of introducing new questions that seek additional information that historically was not required, that may be of marginal utility for many application reviews, and that cannot always be readily provided. . . . While such details may be relevant in some transactions, it is difficult to imagine them being necessary to transaction reviews across the board.”) We note that the Commission used the triage questions provided by the Executive Branch agencies as a basis for the Standard Questions. See *Executive Branch Review Order*, 35 FCC Rcd at 10945, para. 47. To the extent that there are any questions in the Standard

(continued....)

should explain that in its response. To the extent the Committee requires further explanation, it can send Tailored Questions to the applicant. Framing responses in this way will help the Committee in its review and assessment of applicants' responses and whether there will be a need for further information from the applicants.

52. Along those lines, commenters also ask whether they can consult with Committee staff regarding how to respond to certain questions, as they currently do. The Committee staff have stated a strong preference against negotiating the questions or responses with applicants before the responses are filed with the Committee or prior to Commission referral of an application.¹⁶⁷ For instance, Committee staff indicated that there could be situations in which an application might not be referred at all. The Committee staff stated that applicants should explain in their submissions the scope of their responses and any limitations in their responses. The Committee staff noted that they can coordinate with applicants regarding responses after the Commission refers the application or when the Committee sends any Tailored Questions.¹⁶⁸

L. Other Revisions to Standard Questions

53. We also make several revisions to the Standard Questions to correct spelling and grammatical mistakes, to correct formatting issues, and to ensure that questions are standardized across the six questionnaires. These revisions correct unintentional drafting errors and do not change the substance of the Standard Questions beyond what has been discussed in this Second Report and Order. We believe that harmonizing the language across the Standard Questions will ease the application process and facilitate Committee review of applications.¹⁶⁹

IV. IMPLEMENTATION

54. With the adoption of Standard Questions in this Second Report and Order, we direct the International Bureau to work with the Media Bureau and the Wireline Competition Bureau (together, the "Bureaus") to seek approval from the Office of Management and Budget (OMB) for the Standard Questions and the rules adopted in the *Executive Branch Review Order* that are subject to the Paperwork Reduction Act. Upon completion of OMB review, the Bureaus shall issue a Public Notice informing the public of the effective date of the requirements, including the requirement to file responses to the Standard Questions with the Committee. The Bureaus shall make the Standard Questions available on the Commission's website no later than the time the Public Notice is released. Once the rules are effective, all parties filing applications subject to Executive Branch referral will be required to submit answers to the Standard Questions to the Committee prior to or at the same time that they file their applications with the Commission.

V. PROCEDURAL ISSUES

A. Regulatory Flexibility Act

55. Pursuant to the Regulatory Flexibility Act of 1980 (RFA), as amended,¹⁷⁰ the

Questions that did not appear in the triage questions, such questions are rooted in the Committee's analysis of responses to the triage questions.

¹⁶⁷ FCC Staff/Committee Staff Sept. 7, 2021 *Ex Parte* Letter at 7.

¹⁶⁸ *Id.*

¹⁶⁹ CTIA, NAB, and USTelecom ask the Commission to clarify when the 120-day clock starts. CTIA Comments at 7; NAB Comments at 11-12; USTelecom Comments at 3. We believe that the *Executive Branch Review Order* and the rules clearly state when the 120-day review will begin. *See* Executive Order No. 13913, 85 Fed. Reg. at 19645, § 5(b)(iii); *Executive Branch Review Order*, 35 FCC Rcd at 10958, para 82. *See also* 47 CFR § 1.40004(e)(2) (providing that the 120-day review will begin on the date of the Committee's deferral request (under Section 1.40002(b), 47 CFR § 1.40002) if it includes a notification that tailored questions are not necessary).

¹⁷⁰ 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et. seq.*, has been amended by the Contract with America

(continued....)

Commission has prepared a Supplemental Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on a substantial number of small entities by the policies and actions considered in this Second Report and Order. The text of the Supplemental FRFA is set forth in Appendix B. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the Second Report and Order, including the Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the RFA.¹⁷¹

B. Paperwork Reduction Act of 1995

56. This Second Report and Order contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. The requirements will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

C. Congressional Review Act

57. The Commission will include a copy of this Second Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act. *See* 5 U.S.C. § 801(a)(1)(A).

VI. ORDERING CLAUSES

58. IT IS ORDERED that, pursuant to sections 4(i), 4(j), 214, 303, 309, 310 and 413 of the Communications Act as amended, 47 U.S.C. §§ 154(i), 154(j), 214, 303, 309, 310 and 413, and the Cable Landing License Act of 1921, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, Section 5(a) reprinted as amended in 3 U.S.C. § 301, this Second Report and Order IS ADOPTED.

59. IT IS FURTHER ORDERED that as discussed herein, pursuant to 47 U.S.C. § 155(c) and 47 CFR § 0.261, the Chief of the International Bureau IS DIRECTED to administer and make available on a public website, a standardized set of national security and law enforcement questions for the Categories of Information set forth in Part 1, Subpart CC of the Commission's rules.

60. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Second Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

61. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Second Report and Order, including the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch

Advancement Act of 1996, Pub. L. No.104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

¹⁷¹ *See* 5 U.S.C. § 603(a).

Secretary

APPENDIX A

List of Comments

Comments

Covington & Burling LLP (C&B)

CTIA

Morgan, Lewis & Bockius LLP (MLB)

National Association of Broadcasters (NAB)

USTelecom – The Broadband Association (USTelecom)

Replies

None

***Ex Parte* Comments**

National Association of Broadcasters (NAB)

Telecommunications and Analysis Division, International Bureau, Federal Communications Commission (describing the issues for which Commission staff requested Committee staff feedback with regard to the Standard Questions and summarizing Committee staff's response on each issue)

APPENDIX B**Supplemental Final Regulatory Flexibility Act Analysis**

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ we have prepared this Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) of the possible significant economic impact on small entities of the Standard Questions and procedures addressed in this Second Report and Order to supplement the Commission's Initial and Final Regulatory Flexibility Analyses in this proceeding. The Commission previously sought written public comment on the proposals in the *Executive Branch Review NPRM*, including comment on the Initial Regulatory Flexibility Analysis (IRFA).² The Commission did not receive comments regarding the IRFA. Thereafter, in the *Executive Branch Review Order*,³ the Commission issued a Final Regulatory Flexibility Analysis (FRFA) conforming to the RFA.⁴ Subsequently, the Commission's International Bureau released a public notice seeking comment on specific proposed "Standard Questions" for applications and petitions as prescribed by the *Executive Branch Review Order* (Standard Questions Public Notice).⁵ As noted in the *Executive Branch Review Order*, standardizing these questions should improve the timeliness and transparency of the Executive Branch review process, thereby lessening the burden on all applicants and petitioners, including small entities. The *Standard Questions Public Notice* included a Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA). This Supplemental FRFA supplements the FRFA to reflect the actions taken in this Second Report and Order, which adopts a final set of Standard Questions and conforms to the RFA.⁶

A. Need for, and Objectives of, the Second Report and Order

2. This Second Report and Order adopts a set of standardized national security and law enforcement questions (Standard Questions) that certain applicants and petitioners (together, "applicants") with reportable foreign ownership will be required to answer as part of the Executive Branch review process of their applications and petitions (together, "applications"). To expedite the national security and law enforcement review of such applications, applicants must provide their answers to the Standard Questions directly to the Committee prior to or at the same time they file their applications with the Commission.⁷

3. The *Executive Branch Review Order* specified that the Standard Questions should include the following categories of information: (1) corporate structure and shareholder information; (2) relationships with foreign entities; (3) financial condition and circumstances; (4) compliance with

¹ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104-121, 110 Stat. 857 (1996).

² *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Notice of Proposed Rulemaking, 31 FCC Rcd 7456, 7486-7493, Appx. C. (*Executive Branch Review NPRM*).

³ *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10990-11000, Appx. C (2020) (*Executive Branch Review Order*); *Erratum* (Appendix B – Final Rules), DA 20-1404 (OMD/IB rel. Nov. 27, 2020).

⁴ *Executive Branch Review Order*, 35 FCC Rcd 10927, 10990-11000, Appx. C.

⁵ *International Bureau Seeks Comment on Standard Questions for Applicants Whose Applications Will Be Referred to the Executive Branch for Review Due to Foreign Ownership*, IB Docket No. 16-155, Public Notice, 35 FCC Rcd 14906 (IB 2020), 86 Fed. Reg. 12312 (Mar. 3, 2021) (*Standard Questions Public Notice*); *Executive Branch Review Order*, 35 FCC Rcd at 10942, para. 40.

⁶ See 5 U.S.C. § 604.

⁷ 47 CFR § 1.40003.

applicable laws and regulations; and (5) business and operational information, including services to be provided and network infrastructure. The adopted Standard Questions are based on the *Executive Branch Review Order* and the sample questions previously made available in this docket and the comments provided to the Commission regarding those questions. The adopted Standard Questions consist of the following:

- **Attachment A - Standard Questions for an International Section 214 Authorization Application.**⁸ Standard Questions for an international section 214 authorization application filed pursuant to 47 CFR § 63.18, including a modification of an existing authorization;
- **Attachment B - Standard Questions for an Application for Assignment or Transfer of Control of an International Section 214 Authorization.**⁹ Standard Questions for an assignment or transfer of control of an international section 214 authorization application filed pursuant to 47 CFR § 63.24;
- **Attachment C - Standard Questions for a Submarine Cable Landing License Application.**¹⁰ Standard Questions for a cable landing license application filed pursuant to 47 CFR § 1.767 including a modification of an existing license;
- **Attachment D - Standard Questions for an Application for Assignment or Transfer of Control of a Submarine Cable Landing License.**¹¹ Standard Questions for an assignment or transfer of control of a cable landing license application filed pursuant to 47 CFR § 1.767;
- **Attachment E - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Broadcast Licensee.**¹² Standard Questions for a petition for declaratory ruling for foreign ownership in a broadcast licensee above the benchmarks in section 310(b) of the Communications Act (the Act) filed pursuant to 47 CFR §§ 1.5000-1.5004;
- **Attachment F - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Common Carrier Wireless or Common Carrier Earth Station Licensee.**¹³ Standard Questions for a petition for declaratory ruling for foreign ownership in a common carrier wireless or common carrier earth station licensee above the benchmarks in section 310(b) of the Act filed pursuant to 47 CFR §§ 1.5000-1.5004; and
- **Attachment G - Personally Identifiable Information (PII) Supplement.**¹⁴ Each set of Standard Questions references a supplement to assist the Committee in identifying PII.

⁸ *Standard Questions Public Notice*, Attachment A - Standard Questions for an International Section 214 Authorization Application, 35 FCC Rcd at 14911 (Attachment A/International Section 214).

⁹ *Standard Questions Public Notice*, Attachment B - Standard Questions for an Application for an Assignment or Transfer of Control of an International Section 214 Authorization, 35 FCC Rcd at 14924 (Attachment B/International Section 214 Assignment or Transfer).

¹⁰ *Standard Questions Public Notice*, Attachment C - Standard Questions for Submarine Cable Landing License Application, 35 FCC Rcd at 14938 (Attachment C/Submarine Cable Application).

¹¹ *Standard Questions Public Notice*, Attachment D - Standard Questions for an Application for Assignment or Transfer of Control of a Submarine Cable Landing License, 35 FCC Rcd at 14951 (Attachment D/Submarine Cable Assignment or Transfer).

¹² *Standard Questions Public Notice*, Attachment E - Standard Questions for Section 310(b) Petition for Declaratory Ruling Involving a Broadcast Licensee, 35 FCC Rcd at 14965 (Attachment E/Broadcast Section 310(b) PDR).

¹³ *Standard Questions Public Notice*, Attachment F - Standard Questions for Section 310(b) Petition for Declaratory Ruling Involving a Common Carrier Wireless or Common Carrier Earth Station Licensee, 35 FCC Rcd at 14979 (Attachment F/Common Carrier Wireless or Earth Station PDR).

¹⁴ *Standard Questions Public Notice*, Attachment G - Personally Identifiable Information (PII) Supplement, 35 FCC Rcd at 14993 (Attachment G/PII).

4. The Commission adopted the Standard Questions largely as proposed in the *Standard Questions Public Notice*, with some important changes to more narrowly tailor and clarify the instructions and certain questions so as to decrease the burden on applicants. The changes include:

- All Attachments: modify the definition of “Senior Officer” to capture any individual with authority to act on behalf of the entity, rather than referring to specific individuals’ titles.
- Attachment A/Question 2 Attachment B/Question 2; Attachment D/Question 2; Attachment E/Question 2; Attachment F/Question 2: for clarity and consistency, modify these questions by adding the term “Controlling Interest.”
- All Attachments: remove the term “Immediate Owner” from the definitions section as that term is not used in any subsequent questions.
- All Attachments: correct inadvertent use of inconsistent terms. For example, we have revised all questionnaires so that they are consistent in the use of the defined terms “Ultimate Owner” and “Ultimate Parent.”
- Attachment B/Question 1 and Attachment D/Question 1: remove transferors and assignors (the sellers) from the definition of “Relevant Parties.”
- All Attachments: modify the instructions in all questionnaires to provide that all of the submitted information will be protected from disclosure according to the provisions of Executive Order 13913, Section 8, and that applicants will not have to specifically identify information for such treatment.
- All Attachments: clarify the instructions for multiple applicants for a single application (such as consortium applicants for a single submarine cable landing license).
- All Attachments: modify the instructions to allow internal cross-referencing of responses within a single questionnaire to streamline the process for applicants. For example, if an applicant provided a response to Question 15, and the applicant’s response to Question 27 contains the same information, the applicant may refer back to its earlier response.
- Attachment F/Question 3: remove language regarding prior relationships from this question as it was unintentionally added to the proposed questionnaire.
- Attachment A/Question 3; Attachment B/Question 3; Attachment C/Question 8; Attachment D/Question 21; Attachment E/Question 3; Attachment F/Question 3: clarify that “planned relationships” are “current relationships or those reasonably anticipated by negotiations or that are identified under current business plans” and clarify that this includes any situations in which contracts have been signed or where the parties are already in negotiations.
- Attachment A/Question 3; Attachment B/Question 3; Attachment C/Question 8; Attachment D/Question 21; Attachment E/Question 3; Attachment F/Question 3: clarify that existing or planned relationships/partnerships, and prior relationships/partnerships in the case of broadcast applicants, and funding or service contracts, do not include foreign subscribers to an applicant’s retail services. Also clarify that, for the purposes of these questions, these relationships do not include foreign employees who are identified in other questions, such as Senior Officers and Directors, and Non-U.S. Individuals with physical access to certain facilities, records, networks, or electronic interfaces.
- Attachment E: remove the reference to “Foreign Party” in questions 12, 18-21, 26, 31-34.
- Attachment A/Questions 7, 9; Attachment B/Questions 7, 9; Attachment C/Questions 12, 14; Attachment D/Questions 13, 15; Attachment E/Questions 5, 7; Attachment F/Questions 7, 9: amend language pertaining to an applicant’s involvement or association with prior Commission or Committee on Foreign Investment in the United States (CFIUS) filings to

specify that an “involved” or “associated” Individual or Entity was either the applicant in a prior Commission or CFIUS filing or listed as an owner in such a prior filing.

- Attachment A/Question 7; Attachment B/Question 7; Attachment C/Question 12; Attachment D/Question 13; Attachment E/Question 5; Attachment F/Question 7: adopt a ten-year time boundary regarding prior Commission filings that must be disclosed.
- Attachment E/Question 19: clarify that broadcasters must provide the information listed in Question 19 for non-U.S. Individuals with access to (1) all facilities and equipment in the United States, (2) facilities outside the United States that are used to broadcast into the United States, and (3) facilities both inside and outside the United States that store, process, or provide access to U.S. person data (including data on current, past, and potential U.S. customers).
- Attachment A/Question 37; Attachment B/Question 36; Attachment C/Question 45; Attachment D/Question 48; Attachment F/Question 38: update the list of U.S. critical infrastructure sectors outlined in the Standard Questions to track Presidential Policy Directive 21 (PPD-21).
- Attachment A/Section VI; Attachment B/Section VI; Attachment F/Section VI: rename the list of services in the Reference Questions section from “Proposed Services” to “Proposed Services/Technologies/Network Infrastructure.”
- Attachment A/Question 36; Attachment B/Question 35; Attachment F/Question 37: revise questions so as to obtain a general description of the manner in which applicants will deliver services to customers.
- Attachment A/Question 37; Attachment B/Question 36; Attachment C/Question 45; Attachment D/Question 48; Attachment F/Question 38: revise questions to use phrase “provide services to” and add a statement clarifying that the phrase “provide services to” in these questions includes situations in which the applicant provides service to, has customers in, or participates in the market in sectors of U.S. critical infrastructure.
- All Attachments: advise applicants that in the event that they find a question to be overly broad or unclear in its applicability, they should explain that in their response.
- All Attachments: make several revisions to the Standard Questions to correct spelling and grammatical mistakes, to correct formatting issues, and to ensure that questions are standardized across the six questionnaires.

The Standard Questions—with these changes and clarified instructions—will ensure that the Committee has the information it needs to conduct its national security and law enforcement review, while also addressing concerns raised by commenters that certain questions were unclear or overly burdensome.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

5. The Commission did not receive comments specifically addressing the rules and policies proposed in the Supplemental IRFA. Nonetheless, in adopting the Standard Questions reflected in this Second Report and Order, the Commission has considered the potential impact of the rules and procedures proposed in the IRFA on small entities in order to reduce the economic impact of the rules and procedures enacted herein on such entities.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business

Administration

6. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.

7. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

8. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by rules.¹⁵ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”¹⁶ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.¹⁷ A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).¹⁸ Initial and Final Regulatory Flexibility Analyses were incorporated into the *Executive Branch Review Order* and the Notice of Proposed Rulemaking associated with that Order. In this Second Report and Order, we hereby incorporate by reference the descriptions and estimates of the number of small entities, as well as the associated analyses, set forth therein.

E. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

9. This Second Report and Order adopts Standard Questions that would affect reporting, recordkeeping, and other compliance requirements for applicants who file international section 214 authorizations, submarine cable landing licenses or applications to assign or transfer control of such authorizations, and section 310(b) petitions for declaratory rulings (common carrier wireless, common carrier satellite earth stations, or broadcast). Applicants with reportable foreign ownership will be required to submit responses to standard national security and law enforcement questions and will need to certify in their applications that they have submitted the Standard Questions and will send a copy of their FCC application to the Committee. As noted in the FRFA in connection with the *Executive Branch Review Order*, all applicants for international section 214 authority and submarine cable licenses, regardless of whether they have reportable foreign ownership will be required to certify that they: (1) will comply with the Communications Assistance for Law Enforcement Act (CALEA); (2) will make certain communications and records available and subject to lawful request or valid legal process under U.S. law; (3) will designate a point of contact in the United States who is a U.S. citizen or lawful permanent resident; (4) will keep all submitted information accurate and complete during application process and after the application is no longer pending for purposes of section 1.65 of the rules, the authorization holder and/or licensee must inform the Commission and the Committee of any contact name changes; and (5) understand that failing to fulfill any condition of the grant or providing materially false information could result in revocation or termination of their authorization and other penalties. Petitioners for

¹⁵ 5 U.S.C. § 603(a)(3).

¹⁶ 5 U.S.C. § 601(6).

¹⁷ 5 U.S.C. § 601(3) (incorporating by reference the definition of “small business concern” in 15 U.S.C. § 632). Pursuant to the RFA, the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.” 5 U.S.C. § 601(3).

¹⁸ Small Business Act, 15 U.S.C. § 632 (1996).

broadcast licensee petitions for a section 310(b) declaratory ruling for broadcast licenses will make the last three certifications but will not need to make the first two certifications.

F. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternative Considered

10. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following alternatives, among others: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”¹⁹

11. In this Second Report and Order, the adopted Standard Questions will help improve the timeliness and transparency of the review process, thus lessening the burden of the licensing process on all applicants, including small entities. Requiring applicants to submit responses to the Standard Questions prior to or at the same time that they file their applications at the Commission (rather than after filing the application at the Commission) should facilitate a faster response by the Executive Branch on its national security and law enforcement review and advance the shared goal of the Commission and industry, including small entities, to make the Executive Branch review process as efficient as possible. As discussed in the FRFA in the *Executive Branch Review Order*, timeframes for review of FCC applications referred to the Executive Branch have also been adopted, which will help prevent unnecessary delays and make the process more efficient and transparent, which ultimately benefits all applicants, including small entities.

G. Report to Congress

12. The Commission will send a copy of the Second Report and Order, including this Supplemental FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996.²⁰ In addition, the Commission will send a copy of the Second Report and Order, including the Supplemental FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Second Report and Order and the Supplemental FRFA (or summaries thereof) will also be published in the Federal Register.²¹

¹⁹ 5 U.S.C. §§ 603(c)(1)-(c)(4).

²⁰ 5 U.S.C. § 801(a)(1)(A).

²¹ 5 U.S.C. § 604(b).

APPENDIX C**The Standard Questions**

- Attachment A - Standard Questions for an International Section 214 Authorization Application
- Attachment B - Standard Questions for an Application for Assignment or Transfer of Control of an International Section 214 Authorization
- Attachment C - Standard Questions for a Submarine Cable Landing License Application
- Attachment D - Standard Questions for an Application for Assignment or Transfer of Control of a Submarine Cable Landing License
- Attachment E - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Broadcast Licensee
- Attachment F - Standard Questions for a Section 310(b) Petition for Declaratory Ruling Involving a Common Carrier Wireless or Common Carrier Earth Station Licensee
- Attachment G - Personally Identifiable Information (PII) Supplement

Attachment A**Standard Questions for an
International Section 214 Authorization Application**

Applicant(s) Name(s):

FCC File Number(s):

Purpose: This list of standard questions solicits the initial information that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) will review in connection with any referral of the above-referenced application by the Federal Communications Commission (FCC) in order to assess any national security and law enforcement concerns raised by the application.

Filing Requirement: As required by 47 CFR § 1.40003, each Applicant subject to a referral to the Committee must provide responses to these standard questions directly to the Committee, prior to or at the same time the applicant files its application with the FCC.

Process of Review: After its review, the Committee may request additional information, including through tailored questions. The 120-day initial review period will typically start on the date the Chair of the Committee determines that the responses to these standard questions and any tailored questions, when required, are complete. If the Committee determines no tailored questions are necessary, the 120-day initial review period will start no more than 30 days after the FCC's referral, on the date the Committee informs the FCC that the responses to the standard questions are complete and that no tailored questions are required. If the Applicant fails to provide timely responses to any Committee requests for information, the Committee may recommend that the FCC dismiss the application without prejudice.

Dissemination of Information: The information received by the Committee pursuant to 47 CFR § 1.40003 and any subsequent requests for information by the Committee may be shared and used in accordance with Section 8 of Executive Order 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020).

Instructions

- 1) Complete All Sections:** When a "Yes" answer is indicated, provide further information as appropriate. The questions seek further details regarding the Applicant and its security-related practices, and some questions are particularly directed at identifying and assessing the complete scope of the equipment that the Applicant will be operating and the services that the Applicant will be offering should the FCC grant those authorities. Accordingly, in answering the "Section V: Applicant's Services" questions and "Section VI: Applicant Services Portfolio Checklist and Reference Questions," the Applicants must file complete and accurate responses and identify all switches, routing equipment, and all services offered in retail markets. Applicants should explain in their submissions the scope of their responses and any limitations in their responses. If necessary, the Committee will contact the Applicant to clarify or expand upon its responses after the Commission refers the application or when the Committee sends any Tailored Questions.
- 2) Response Format:** Uniquely and sequentially number your responses to the standard questions, including any attachments, with an endorsement on each page. The number must be a unique, consistently formatted identifier; the number of digits in the numeric portion of the format should not

change in subsequent productions, if any, nor should spaces, hyphens, or other separators be added or deleted. Produce any Excel documents in native format (if desired, the Applicant may also produce a PDF version for record keeping purposes).

- 3) **Protection from Disclosure:** All information provided in response to this questionnaire will be protected according to the provisions of Executive Order 13913, Section 8. If there are multiple Applicants, each Applicant should clearly mark any answers or documents that contain sensitive information that should not be disclosed to the other Applicants. Personally Identifiable Information (PII) may be submitted in a separate attachment. The PII Supplement is Attachment G.
- 4) **Multiple Applicants:** When there are multiple Applicants for a single application, the Applicants may file responses either jointly or separately. A cover letter or email (if submitted electronically) must:
 - o Provide a clear statement as to how the Applicants have submitted their responses;
 - o Identify which Applicants have filed jointly and which Applicants can view each other's business confidential information; and
 - o Clearly identify, in headings, the group of Applicants that have filed together, along with a case name and FCC file number.
 - Applicants may use an Applicant-specific identification system, such as Bates Numbering, along with the identification of the FCC file number and party case/transaction name(s).
 - If co-Applicants decide to submit separate standard questions responses by email, Applicants should submit the standard questions on the same day.
- 5) **Individuals' Names:** For names that follow different naming conventions, such as the use of surnames as first names (e.g., Korean names), or the use of mother's last name as one of two last names that are often hyphenated (e.g., Spanish names), follow standard English convention for purposes of completing this information. For example, if the name is Kim Chul-su, write "Chul-su Kim" in the form. If the name in Spanish is Juan Garcia-Reyes, write "Juan Garcia Reyes."
- 6) **Residential Addresses:** Contract mail receipt locations, post office boxes, co-working, or shared virtual locations may not be used in lieu of residence addresses.
- 7) **Business Addresses:** For each business address, clearly indicate whether the address is a shared business venue, co-working location, virtual office, or traditional physical office.
- 8) **Obligation to Update:** The Applicant must inform the Committee if there is any material change to any of the information provided in the Applicant's responses while the Committee's review is ongoing, including, but not limited to, changes in ownership, equipment, and Communications Assistance for Law Enforcement Act (CALEA) compliance.
- 9) **Cross Referencing:** To the extent that the response to a question contains the same information provided in another response to a question in this questionnaire, the Applicant may cross reference the response to the other question. For example, if the response to Question X contains the same information provided in the response to Question Y, the response to Question X can cross reference the response to Question Y. The Applicant should not reference information provided in other documents.
- 10) **Definitions** – These terms, as used in this questionnaire, have the following definitions:

- “Corporate Officer” refers to any Individual (including Senior Officers) hired or appointed by the Entity’s board of directors that has actual or apparent authority to exercise day-to-day management responsibilities over an Entity.
- “Director” refers to any Individual serving on an Applicant’s board of directors or similar governing body organized to set policies for corporate management of or oversight for an Applicant.
- “Entity” includes a partnership, association, estate, trust, company, corporation, limited liability company, consortium, joint venture, governmental authority, or other organization.
- An “Equity Interest Holder” is any Individual or Entity that has the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, a share or other ownership stake in the Applicant.
- The term “Foreign Government” includes any person or group of persons exercising sovereign *de facto* or *de jure* political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign *de facto* or *de jure* authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.
- “Individual” refers to a natural person, as distinguished from an Entity.
- “Managed Services” or “Enterprise Services” refers to the provision of a complete, end-to-end communications solution to customers.
- A “Non-U.S. Individual” is an Individual who is not a U.S. citizen.
- An “Owner” is an Individual or Entity that holds an Ownership Interest in the Applicant.
- An “Ownership Interest” is a 5% or greater equity (non-voting) and/or voting interest, whether directly or indirectly held, or a Controlling Interest in the Applicant, and includes the ownership in the Ultimate Parent/Owner of the Applicant and any other Entity(ies) in the chain of ownership (i.e., all Entities that exist in the ownership structure between the Applicant itself and its Ultimate Parent).
 - A “Controlling Interest” is generally a 50% or greater Ownership Interest (either equity or voting). A Controlling Interest shall be determined on a case-by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships. The term Controlling Interest includes Individuals or Entities with positive or negative *de jure* or *de facto* control of the Applicant.
 - “Ultimate Owner” and “Ultimate Parent” refer to the Individual or Entity that ultimately owns and controls the Applicant.
 - *De jure* control includes holding 50% or more of the voting stock of a corporation or holding a general partnership interest in a partnership. Ownership Interests that are held indirectly by any party through one or more intervening corporations may be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain except that if the ownership percentage for an interest in any link in the chain is equal to or exceeds 50% or represents actual control, it may be treated as if it were a 100% interest.
 - *De facto* control is determined on a case-by-case basis. Examples of *de facto*, or actual, control include constituting or appointing 50% or greater of the board of directors or management committee; having authority to appoint, promote, demote, and fire Senior Officers that control the day-to-day activities of the Licensee; or playing an integral role in management decisions. In the case of a consortium, each member of the consortium shall be considered to have a Controlling Interest in the consortium.
 - Controlling Interests include *de facto* controlling interests, for which equity and/or voting ownership may be below 5%.

- “Remote Access” is access from a point that is not physically co-located with the Applicant’s network facilities, or that is not at a point within the Applicant’s network.
- “Senior Officer” refers to any individual that has actual or apparent authority to act on behalf of the Entity. Depending upon the circumstances, such individuals could include the Chief Executive Officer, the President, Chief Financial Officer, Chief Information Officer, Senior Vice President, Chief Technical Officer, or Chief Operating Officer.

Section I: Identification of Applicant

- 1) Provide the Applicant's name, address, principal place of business, and place of incorporation.

Section II: Applicant's Ownership

- 2) Identify each Individual or Entity that holds an Ownership Interest in the Applicant, specifically identifying any foreign Entities or Foreign Government-controlled entities, including the Ultimate Parent/Owner of the Applicant and any other Individuals/Entities holding an Ownership Interest in the chain of ownership, including a Controlling Interest in the Applicant.
 - a) For each such Individual or Entity with an Ownership Interest in Applicant, include a clear explanation of its involvement in the Applicant, including whether it will have a management role.
 - b) For each such Individual or Entity with an Ownership Interest in Applicant, provide all identifying information, as follows:
 - i) For Individuals, provide the name (including all names and aliases used by that Individual), country of citizenship (indicate whether the Individual is a dual citizen and all countries where citizenship is held), date and place of birth, U.S. alien number (indicate whether the Individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses and all phone numbers. PII may be provided in Attachment G.
 - ii) For Entities, provide country of incorporation (if the United States, include state of incorporation), principal place of business, general business type (e.g., holding company, investment firm), all business addresses, email addresses, and related phone numbers.

Section III: Applicant Details

- 3) Does the Applicant have existing (or planned) relationships/partnerships (formal or informal), funding or service contracts, directly or indirectly, with any foreign Individuals, foreign Entities, Foreign Governments, and/or any Foreign Government-controlled Entities? For purposes of this question, existing (or planned) relationships/partnerships (formal or informal), and funding or service contracts do not include foreign subscribers to the Applicant's retail services, nor do they include foreign employees who are identified in other questions (such as the Senior Officers and Directors identified in Question 17 and Non-U.S. Individuals identified in Question 21). A "planned" relationship includes foreign relationships that result from current or reasonably anticipated negotiations or that are identified under current business plans. For example, a planned relationship includes situations in which contracts have been signed or where the parties are already in negotiations.

Yes No

If yes, indicate whether the relationship/partnership includes a management role by any foreign Individuals, foreign Entities or Foreign Governments. Provide the name(s) of the foreign Individuals, foreign Entities and Foreign Governments and explain the nature of the relationship/partnership, including whether the relationship/partnership currently exists and/or is intended to continue in the future.

4) Identify the total number of current employees, and planned number of employees for the Applicant for the next 12 months.

5) Does the Applicant or any Entity with an Ownership Interest in the Applicant currently operate or plan to operate a website?

Yes No

If yes, provide all URL addresses for any current or known future company websites and describe whether the information in the website is up to date.

6) Has the Applicant or any Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers or Directors been involved in bankruptcy proceedings, or any other legal proceeding undertaken for the purpose of liquidating, reorganizing, refinancing, or otherwise seeking relief from all or some of the Applicant's or its parent's debts, in any jurisdiction over the past 5 years?

Yes No

If yes, describe in detail.

7) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors been involved or associated with a previous application to the FCC within the last 10 years? For the purposes of this question, an Individual or Entity is "involved" or "associated" with a previous application if that Individual or Entity was either the Applicant or listed as an owner in an application filed with the FCC within the last 10 years.

Yes No

If yes, provide the application identifying information.

8) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission revoked/terminated by the FCC?

Yes No

If yes, describe in detail.

9) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been involved or associated with a previous filing with the Committee on Foreign Investment in the United States (CFIUS)? For the purposes of this question, an Individual or Entity is "involved" or "associated" with a previous filing if that Individual or Entity was either the subject or listed as an owner of the subject of any prior filing with CFIUS.

Yes No

If yes, provide the filing identifying information.

10) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission prohibited, suspended, or revoked by CFIUS?

Yes No

If yes, describe in detail.

- 11)** Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been convicted of any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) in the United States or any other country? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, offenses, jurisdiction/court, and sentence.

- 12)** Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been subject to any criminal, administrative, or civil penalties imposed for violating the regulations of the FCC, U.S. Department of State, U.S. Department of the Treasury (including, but not be limited to, Internal Revenue Service, Office of Foreign Assets Control, Financial Crimes Enforcement Network (FinCEN), or Office of the Comptroller of the Currency), U.S. Department of Energy, U.S. Department of Commerce, U.S. Federal Trade Commission, U.S. Securities and Exchange Commission, U.S. Environmental Protection Agency, World Bank Group, or U.S. Commodity Futures Trading Commission, or for violating the regulations of any comparable state or foreign agency? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, violations, agency, penalty, and if a fine was imposed, status of payment.

- 13)** Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, Directors, or any associated foreign Entities, ever been on the Specially Designated Nationals And Blocked Persons List (SDN List), the BIS Unverified List or Entity List in 15 CFR part 744, or equivalent list of the United Nations Security Council or European Union?

Yes No

If yes, describe in detail, including providing the specific category of list, the name of the Individual or Entity placed on the list, the date the Individual or Entity was placed on the list, and the factual circumstances underlying the reason for the Individual or Entity being placed on the list.

- 14)** Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, Directors ever been investigated, arraigned, arrested, indicted or convicted of any of the following:

- a)** Criminal violations of U.S. law, including espionage-related acts or criminal violations of the International Trade in Arms Regulations (ITAR) or the Export Administration Regulations (EAR)?

Yes No

- b)** Deceptive sales practices, violations of the Consumer Fraud Act and regulations, and/or other fraud or abuse practices whether pursuant to Federal, state, or local law?

Yes No

- c) Violations of Federal, state, or local law in connection with the provision of telecommunications services, equipment and/or products and/or any other practices regulated by the Telecommunications Act of 1996 and/or by state public utility commissions?
Yes No

If yes to any of the above, describe in detail, including name(s) of the Individual or Entity involved, date(s), and current status or final disposition of matter, including any terms of settlement. Provide any available supporting documentation.

Section IV: Applicant Operations

- 15) Has the Applicant been operational over the course of the current or previous year?

Yes No

If yes, answer the following:

- a) Provide separately for each year the gross revenue.
 - b) Provide separately for each year the Cost of Goods Sold (COGS).
 - c) What was the total amount of COGS allocated for telecommunications equipment and service types?
 - d) Describe the customer base of the Applicant (business, residential, carrier, enterprise).
 - e) Describe, for all services provided to each category of customer (e.g., enterprise, residential, carrier, etc.):
 - i. Total number of subscribers;
 - ii. Total annual gross revenue for preceding fiscal year; and
 - iii. Percentage of total gross revenue per category of customer for preceding fiscal year.
- 16) List all expected and actual Federal, state, and local government customers including pursuant to any classified contracts, and include a description of all services to be provided, or services that are currently being provided, to such customers.
- 17) Name each of the Applicant's Senior Officers and Directors and for each provide the following:
- a) Explain the nature and extent of each Senior Officer's or Director's involvement in the Applicant; and
 - b) Provide the countries of citizenship, date and place of birth, U.S. alien number (indicate whether the individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses and all phone numbers. PII may be provided in Attachment G.
- 18) Identify the Individual (who is a U.S. citizen residing in the United States with an active security clearance or who is eligible to obtain one) who will be the Applicant's authorized law enforcement point of contact responsible for accepting and responding to requests or compulsory processes from U.S. law enforcement or other U.S. government agencies.

Explain the Individual's relationship to the Applicant and provide name, all countries of citizenship, date and place of birth, U.S. social security number (if applicable), all passport identifying information (including number and country), all residence addresses, all business addresses and all phone numbers. Also identify whether the Individual has an active U.S. Government security clearance. PII may be provided in Attachment G.

19) Identify whether, if required by law, regulation, or license condition, the Applicant will report to the appropriate law enforcement agencies, immediately upon discovery:

a) Any act of compromise of a lawful interception of communications?

Yes No

b) Any unauthorized access to customer information and/or call-identifying information?

Yes No

c) Any artificially inflated or fraudulent call traffic detected on your network?

Yes No

d) Any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) conviction, U.S. or foreign, of the Applicant or its officers/directors, or any Individual or Entity Ownership Interest in the Applicant?

Yes No

e) Any act of unlawful electronic surveillance that occurred on its premises or via electronic systems under its control?

Yes No

20) Will the Applicant store and/or maintain any U.S. communications content, transactional data, call-associated data, billing records or other subscriber information?

Yes No

If yes, answer the following:

a) Describe the types of records that will be stored.

b) Provide all addresses of locations where such records will be stored and/or remotely accessed/managed via electronic systems.

c) If any storage location differs from the Applicant's address, explain the general purpose of the location and its function within the Applicant's business.

d) If any of the records will be accessible from outside the United States, explain where, how, and who will have access to them.

e) Describe all physical/electronic security measures utilized for all locations/systems to protect the confidentiality of records.

21) Will any Non-U.S. Individual have access to one or more of the following:

a) Physical facilities and/or equipment under the Applicant's control?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access that will be provided.

- b) Customer records, including Customer Proprietary Network Information (CPNI), billing records, and Call Detail Records (CDRs)?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access and records that will be provided.

- c) Network control, monitoring, and/or auditing features?

Yes No

If yes, explain the type of access that will be provided, and how access will be logged and archived.

- d) Electronic interfaces that allow control and/or monitoring of the infrastructure under the Applicant's control including, but not limited to, access to actual communications content and data?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access and control that will be provided.

For each Individual identified in response to these questions, provide the following information: name, countries of citizenship, date and place of birth, U.S. alien number and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.

- 22) What access control/security policies (physical and cyber) are in place, or will be in place prior to commencing operations, for the Applicant's network? If the policies exist and are available in writing, provide copies of these policies.

- 23) What encryption products/technologies have been installed on this network(s), or will be installed prior to commencing operations?

- 24) Does/will the Applicant have any screening and/or vetting procedures which will be applied to U.S. or non-U.S. Individuals who have access, remote or otherwise, to the communications network facilities, equipment, or data?

Yes No

If yes, explain all such procedures.

- 25) Identify whether, if required by law, regulation, or a license condition, the Applicant will inform the National Security Division (NSD) of the U.S. Department of Justice if, in the future, any record storage/access location is transferred and/or newly established outside of the United States.

Yes No

- 26) Explain how the Applicant would make any and all records not stored in the United States electronically available in the United States within 5 business days pursuant to a lawful request to the authorized law enforcement point of contact identified above.
- 27) Describe all lawful intercept capabilities of the Applicant and its Ownership Interest holders.
- 28) What, if any, outside capabilities via Remote Access will exist within the Applicant to control or monitor operations over the network (e.g., audit mechanisms, record access monitoring)?
- 29) Do/will any third-party Individual or Entity have Remote Access to the Applicant's network, systems, or records to provide Managed Services?
Yes No
- If yes, provide a detailed explanation.
- 30) Do/will any third parties have access to the Applicant's network, systems, or records for any other reason (e.g., sharing subscriber data for marketing purposes)?
Yes No

If yes, provide a detailed explanation.

Section V: Applicant's Services

- 31) Provide a general summary of the nature of the Applicant's current and planned services and operations, including an explanation of the Applicant's intended overall business model and its relationship with any sister and/or partner companies.
- 32) Why is the Applicant seeking an FCC Authorization?
- 33) Provide all addresses of the present and anticipated physical locations for all of the Applicant's network equipment, data centers, and infrastructure, whether owned or leased--if leased, provide details of the owner(s) and a list of goods/services the owner(s) provides--and the make and model of the primary equipment used, including, but not be limited to, the portions of the network covered below:
- a) Describe the carrier transport facilities (e.g., T1, DS3, Optical Carrier) that will enable customer data flow into and out of owned and/or leased equipment.
- b) Will the Applicant be operating any physical and/or virtual telecommunications switching platforms (e.g., TDM and/or VoIP switches)?
Yes No
- If yes, provide a network architecture diagram that shows all switches and connection points.
- c) Provide a description of any other intended network equipment and/or proposed infrastructure (e.g., routers, media gateways, multiplexing/cross-connect facilities, signaling devices, data centers, other equipment).
- d) Does the Applicant have a network topology map that shows its Points of Presence (POPs), Network Operation Centers (NOC), and other network elements?
Yes No

If yes, attach to response.

- e) Is the Applicant or its affiliates or anyone else able to control operations at any POP and/or NOC from any overseas locations?

Yes No

If yes, describe the nature of the foreign-based control, where it is, who has the control, and how?

- 34) Will the Applicant use interconnecting carriers and/or peering relationships?

Yes No

If yes, provide details and list the carriers.

- 35) Will the Applicant rely on underlying carrier(s) to furnish services to its customers and/or resell any services?

Yes No

If yes, provide details and list whose services and what services will be resold.

- 36) Provide a general description of the manner in which services will be delivered to customers.

- 37) Does/will the Applicant serve any sectors of U.S. critical infrastructure? For the purposes of this question, the phrase “provide services to” includes situations in which the Applicant provides service to, has customers in, or participates in the market in sectors of U.S. critical infrastructure.

Yes No

If yes, check all that apply:

- | | |
|---|--|
| <ul style="list-style-type: none"> a. <input type="checkbox"/> Chemical b. <input type="checkbox"/> Commercial Facilities c. <input type="checkbox"/> Communications d. <input type="checkbox"/> Critical Manufacturing e. <input type="checkbox"/> Dams f. <input type="checkbox"/> Defense Industrial Base g. <input type="checkbox"/> Emergency Services (i.e., Federal, state, local entities) h. <input type="checkbox"/> Energy | <ul style="list-style-type: none"> i. <input type="checkbox"/> Financial Services j. <input type="checkbox"/> Food and Agriculture k. <input type="checkbox"/> Government Facilities l. <input type="checkbox"/> Healthcare and Public Health m. <input type="checkbox"/> Information Technology n. <input type="checkbox"/> Nuclear Reactors, Materials, and Waste o. <input type="checkbox"/> Transportation Systems p. <input type="checkbox"/> Water and Wastewater Systems q. <input type="checkbox"/> Other (explain in detail) |
|---|--|

Section VI: Applicant Services Portfolio Checklist and Reference Questions

Instructions: Check all applicable boxes that reflect the types of telecommunication services the Applicant intends to provide **in the United States only**. **Do not select any services that will be provided outside the United States.**

For each checked box: (1) provide a **separate and full explanation** at the end of this questionnaire and (2) answer the Reference Questions below the table regarding the services you have indicated in the checklist. **Your responses here are intended to be more specific than the general response provided in Question 35 above.**

PROPOSED SERVICES/TECHNOLOGIES/NETWORK INFRASTRUCTURE	
VoIP (Voice over Internet Protocol)	<input type="checkbox"/>
POTS (Plain Old Telephone Service)	<input type="checkbox"/>
TDM (Time Division Multiplexing)	<input type="checkbox"/>
Voicemail	<input type="checkbox"/>
PBX (Private Branch Exchange)	<input type="checkbox"/>
Centrex (Hosted/Managed PBX)	<input type="checkbox"/>
Callback Service	<input type="checkbox"/>
Calling Card	<input type="checkbox"/>
Dial Tone Service	<input type="checkbox"/>
Issue DID (Direct Inward Dial) Local Telephone Numbers	<input type="checkbox"/>
Local Exchange Service	<input type="checkbox"/>
Local Toll Service	<input type="checkbox"/>
Domestic/International Long Distance (Interexchange Service)	<input type="checkbox"/>
Tollfree Service	<input type="checkbox"/>
IVR (Interactive Voice Response)	<input type="checkbox"/>
Conference Calling	<input type="checkbox"/>
Operator Service	<input type="checkbox"/>
Directory Assistance	<input type="checkbox"/>
Dial Around Service (1010XXX Casual Calling)	<input type="checkbox"/>
Switched Access	<input type="checkbox"/>
Special Access (Dedicated Line)	<input type="checkbox"/>
Mobile Top Up/Reload Services	<input type="checkbox"/>
Mobile Network Operator Services (MNO)	<input type="checkbox"/>
Mobile Virtual Network Operator Services (MVNO)	<input type="checkbox"/>
Automatic Call Distribution (ACD)	<input type="checkbox"/>
Other	<input type="checkbox"/>
	<input type="checkbox"/>
ISP (Internet Service Provider)	<input type="checkbox"/>
Data/Private Line	<input type="checkbox"/>
VPN (Virtual Private Network)	<input type="checkbox"/>
Web Hosting	<input type="checkbox"/>
LAN (Local Area Network)	<input type="checkbox"/>
WAN (Wide Area Network)	<input type="checkbox"/>
ISDN (Integrated Services Digital Network) BRI (Basic Rate Interface)	<input type="checkbox"/>
ISDN PRI (Primary Rate Interface)	<input type="checkbox"/>
DSL (Digital Subscriber Line)	<input type="checkbox"/>
Frame Relay	<input type="checkbox"/>
Email	<input type="checkbox"/>
International Voice/Data Service	<input type="checkbox"/>
Wireless/Mobile Voice/Data Services	<input type="checkbox"/>
Satellite Services	<input type="checkbox"/>
RF (Radio Frequency), Microwave	<input type="checkbox"/>
Video	<input type="checkbox"/>

Cloud Services	<input type="checkbox"/>
Other	<input type="checkbox"/>
Routing, Signaling Services	<input type="checkbox"/>
Transport Facilities	<input type="checkbox"/>
Leased Lines	<input type="checkbox"/>
Collocation Services	<input type="checkbox"/>
Other	<input type="checkbox"/>

Reference Questions:

Instructions: Answer each question below as it relates to each of the services selected in the above table.

- a) In what manner will the service(s) be delivered to the customers?
- b) What kind of network infrastructure will be utilized to deliver the service(s)?
- c) What equipment (manufacturer, make and model) and software version will be utilized to provide the service(s)? Will the software be regularly updated?
- d) Will the service(s) be facilities-based, resold, or both? Describe in detail.
- e) Is the Applicant planning to implement and deploy 5G? If so, describe the plans, approach, anticipated services, and the intended vendors.

WARNING

If an Applicant knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, the Applicant may be subject to prosecution under Title 18, United States Code, Section 1001. The FCC may also terminate, revoke, or render null and void any license or authorization granted in this matter if any responses provided are false or intentionally misleading.

Applicant Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of the Applicant, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Attachment B**Standard Questions for an
Application for Assignment or Transfer of Control of an
International Section 214 Authorization**

Applicant(s) Name(s):

FCC File Number(s):

Purpose: This list of standard questions solicits the initial information that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) will review in connection with any referral of the above-referenced application by the Federal Communications Commission (FCC) in order to assess any national security and law enforcement concerns raised by the application.

Filing Requirement: As required by 47 § CFR 1.40003, each Applicant subject to a referral to the Committee must provide responses to these standard questions directly to the Committee, prior to or at the same time the applicant files its application with the FCC.

Process of Review: After its review, the Committee may request additional information, including through tailored questions. The 120-day initial review period will typically start on the date the Chair of the Committee determines that the responses to these standard questions and any tailored questions, when required, are complete. If the Committee determines no tailored questions are necessary, the 120-day initial review period will start no more than 30 days after the FCC's referral, on the date the Committee informs the FCC that the responses to the standard questions are complete and that no tailored questions are required. If the Applicant fails to provide timely responses to any Committee requests for information, the Committee may recommend that the FCC dismiss the application without prejudice.

Dissemination of Information: The information received by the Committee pursuant to 47 CFR § 1.40003 and any subsequent requests for information by the Committee may be shared and used in accordance with Section 8 of Executive Order 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020).

Instructions

- 1) Complete All Sections:** When a "Yes" answer is indicated, provide further information as appropriate. The questions seek further details regarding the Applicant and its security-related practices, and some questions are particularly directed at identifying and assessing the complete scope of the equipment that the Applicant will be operating and the services that the Applicant will be offering should the FCC grant those authorities. Accordingly, in answering the "Section V: Applicants' Services" questions and "Section VI: Applicant Services Portfolio Checklist and Reference Questions," the Applicants must file complete and accurate responses and identify all switches, routing equipment, and all services offered in retail markets. Applicants should explain in their submissions the scope of their responses and any limitations in their responses. If necessary, the Committee will contact the Applicant to clarify or expand upon its responses after the Commission refers the application or when the Committee sends any Tailored Questions.
- 2) Response Format:** Uniquely and sequentially number your responses to the standard questions, including any attachments, with an endorsement on each page. The number must be a unique, consistently formatted identifier; the number of digits in the numeric portion of the format should

not change in subsequent productions, if any, nor should spaces, hyphens, or other separators be added or deleted. Produce any Excel documents in native format (if desired, the Applicants may also produce a PDF version for record keeping purposes).

- 3) **Protection from Disclosure:** All information provided in response to this questionnaire will be protected according to the provisions of Executive Order 13913, Section 8. If there are multiple Applicants, each Applicant should clearly mark any answers or documents that contain sensitive information that should not be disclosed to the other Applicants. Personally Identifiable Information (PII) may be submitted in a separate attachment. The PII Supplement is Attachment G.
- 4) **Multiple Applicants:** When there are multiple Applicants for a single application, the Applicants may file responses either jointly or separately. A cover letter or email (if submitted electronically) must:
 - o Provide a clear statement as to how the Applicants have submitted their responses;
 - o Identify which Applicants have filed jointly and which Applicants can view each other's business confidential information; and
 - o Clearly identify, in headings, the group of Applicants that have filed together, along with a case name and FCC file number.
 - Applicants may use an Applicant-specific identification system, such as Bates Numbering, along with the identification of the FCC file number and party case/transaction name(s).
 - If co-Applicants decide to submit separate standard questions responses by email, Applicants should submit the standard questions on the same day.
- 5) **Individuals' Names:** For names that follow different naming conventions, such as the use of surnames as first names (e.g., Korean names), or the use of mother's last name as one of two last names that are often hyphenated (e.g., Spanish names), follow standard English convention for purposes of completing this information. For example, if the name is Kim Chul-su, write "Chul-su Kim" in the form. If the name in Spanish is Juan Garcia-Reyes, write "Juan Garcia Reyes."
- 6) **Residential Addresses:** Contract mail receipt locations, post office boxes, co-working, or shared virtual locations may not be used in lieu of residence addresses.
- 7) **Business Addresses:** For each business address, clearly indicate whether the address is a shared business venue, co-working location, virtual office, or traditional physical office.
- 8) **Obligation to Update:** The Applicant must inform the Committee if there is any material change to any of the information provided in the Applicant's responses while the Committee's review is ongoing, including, but not limited to, changes in ownership, equipment, and Communications Assistance for Law Enforcement Act (CALEA) compliance.
- 9) **Cross Referencing:** To the extent that the response to a question contains the same information provided in another response to a question in this questionnaire, the Applicant may cross reference the response to the other question. For example, if the response to Question X contains the same information provided in the response to Question Y, the response to Question X can cross reference the response to Question Y. The Applicant should not reference information provided in other documents.

10) Definitions – These terms, as used in this questionnaire, have the following definitions:

- “Corporate Officer” refers to any Individual (including Senior Officers) hired or appointed by the Entity’s board of directors that has actual or apparent authority to exercise day-to-day management responsibilities over an Entity.
- “Director” refers to any Individual serving on an Applicant’s board of directors or similar governing body organized to set policies for corporate management of or oversight for an Applicant.
- “Entity” includes a partnership, association, estate, trust, company, corporation, limited liability company, consortium, joint venture, governmental authority, or other organization.
- An “Equity Interest Holder” is any Individual or Entity that has the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, a share or other ownership stake in the Applicant.
- The term “Foreign Government” includes any person or group of persons exercising sovereign *de facto* or *de jure* political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign *de facto* or *de jure* authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.
- “Individual” refers to a natural person, as distinguished from an Entity.
- “Managed Services” or “Enterprise Services” refers to the provision of a complete, end-to-end communications solution to customers.
- A “Non-U.S. Individual” is an Individual who is not a U.S. citizen.
- An “Owner” is an Individual or Entity that holds an Ownership Interest in the Applicant.
- An “Ownership Interest” is a 5% or greater equity (non-voting) and/or voting interest, whether directly or indirectly held, or a Controlling Interest in the Applicant, and includes the ownership in the Ultimate Parent/Owner of the Applicant and any other Entity(ies) in the chain of ownership (i.e., all Entities that exist in the ownership structure between the Applicant itself and its Ultimate Parent).
 - A “Controlling Interest” is generally a 50% or greater Ownership Interest (either equity or voting). A Controlling Interest shall be determined on a case-by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships. The term Controlling Interest includes Individuals or Entities with positive or negative *de jure* or *de facto* control of the Applicant.
 - “Ultimate Owner” and “Ultimate Parent” refer to the Individual or Entity that ultimately owns and controls the Applicant.
 - *De jure* control includes holding 50% or more of the voting stock of a corporation or holding a general partnership interest in a partnership. Ownership Interests that are held indirectly by any party through one or more intervening corporations may be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain except that if the ownership percentage for an interest in any link in the chain is equal to or exceeds 50% or represents actual control, it may be treated as if it were a 100% interest.
 - *De facto* control is determined on a case-by-case basis. Examples of *de facto*, or actual, control include constituting or appointing 50% or greater of the board of directors or management committee; having authority to appoint, promote, demote, and fire Senior Officers that control the day-to-day activities of the Licensee; or playing an integral role in management decisions. In the case of a consortium, each member of the consortium shall be considered to have a Controlling Interest in the consortium.

- Controlling Interests include *de facto* controlling interests, for which equity and/or voting ownership may be below 5%.
- “Remote Access” is access from a point that is not physically co-located with the Applicant’s network facilities, or that is not at a point within the Applicant’s network.
- “Senior Officer” refers to any individual that has actual or apparent authority to act on behalf of the Entity. Depending upon the circumstances, such individuals could include the Chief Executive Officer, the President, Chief Financial Officer, Chief Information Officer, Senior Vice President, Chief Technical Officer, or Chief Operating Officer.

Section I: Identification of Parties

- 1) Provide the name, address, principal place of business, and place of incorporation for the following Individuals or Entities:
 - a) Current International Section 214 Authorization Holder(s) (“**Authorization Holder(s)**”);
 - b) Proposed International Section 214 Authorization Holder(s) (“**Proposed Authorization Holder(s)**”);
 - c) Any Individual and Entity with an Ownership Interest in the Authorization Holder(s) (“**Owner(s)/Controller(s)**”);
 - d) Any Individual or Entity with an Ownership Interest in the Proposed Authorization Holder(s) (“**Proposed Owner(s)/Controller(s)**”);

For the purposes of the following questions, “Relevant Parties” means the Individuals or Entities identified in b) and d) above.

Section II: Applicants’ Ownership

- 2) Identify each Individual or Entity that holds/will hold an Ownership Interest in the Relevant Parties, specifically identifying any foreign Entities or Foreign Government-controlled Entities, including the Ultimate Parent/Owner of the Relevant Parties and any other Individuals or Entities holding an Ownership Interest in the chain of ownership, including a Controlling Interest in the Applicant.
 - a) For each such Individual or Entity with an Ownership Interest in the Relevant Parties, include a clear explanation of its involvement in the Proposed Authorization Holder(s), including whether it has or will have a management role; and
 - b) For each of the Relevant Parties, provide all necessary identifying information, as follows:
 - i) For Individuals, provide the name (including all names and aliases used by that Individual), country of citizenship (indicate whether the Individual is a dual citizen and all countries where citizenship is held), date and place of birth, U.S. alien number (indicate whether the Individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.
 - ii) For Entities, provide country of incorporation (if the United States, include state of incorporation), principal place of business, general business type (e.g., holding company, investment firm), all business addresses, email addresses, and related phone numbers.

Section III: Applicant Details

- 3) Do any of the Relevant Parties have existing (or planned) relationships/partnerships (formal or informal), funding or service contracts, directly or indirectly, with any foreign Individuals, foreign Entities, Foreign Governments, and/or any Foreign Government-controlled Entities? For purposes of this question, existing (or planned) relationships/partnerships (formal or informal), and funding or service contracts do not include foreign subscribers to the Applicant’s retail services, nor do they include foreign employees who are identified in other questions (such as the Senior Officers and

Directors identified in Question 17 and Non-U.S. Individuals identified in Question 21). A “planned” relationship includes foreign relationships that result from current or reasonably anticipated negotiations or that are identified under current business plans. For example, a planned relationship includes situations in which contracts have been signed or where the parties are already in negotiations.

Yes No

If yes, indicate whether the relationship/partnership includes a management role by any foreign Individuals, foreign Entities, or Foreign Governments. Provide the name(s) of the foreign Individuals, foreign Entities, and Foreign Governments, and explain the nature of the relationship/partnership, including whether the relationship/partnership currently exists and/or is intended to continue in the future.

- 4) Identify the total number of current employees, and planned number of employees for each of the Proposed Authorization Holder(s) and Proposed Owner(s)/Controller(s) for the next 12 months.
- 5) Does the Proposed Authorization Holder(s) and/or the Proposed Owner(s)/Controller(s) currently operate or plan to operate a website?
Yes No

If yes, provide all URL addresses for any current or known future websites and describe whether the information in the website is up to date.

- 6) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors been involved in bankruptcy proceedings, or any other legal proceeding undertaken for the purpose of liquidating, reorganizing, refinancing, or otherwise seeking relief from all or some of the debts of the Proposed Authorization Holder(s) or Proposed Owner(s)/Controller(s), in any jurisdiction over the past 5 years?
Yes No

If yes, describe in detail.

- 7) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors been involved or associated with a previous application to the FCC within the last 10 years? For the purposes of this question, an Individual or Entity is “involved” or “associated” with a previous application if that Individual or Entity was either the Applicant or listed as an owner in an application filed with the FCC within the last 10 years.
Yes No

If yes, provide the application identifying information.

- 8) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission revoked/terminated by the FCC?
Yes No

If yes, describe in detail.

- 9) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been involved or associated with a previous filing with the Committee on Foreign Investment in the United States (CFIUS)? For the purposes of this question, an Individual or Entity is “involved” or

“associated” with a previous filing if that Individual or Entity was either the subject or listed as an owner of the subject of any prior filing with CFIUS.

Yes No

If yes, provide the filing identifying information.

- 10) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission prohibited, suspended, or revoked by CFIUS?

Yes No

If yes, describe in detail.

- 11) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been convicted of any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) in the United States or any other country? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, offenses, jurisdiction/court, and sentence.

- 12) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been subject to any criminal, administrative, or civil penalties imposed for violating the regulations of the FCC, U.S. Department of State, U.S. Department of the Treasury (including, but not be limited to, Internal Revenue Service, Office of Foreign Assets Control, Financial Crimes Enforcement Network (FinCEN), or Office of the Comptroller of the Currency), U.S. Department of Energy, U.S. Department of Commerce, U.S. Federal Trade Commission, U.S. Securities and Exchange Commission, U.S. Environmental Protection Agency, World Bank Group, or U.S. Commodity Futures Trading Commission, or for violating the regulations of any comparable state or foreign agency? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, violations, agency, penalty, and if a fine was imposed, status of payment.

- 13) Have any of the Relevant Parties, any of their Corporate Officers, Senior Officers, Directors, or any associated foreign Entities, ever been on the Specially Designated Nationals And Blocked Persons List (SDN List), the BIS Unverified List or Entity List in 15 CFR part 744, or equivalent list of the United Nations Security Council or European Union?

Yes No

If yes, describe in detail, including providing the specific category of list, the name of the Individual or Entity placed on the list, the date the Individual or Entity was placed on the list, and the factual circumstances underlying the reason for the Individual or Entity being placed on the list.

- 14) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been investigated, arraigned, arrested, indicted or convicted of any of the following:

- a) Criminal violations of U.S. law, including espionage-related acts or criminal violations of the International Trade in Arms Regulations (ITAR) or the Export Administration Regulations (EAR)?
Yes No
- b) Deceptive sales practices, violations of the Consumer Fraud Act and regulations, and/or other fraud or abuse practices whether pursuant to Federal, state, or local law?
Yes No
- c) Violations of Federal, state, or local law in connection with the provision of telecommunications services, equipment and/or products and/or any other practices regulated by the Telecommunications Act of 1996 and/or by state public utility commissions?
Yes No

If yes to any of the above, describe in detail, including name(s) of the Individual or Entity involved, date(s), and current status or final disposition of matter, including any terms of settlement. Provide any available supporting documentation.

Section IV: Applicant Operations

- 15) Have any of the Relevant Parties been operational over the course of the current or previous year?
Yes No

If yes, answer the following:

- a) Provide separately for each Entity for each year its gross revenue.
- b) Provide separately for each Entity for each year the Cost of Goods Sold (COGS).
- c) What was the total amount of COGS allocated for telecommunications equipment and service types?
- d) Describe the customer base of the Authorization Holder(s) and Proposed Authorization Holder(s) (business, residential, carrier, enterprise).
- e) Describe, for all services provided to each category of customer (e.g., enterprise, residential, carrier, etc.):
- i. Total number of subscribers;
 - ii. Total annual gross revenue for preceding fiscal year; and
 - iii. Percentage of total gross revenue per category of customer for preceding fiscal year.

- 16) List all expected and actual Federal, state, and local government customers of the Authorization Holder(s) and the Proposed Authorization Holder(s), including pursuant to any classified contracts, and include a description of all services to be provided, or services that are currently being provided, to such customers.

- 17) Name the Senior Officers and Directors of the Proposed Authorization Holder(s) and the Proposed Owner(s)/Controller(s) and for each provide the following:

- a) Explain the nature and extent of each Senior Officer's or Director's involvement in the Applicant; and
- b) Provide the countries of citizenship, date and place of birth, U.S. alien number (indicate whether the individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.

18) Identify the Individual (who is a U.S. citizen residing in the United States with an active security clearance or who is eligible to obtain one) who will be the Proposed Authorization Holder(s)'s authorized law enforcement point of contact responsible for accepting and responding to requests or compulsory processes from U.S. law enforcement or other U.S. government agencies.

Explain the Individual's relationship to the Proposed Authorization Holder(s) and provide name, all countries of citizenship, date and place of birth, U.S. social security number (if applicable), all passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. Also identify whether the Individual has an active U.S. Government security clearance. PII may be provided in Attachment G.

19) Identify whether, if required by law, regulation, or license condition, the Proposed Authorization Holder(s) will report to the appropriate law enforcement agencies, immediately upon discovery:

- a) Any act of compromise of a lawful interception of communications?
Yes No
- b) Any unauthorized access to customer information and/or call-identifying information?
Yes No
- c) Any artificially inflated or fraudulent call traffic detected on your network?
Yes No
- d) Any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) conviction, U.S. or foreign, of the Applicant or its officers/directors, or any Individual or Entity Ownership Interest in the Applicant?
Yes No
- e) Any act of unlawful electronic surveillance that occurred on its premises or via electronic systems under its control?
Yes No

20) Will the Proposed Authorization Holder(s) store and/or maintain any U.S. communications content, transactional data, call-associated data, billing records or other subscriber information?
Yes No

If yes, answer the following:

- a) Describe the types of records that will be stored.
- b) Provide all addresses of locations where such records will be stored and/or remotely accessed/managed via electronic systems.

- c) If any storage location differs from the Proposed Authorization Holder(s)'s address, explain the general purpose of the location and its function within the Proposed Authorization Holder(s)'s business.
- d) If any of the records will be accessible from outside the United States, explain where, how, and who will have access to them.
- e) Describe all physical/electronic security measures utilized for all locations/systems to protect the confidentiality of records.

21) Will any Non-U.S. Individual have access to one or more of the following:

- a) Physical facilities and/or equipment under the Proposed Authorization Holder(s) or Proposed Owner(s)/Controller(s) control?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access that will be provided.

- b) Customer records, including Customer Proprietary Network Information (CPNI), billing records, and Call Detail Records (CDRs)?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access and records that will be provided.

- c) Network control, monitoring, and/or auditing features?

Yes No

If yes, explain the type of access that will be provided, and how access will be logged and archived.

- d) Electronic interfaces that allow control and/or monitoring of the infrastructure under the Proposed Authorization Holder(s) or the Proposed Owner(s)/Controller(s)'s control including, but not limited to, access to actual communications content and data?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access and control that will be provided.

For each Individual identified in response to these questions, provide the following information: name, countries of citizenship, date and place of birth, U.S. alien number and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.

22) What access control/security policies (physical and cyber) are in place, or will be in place prior to commencing operations, for the Proposed Authorization Holder(s) or the Proposed Owner(s)/Controller(s)'s network? If the policies exist and are available in writing, provide copies of these policies.

- 23) What encryption products/technologies have been installed on this network(s) or will be installed prior to commencing operations?
- 24) Does/will the Proposed Authorization Holder(s) or the Proposed Owner(s)/Controller(s) have any screening and/or vetting procedures which will be applied to U.S. or non-U.S. Individuals who have access, remote or otherwise, to the communications network facilities, equipment, or data?
Yes No
- If yes, explain all such procedures.
- 25) Identify whether, if required by law, regulation, or a license condition, the Proposed Authorization Holder(s) will inform the National Security Division (NSD) of the U.S. Department of Justice if, in the future, any record storage/access location is transferred and/or newly established outside of the United States.
Yes No
- 26) Explain how the Proposed Authorization Holder(s) would make any and all records not stored in the United States electronically available in the United States within 5 business days pursuant to a lawful request to the authorized law enforcement point of contact identified above.
- 27) Describe all lawful intercept capabilities of the Authorization Holder, the Proposed Authorization Holder and/or the Proposed Ownership Interest holders.
- 28) What, if any, outside capabilities via Remote Access will exist within the Proposed Authorization Holder(s) to control or monitor operations over the network (e.g., audit mechanisms, record access monitoring)?
- 29) Do/will any third-party Individual or Entity have Remote Access to the Proposed Authorization Holder(s) network, systems, or records to provide Managed Services?
Yes No
- If yes, provide a detailed explanation.
- 30) Do/will any third parties have access to the Applicants' network, systems, or records for any other reason (e.g., sharing subscriber data for marketing purposes)?
Yes No
- If yes, provide a detailed explanation.

Section V: Applicants' Services

- 31) Provide a general summary of the nature of the Authorization Holder(s) and Proposed Authorization Holder(s)'s current and planned services and operations, including an explanation of the intended overall business model and its relationship with any sister and/or partner companies.
- 32) Provide all addresses of the present and anticipated physical locations for all of the Proposed Authorization Holder(s) and the Proposed Owner(s)/Controller(s) network equipment, data centers, and infrastructure, whether owned or leased – if leased, provide details of the owner(s) and a list of goods/services the owner(s) provides – and the make and model of the primary equipment used, including, but not be limited to, the portions of the network covered below:

a) Describe the carrier transport facilities (e.g., T1, DS3, Optical Carrier) that will enable customer data flow into and out of owned and/or leased equipment.

b) Will the Proposed Authorization Holder(s) be operating any physical and/or virtual telecommunications switching platforms (e.g., TDM and/or VoIP switches)?

Yes No

If yes, provide a network architecture diagram that shows all switches and connection points.

c) Provide a description of any other intended network equipment and/or proposed infrastructure (e.g., routers, media gateways, multiplexing/cross-connect facilities, signaling devices, data centers, other equipment).

d) Does the Authorization Holder(s) and/or Proposed Authorization Holder(s) have a network topology map that shows its Points of Presence (POPs), Network Operation Centers (NOC), and other network elements?

Yes No

If yes, attach to response.

e) Will the Proposed Authorization Holder(s) and the Proposed Owner(s)/Controller(s) or its affiliates be able to control operations at any POP and/or NOC from any overseas locations?

Yes No

If yes, describe the nature of the foreign-based control, where it is, who has the control, and how?

33) Will the Proposed Authorization Holder(s) use interconnecting carriers and/or peering relationships?

Yes No

If yes, provide details and list the carriers.

34) Will the Proposed Authorization Holder(s) rely on underlying carrier(s) to furnish services to its customers and/or resell any services?

Yes No

If yes, provide details and list whose services and what services will be resold.

35) Provide a general description of the manner in which services will be delivered to customers.

36) Does/will the Proposed Authorization Holder(s) serve any sectors of U.S. critical infrastructure? For the purposes of this question, the phrase “provide services to” includes situations in which the Proposed Authorization Holder(s) provides service to, has customers in, or participates in the market in sectors of U.S. critical infrastructure.

Yes No

If yes, check all that apply:

- a. Chemical
- b. Commercial Facilities
- c. Communications
- d. Critical Manufacturing
- e. Dams

- i. Financial Services
- j. Food and Agriculture
- k. Government Facilities
- l. Healthcare and Public Health
- m. Information Technology

- f. Defense Industrial Base
- g. Emergency Services (i.e., Federal, state, local entities)
- h. Energy
- n. Nuclear Reactors, Materials, and Waste
- o. Transportation Systems
- p. Water and Wastewater Systems
- q. Other (explain in detail)

Section VI: Applicant Services Portfolio Checklist and Reference Questions

Instructions: Check all applicable boxes that reflect the types of telecommunication services the Proposed Authorization Holder(s) intends to provide **in the United States only**. **Do not select any services that will be provided outside the United States.**

For each checked box: (1) provide a **separate and full explanation** at the end of this questionnaire and (2) answer the Reference Questions below the table regarding the services you have indicated in the checklist. **Your responses here are intended to be more specific than the general response provided in Question 35 above.**

PROPOSED SERVICES/TECHNOLOGIES/NETWORK INFRASTRUCTURE	
VoIP (Voice over Internet Protocol)	<input type="checkbox"/>
POTS (Plain Old Telephone Service)	<input type="checkbox"/>
TDM (Time Division Multiplexing)	<input type="checkbox"/>
Voicemail	<input type="checkbox"/>
PBX (Private Branch Exchange)	<input type="checkbox"/>
Centrex (Hosted/Managed PBX)	<input type="checkbox"/>
Callback Service	<input type="checkbox"/>
Calling Card	<input type="checkbox"/>
Dial Tone Service	<input type="checkbox"/>
Issue DID (Direct Inward Dial) Local Telephone Numbers	<input type="checkbox"/>
Local Exchange Service	<input type="checkbox"/>
Local Toll Service	<input type="checkbox"/>
Domestic/International Long Distance (Interexchange Service)	<input type="checkbox"/>
Tollfree Service	<input type="checkbox"/>
IVR (Interactive Voice Response)	<input type="checkbox"/>
Conference Calling	<input type="checkbox"/>
Operator Service	<input type="checkbox"/>
Directory Assistance	<input type="checkbox"/>
Dial Around Service (1010XXX Casual Calling)	<input type="checkbox"/>
Switched Access	<input type="checkbox"/>
Special Access (Dedicated Line)	<input type="checkbox"/>
Mobile Top Up/Reload Services	<input type="checkbox"/>
Mobile Network Operator Services (MNO)	<input type="checkbox"/>
Mobile Virtual Network Operator Services (MVNO)	<input type="checkbox"/>
Automatic Call Distribution (ACD)	<input type="checkbox"/>
Other	<input type="checkbox"/>

ISP (Internet Service Provider)	<input type="checkbox"/>
Data/Private Line	<input type="checkbox"/>
VPN (Virtual Private Network)	<input type="checkbox"/>
Web Hosting	<input type="checkbox"/>
LAN (Local Area Network)	<input type="checkbox"/>
WAN (Wide Area Network)	<input type="checkbox"/>
ISDN (Integrated Services Digital Network) BRI (Basic Rate Interface)	<input type="checkbox"/>
ISDN PRI (Primary Rate Interface)	<input type="checkbox"/>
DSL (Digital Subscriber Line)	<input type="checkbox"/>
Frame Relay	<input type="checkbox"/>
Email	<input type="checkbox"/>
International Voice/Data Service	<input type="checkbox"/>
Wireless/Mobile Voice/Data Services	<input type="checkbox"/>
Satellite Services	<input type="checkbox"/>
RF (Radio Frequency), Microwave	<input type="checkbox"/>
Video	<input type="checkbox"/>
Cloud Services	<input type="checkbox"/>
Other	<input type="checkbox"/>
VII.	
Routing, Signaling Services	<input type="checkbox"/>
Transport Facilities	<input type="checkbox"/>
Leased Lines	<input type="checkbox"/>
Collocation Services	<input type="checkbox"/>
Other	<input type="checkbox"/>

Reference Questions:

Instructions: Answer each question below as it relates to each of the services selected in the above table.

- a) In what manner will the service(s) be delivered to the customers?
- b) What kind of network infrastructure will be utilized to deliver the service(s)?
- c) What equipment (manufacturer, make, and model) and software version will be utilized to provide the service(s)? Will the software be regularly updated?
- d) Will the service(s) be facilities-based, resold, or both? Describe in detail.
- e) Is the Applicant planning to implement and deploy 5G? If so, describe the plans, approach, anticipated services, and the intended vendors.

WARNING

If an Applicant knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, the Applicant may be subject to prosecution under Title 18, United States Code, Section 1001. The FCC may also terminate, revoke, or render null and void any license or authorization granted in this matter if any responses provided are false or intentionally misleading.

Authorization Holder Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of the Authorization Holder, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Proposed Authorization Holder Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of the Assignee/Transferee, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Attachment C**Standard Questions for a
Submarine Cable Landing License Application**

Submarine Cable Name:

Applicant(s) Name(s):

FCC File Number(s):

Purpose: This list of standard questions solicits the initial information that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) will review in connection with any referral of the above-referenced application by the Federal Communications Commission (FCC) in order to assess any national security and law enforcement concerns raised by the application.

Filing Requirement: As required by 47 § CFR 1.40003, each Applicant subject to a referral to the Committee must provide responses to these standard questions directly to the Committee, prior to or at the same time the applicant files its application with the FCC.

Process of Review: After its review, the Committee may request additional information from you, including through tailored questions. The 120-day initial review period will typically start on the date the Chair of the Committee determines that the responses to these standard questions and any tailored questions, when required, are complete. If the Committee determines no tailored questions are necessary, the 120-day initial review period will start no more than 30 days after the FCC's referral, on the date the Committee informs the FCC that the responses to the standard questions are complete and that no tailored questions are required. If the Applicant fails to provide timely responses to any Committee requests for information, the Committee may recommend that the FCC dismiss the application without prejudice.

Dissemination of Information: The information received by the Committee pursuant to 47 CFR § 1.40003 and any subsequent requests for information by the Committee may be shared and used in accordance with Section 8 of Executive Order 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020).

Instructions

- 1) Complete All Sections:** When a "Yes" answer is indicated, provide further information as appropriate. The questions seek further details regarding the Applicant and its security-related practices, and some questions are particularly directed at identifying and assessing the complete scope of the equipment that the Applicant will be operating and the services that the Applicant will be offering should the FCC grant those authorities. Applicants should explain in their submissions the scope of their responses and any limitations in their responses. If necessary, the Committee will contact the Applicant to clarify or expand upon its responses after the Commission refers the application or when the Committee sends any Tailored Questions.
- 2) Response Format:** Uniquely and sequentially number your responses to the standard questions, including any attachments, with an endorsement on each page. The number must be a unique, consistently formatted identifier; the number of digits in the numeric portion of the format should not change in subsequent productions, if any, nor should spaces, hyphens, or other separators be added or

deleted. Produce any Excel documents in native format (if desired, the Applicants may also produce a PDF version for record keeping purposes).

- 3) Protection from Disclosure:** All information provided in response to this questionnaire will be protected according to the provisions of Executive Order 13913, Section 8. If there are multiple Applicants, each Applicant should clearly mark any answers or documents that contain sensitive information that should not be disclosed to the other Applicants. Personally Identifiable Information (PII) may be submitted in a separate attachment. The PII Supplement is Attachment G.
- 4) Multiple Applicants:** When there are multiple Applicants for a single application, the Applicants may file responses either jointly or separately. A cover letter or email (if submitted electronically) must:
 - Provide a clear statement as to how the Applicants have submitted their responses;
 - Identify which Applicants have filed jointly and which Applicants can view each other's business confidential information; and
 - Clearly identify, in headings, the group of Applicants that have filed together, along with a case name and FCC file number.
 - Applicants may use an Applicant-specific identification system, such as Bates Numbering, along with the identification of the FCC file number and party case/transaction name(s).
 - If co-Applicants decide to submit separate standard questions responses by email, Applicants should submit the standard questions on the same day.
- 5) Individuals' Names:** For names that follow different naming conventions, such as the use of surnames as first names (e.g., Korean names), or the use of mother's last name as one of two last names that are often hyphenated (e.g., Spanish names), follow standard English convention for purposes of completing this information. For example, if the name is Kim Chul-su, write "Chul-su Kim" in the form. If the name in Spanish is Juan Garcia-Reyes, write "Juan Garcia Reyes."
- 6) Residential Addresses:** Contract mail receipt locations, post office boxes, co-working, or shared virtual locations may not be used in lieu of residence addresses.
- 7) Business Addresses:** For each business address, clearly indicate whether the address is a shared business venue, co-working location, virtual office, or traditional physical office.
- 8) Obligation to Update:** The Applicant must inform the Committee if there is any material change to any of the information provided in the Applicant's responses while the Committee's review is ongoing, including, but not limited to, changes in ownership, equipment, and Communications Assistance for Law Enforcement Act (CALEA) compliance.
- 9) Cross Referencing:** To the extent that the response to a question contains the same information provided in another response to a question in this questionnaire, the Applicant may cross reference the response to the other question. For example, if the response to Question X contains the same information provided in the response to Question Y, the response to Question X can cross reference the response to Question Y. The Applicant should not reference information provided in other documents.
- 10) Definitions –** These terms, as used in this questionnaire, have the following definitions:
 - "Applicant" shall have the same meaning as the term is defined in 47 CFR § 1.767(h).

- “Corporate Officer” refers to any Individual (including Senior Officers) hired or appointed by the Entity’s board of directors that has actual or apparent authority to exercise day-to-day management responsibilities over an Entity.
- “Director” refers to any Individual serving on an Applicant’s board of directors or similar governing body organized to set policies for corporate management of or oversight for an Applicant/Licensee.
- “Entity” includes a partnership, association, estate, trust, company, corporation, limited liability company, consortium, joint venture, governmental authority, or other organization.
- An “Equity Interest Holder” is any Individual or Entity that has the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, a share or other ownership stake in the Applicant.
- The term “Foreign Government” includes any person or group of persons exercising sovereign *de facto* or *de jure* political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign *de facto* or *de jure* authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.
- “Individual” refers to a natural person, as distinguished from an Entity.
- “Managed Services” or “Enterprise Services” refers to the provision of a complete, end-to-end communications solution to customers.
- A “Non-U.S. Individual” is an Individual who is not a U.S. citizen.
- An “Owner” is an Individual or Entity that holds an Ownership Interest in the Applicant/Licensee.
- An “Ownership Interest” is a 5% or greater equity (non-voting) and/or voting interest, whether directly or indirectly held, or a Controlling Interest in the Applicant, and includes the ownership in the Ultimate Parent/Owner of the Applicant and any other Entity(ies) in the chain of ownership (i.e., all Entities that exist in the ownership structure between the Applicant itself and its Ultimate Parent).
 - A “Controlling Interest” is generally a 50% or greater Ownership Interest (either equity or voting). A Controlling Interest shall be determined on a case-by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships. The term Controlling Interest includes Individuals or Entities with positive or negative *de jure* or *de facto* control of the Applicant.
 - “Ultimate Owner” and “Ultimate Parent” refer to the Individual or Entity that ultimately owns and controls the Applicant.
 - *De jure* control includes holding 50% or more of the voting stock of a corporation or holding a general partnership interest in a partnership. Ownership Interests that are held indirectly by any party through one or more intervening corporations may be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain except that if the ownership percentage for an interest in any link in the chain is equal to or exceeds 50% or represents actual control, it may be treated as if it were a 100% interest.
 - *De facto* control is determined on a case-by-case basis. Examples of *de facto*, or actual, control include constituting or appointing 50% or greater of the board of directors or management committee; having authority to appoint, promote, demote, and fire Senior Officers that control the day-to-day activities of the Licensee; or playing an integral role in management decisions. In the case of a consortium, each member of the consortium shall be considered to have a Controlling Interest in the consortium.
 - Controlling Interests include *de facto* controlling interests, for which equity and/or voting ownership may be below 5%.

- “Principal Equipment” means the primary components of the Domestic Communications Infrastructure (DCI) and the Wet Plant. Principal Equipment includes: network element servers; routers; switches; repeaters; submarine line terminal equipment (SLTE); system supervisory equipment (SSE); signal modulators and amplifiers; power feed equipment (PFE); tilt and shape equalizer units (TEQ/SEQ); optical distribution frames (ODF); branching units (BU); synchronous optical network (SONET), synchronous digital hierarchy (SDH), wave division multiplexing (WDM), dense wave division multiplexing (DWDM), coarse wave division multiplexing (CWDM), or optical carrier network (OCx) equipment, as applicable; and any non-embedded software necessary for the proper monitoring, administration, and provisioning of the submarine cable system (with the exception of commercial-off-the-shelf (COTS) software used for common business functions, e.g., MS Office).
 - “Domestic Communications Infrastructure” or “DCI” means:
 - (a) any portion of the cable system that physically is located in the United States, up to the submarine line terminating equipment, including (if any) transmission, switching, bridging, and routing equipment, and any associated software (with the exception of COTS software used for common business functions, e.g., MS Office) used by or on behalf of the Applicant to provide, process, direct, control, supervise, or manage domestic communications; and
 - (b) Network Operations Center (NOC) facilities.
 - “Wet Plant” means hardware components installed and residing on the undersea portion of the submarine cable system, including fiber optic cables, repeaters, branching units, and routers (if any). Wet Plant includes all the components used in order to define the topology of the undersea portion of the submarine cable system.
- “Remote Access” is access from a point that is not physically co-located with the Applicant’s network facilities, or that is not at a point within the Applicant’s network.
- “Senior Officer” refers to any individual that has actual or apparent authority to act on behalf of the Entity. Depending upon the circumstances, such individuals could include the Chief Executive Officer, the President, Chief Financial Officer, Chief Information Officer, Senior Vice President, Chief Technical Officer, or Chief Operating Officer.

Section I: Identification of Applicant(s)

- 1) Provide the name, address, principal place of business, and place of incorporation for each Applicant.

Section II: Applicant(s)' Ownership

- 2) Identify the Owner(s) of the proposed submarine cable system. If more than one, indicate the ownership percentage.
- 3) Identify each Individual or Entity included as part of the submarine cable system Applicant, specifically identifying any foreign Entities or Foreign Government-controlled Entities, including the Ultimate Parent/Owner of the Applicant and any other Individuals or Entities holding an Ownership Interest in the chain of ownership, including a Controlling Interest in the Applicant.
 - a) For each such Individual or Entity, include a clear explanation of its involvement in the submarine cable system Applicant, including whether it will have a management role.
 - b) For each such Individual or Entity, provide all identifying information, as follows:
 - i) For Individuals, provide the name (including all names and aliases used by that Individual), country of citizenship (indicate whether the Individual is a dual citizen and all countries where citizenship is held), date and place of birth, U.S. alien number (indicate whether the individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.
 - ii) For Entities, provide country of incorporation (if United States, include state of incorporation), principal place of business, general business type (e.g., holding company, investment firm, etc.), all business addresses, email addresses, and related phone numbers.
- 4) Provide a detailed ownership structure diagram for each cable Owner.
- 5) Provide the dollar amount that each cable Applicant has invested/will invest in the submarine cable system.
- 6) What is the source of funding for each cable Applicant's investment?
- 7) List all other submarine cable systems in which each cable Applicant or its parents have equity and provide the amount of the equity each Applicant holds in each cable system.

Section III: Overview of Submarine Cable System Applicants

- 8) Do any of the submarine cable system Applicants have existing (or planned) relationships/partnerships (formal or informal), funding or service contracts, directly or indirectly, with any foreign Individuals, foreign Entities, Foreign Governments, and/or any Foreign Government-controlled Entities? For purposes of this question, existing (or planned) relationships/partnerships (formal or informal), and funding or service contracts do not include foreign subscribers to the Applicant's retail services, nor do they include foreign employees who are identified in other questions (such as the Senior Officers and Directors identified in Question 10 and Non-U.S. Individuals identified in Question 34). A "planned" relationship includes foreign

relationships that result from current or reasonably anticipated negotiations or that are identified under current business plans. For example, a planned relationship includes situations in which contracts have been signed or where the parties are already in negotiations.

Yes No

If yes, indicate whether the relationship/partnership includes a management role by any foreign Individuals, foreign Entities or Foreign Governments. Provide the name(s) of the foreign Individuals, foreign Entities and Foreign Governments and explain the nature of the relationship/partnership, including whether the relationship/partnership currently exists and/or is intended to continue in the future.

- 9) Do the submarine cable system Applicants currently operate or plan to operate a website?

Yes No

If yes, provide all URL addresses for any current or known future websites and describe whether the information in the website is up to date.

- 10) Name each of the Applicant's Senior Officers and Directors and for each provide the following:

a) Explain the nature and extent of each Senior Officer's or Director's involvement in the Applicant; and

b) Provide citizenship (indicate whether the Individual is a dual citizen, list all countries of citizenship), date and place of birth, U.S. alien number (indicate whether the individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.

- 11) Has the Applicant or any Individual or Entity included as part of the Applicant, or any of their Corporate Officers, Senior Officers, or Directors been involved in bankruptcy proceedings, or any other legal proceeding undertaken for the purpose of liquidating, reorganizing, refinancing, or otherwise seeking relief from all or some of the Applicant's and the Individual or Entity's debts, in any jurisdiction over the past 5 years?

Yes No

If yes, describe in detail.

- 12) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors been involved or associated with a previous application to the FCC within the last 10 years? For the purposes of this question, an Individual or Entity is "involved" or "associated" with a previous application if that Individual or Entity was either the Applicant or listed as an owner in an application filed with the FCC within the last 10 years.

Yes No

If yes, provide the application identifying information.

- 13) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission revoked/terminated by the FCC?

Yes No

If yes, describe in detail.

- 14) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been involved or associated with a previous filing with the Committee on Foreign Investment in the United States (CFIUS)? For the purposes of this question, an Individual or Entity is “involved” or “associated” with a previous filing if that Individual or Entity was either the subject or listed as an owner of the subject of any prior filing with CFIUS.

Yes No

If yes, provide the filing identifying information.

- 15) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission prohibited, suspended, or revoked by CFIUS?

Yes No

If yes, describe in detail.

- 16) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been convicted of any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) in the United States or any other country? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, offenses, jurisdiction/court, and sentence.

- 17) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors ever been subject to any criminal, administrative, or civil penalties imposed for violating the regulations of the FCC, U.S. Department of State, U.S. Department of the Treasury (including, but not be limited to, Internal Revenue Service, Office of Foreign Assets Control, Financial Crimes Enforcement Network (FinCEN), and Office of the Comptroller of the Currency), U.S. Department of Energy, U.S. Department of Commerce, U.S. Federal Trade Commission, U.S. Securities and Exchange Commission, U.S. Environmental Protection Agency, World Bank Group or U.S. Commodity Futures Trading Commission, or for violating the regulations of any comparable state or foreign agency? Include any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide details, including name(s) of the Individual or Entity involved, dates, violations, agency, penalty, and if a fine was imposed, status of payment.

- 18) Has the Applicant or any Individual or Entity with an Ownership Interest in the Applicant, or any of their Corporate Officers, Senior Officers, or Directors, or any associated foreign Entities, ever been on the Specially Designated Nationals And Blocked Persons List (SDN List), the BIS Unverified List or Entity List in 15 CFR part 744, or equivalent list of the United Nations Security Council or European Union?

Yes No

If yes, describe in detail, including providing the specific category of list, the name of the Individual or Entity placed on the list, the date the Individual or Entity was placed on the list, and the factual

circumstances underlying the reason for the Individual or Entity being placed on the list.

- 19) Has the Applicant or any other Individual or Entity with an Ownership Interest in the Applicant or any of their Corporate Officers, Senior Officers, or Directors, ever been investigated, arraigned, arrested, indicted, or convicted of any of the following:
- a) Criminal violations of U.S. law, including espionage-related acts or criminal violations of the International Trade in Arms Regulations (ITAR) or the Export Administration Regulations (EAR)?
Yes No
 - b) Deceptive sales practices, violations of the Consumer Fraud Act and regulations, and/or other fraud or abuse practices whether pursuant to Federal, state, or local law?
Yes No
 - c) Violations of Federal, state, or local law in connection with the provision of telecommunications services, equipment and/or products and/or any other practices regulated by the Telecommunications Act of 1996 and/or by state public utility commissions?
Yes No

If yes to any of the above, describe in detail, including name(s) of the Individual or Entity involved, date(s), and current status or final disposition of matter, including any terms of settlement. Provide any available supporting documentation.

Section IV: Submarine Cable System Overview

- 20) When is the submarine cable system expected to go into service?
- 21) How many fiber pairs comprise the submarine cable system and what is its design capacity?
- 22) Identify which Entity owns and/or controls each segment of the cable and which Entity owns or controls which fiber pairs and/or what capacity.
- 23) Provide a brief description of the operational purpose of the submarine cable system, and the anticipated market segmentation. Provide copies of any Joint Build Agreement, maintenance agreement, or similar document for the submarine cable system, if available.
- 24) Provide a list of the anticipated addresses or physical locations for all of the submarine equipment, transmission/transport equipment, network equipment and infrastructure, who owns/leases it -- if leased provide details for the Applicant(s) -- information on any party sharing the facility or equipment, and if it is an existing or new facility, including, but not be limited to:
- a) The NOC (and back-up NOC, if any);
 - b) All Submarine Cable Landing Stations;
 - c) All associated data centers and distribution facilities; and
 - d) All associated Points of Presence.
- 25) List current and anticipated vendors, contractors, or subcontractors involved in providing, installing, operating, managing or maintaining the Principal Equipment. For each Entity, provide country of incorporation, principal place of business, general business type (e.g., holding company, investment firm), all business addresses, and related phone numbers.

- 26) Provide a description of all Principal Equipment, including a list of functions supported and information related to the manufacturer, model, and/or version number of any such equipment.
- 27) List current and anticipated vendors, contractors, or subcontractors involved in providing maintenance and security of the submarine cable system. For each Entity, provide country of incorporation, principal place of business, general business type (e.g., holding company, investment firm), all business addresses, and related phone numbers.
- 28) List all expected and actual Federal, state, and local government customers, including pursuant to any classified contracts, and include a description of all services to be provided, or services that are currently being provided, to such customers.

Section V: Submarine Cable System Security Overview

- 29) What, if any, capability do Applicants have to control or monitor operations over the network (e.g., audit mechanisms, record access monitoring) via Remote Access?

If Remote Access is available, provide a copy of the Remote Access security policy, if available.

- 30) Will any third-party vendors, associated companies, or Owners have Remote Access/monitoring to the network, systems, or records to provide Managed Services? If so, provide additional details, i.e., third party identifying information, role, and reason for their access.
- 31) What access control provisions, physical and logical security policies are in place for your submarine cable system for day-to-day operations and maintenance? If the policies exist and are available in writing, provide copies of these policies.
- 32) Do the submarine cable system Applicants have any screening and/or vetting procedures which will be applied to U.S. or non-U.S. Individuals (employees, contractors or others) who have access, remote or otherwise, to the submarine cable system Applicants' facilities, equipment, or data?
Yes No

If yes, provide copies of the written procedures. If these procedures are not available in writing, explain all such procedures in detail.

- 33) What provision will be made to monitor suspicious activity occurring over the paths of the cables?
- 34) Will any Non-U.S. Individual have access to one or more of the following:

- a) Physical facilities and/or Principal Equipment?
Yes No

If yes, provide the identity of Individual(s) and explain the type of access provided.

- b) Network control, monitoring, and/or auditing features, including any NOC facilities?
Yes No

If yes, provide the identity of Individual(s) and explain the type of access provided.

- c) Communications content and data?
Yes No

If yes, provide the identity of Individual(s) and explain the type of access provided

- d) Customer records and billing records?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access and records that will be provided.

For each Individual identified in response to these questions, provide the following information: name, all countries of citizenship, date and place of birth, U.S. alien number (indicate whether the individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.

- 35) Will the submarine cable system Applicants store and/or maintain any domestic communications content, customer records, or billing records?

Yes No

- a) Describe the types of records that will be stored.
- b) Provide all addresses of locations where such records will be stored and/or remotely accessed/managed via electronic systems.
- c) If any storage location differs from the submarine cable system Applicants' primary business address, explain the general purpose of the location and its function within the cable Applicants' business.
- d) If any of the records will be accessible from outside the United States, explain where, how, and who will have access to them.
- e) Describe all physical/electronic security measures utilized for all locations/systems to protect the confidentiality of records.

- 36) Identify whether, if required by law, regulation, or a license condition, the Applicant(s) will inform the Committee if, in the future, any record storage/access location is transferred and/or newly established outside of the United States.

- 37) Identify the Individual (who is a U.S. citizen residing in the United States with an active security clearance or who is eligible to obtain one) who will be the Applicant's (the U.S. landing party only) authorized law enforcement point of contact responsible for accepting and responding to requests or compulsory processes from U.S. law enforcement or other U.S. government agencies.

Explain the Individual's relationship to the Licensee and provide name, all countries of citizenship, date and place of birth, U.S. social security number, all passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. Also identify whether the Individual has an active U.S. Government security clearance. PII may be provided in Attachment G.

- 38) Explain how the Applicant(s) would make any and all records not stored in the United States electronically available in the United States within five (5) business days pursuant to a lawful request to the authorized law enforcement point of contact identified above.

- 39) Describe all lawful intercept capabilities of the submarine cable system Applicants including switching platforms, mediation devices, and use of third-party service providers for provisioning and delivery.

Section VI: Submarine Cable System Network Overview

40) Provide:

- a) The submarine cable system network diagram/topology map showing all Cable Landing Stations, fiber termination points, Principal Equipment, Point of Presence, segments and branching units;
- b) Network and telecommunications architecture descriptions and associated descriptions of interconnection points and controlled gateways to the DCI and Wet Plant;
- c) Submarine cable system network operational plans, processes, and procedures; and
- d) Descriptions of interfaces and connections to the submarine cable system for service offload, disaster recovery or administrative functions.

41) Will the Applicant(s) use interconnecting carriers and/or peering relationships?

Yes No

If yes, provide details and list the carriers.

42) Will the submarine cable system Applicants rely on underlying carrier(s) to furnish services to its customers and/or resell any services?

Yes No

If yes, provide details and list whose services will be utilized or resold.

43) Are the submarine cable system Applicants or their affiliates able to control operations at any Point of Presence, data center, and/or NOC from any overseas locations?

Yes No

If yes, what is the nature of the foreign-based control?

44) Explain how disaster recovery will be managed, including interconnection mechanisms with other submarine cable systems for restoration in the case of outages due to cable disruptions. Identify any third parties who will be contracted for restoration/repair of damaged cables. Provide a copy of a restoration plan for the submarine cable system, if available.

Section VII: Submarine Cable System Critical Infrastructure Services

45) Will the submarine cable system provide services to any sectors of U.S. critical infrastructure? For the purposes of this question, the phrase “provide services to” includes situations in which the submarine cable system provides service to, has customers in, or participates in the market in sectors of U.S. critical infrastructure.

Yes No

If yes, check all that apply:

- | | |
|--|---|
| <p>a. <input type="checkbox"/> Chemical</p> <p>b. <input type="checkbox"/> Commercial Facilities</p> <p>c. <input type="checkbox"/> Communications</p> <p>d. <input type="checkbox"/> Critical Manufacturing</p> <p>e. <input type="checkbox"/> Dams</p> <p>f. <input type="checkbox"/> Defense Industrial Base</p> <p>g. <input type="checkbox"/> Emergency Services (i.e., Federal, state, local entities)</p> <p>h. <input type="checkbox"/> Energy</p> | <p>i. <input type="checkbox"/> Financial Services</p> <p>j. <input type="checkbox"/> Food and Agriculture</p> <p>k. <input type="checkbox"/> Government Facilities</p> <p>l. <input type="checkbox"/> Healthcare and Public Health</p> <p>m. <input type="checkbox"/> Information Technology</p> <p>n. <input type="checkbox"/> Nuclear Reactors, Materials, and Waste</p> <p>o. <input type="checkbox"/> Transportation Systems</p> <p>p. <input type="checkbox"/> Water and Wastewater Systems</p> <p>q. <input type="checkbox"/> Other (explain in detail)</p> |
|--|---|

46) If the submarine cable system provides or will provide services to any sectors of U.S. critical infrastructure, answer each question below as it relates to each type of service provided:

- a) Does/will the submarine cable system have service contracts with any Entity in these sectors? If so, provide details.
- b) In what manner are/will the service(s) be delivered to its customers?
- c) What kind of network infrastructure is/will be utilized to deliver the service(s)?
- d) What equipment (manufacturer, make and model) and software version is/will be utilized to provide the service(s)?

WARNING

If an Applicant knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, the Applicant may be subject to prosecution under Title 18, United States Code, Section 1001. The FCC may also terminate, revoke, or render null and void any license or authorization granted in this matter if any responses provided are false or intentionally misleading.

Applicant Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of the Applicant _____, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Attachment D**Standard Questions for an
Application for Assignment or Transfer of Control of a
Submarine Cable Landing License**

Submarine Cable Name:

Applicant(s) Name(s):

FCC File Number(s):

Purpose: This list of standard questions solicits the initial information that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) will review in connection with any referral of the above-referenced application by the Federal Communications Commission (FCC) in order to assess any national security and law enforcement concerns raised by the application.

Filing Requirement: As required by 47 CFR § 1.40003, each Applicant subject to a referral to the Committee must provide responses to these standard questions directly to the Committee, prior to or at the same time the applicant files its application with the FCC.

Process of Review: After its review, the Committee may request additional information, including through tailored questions. The 120-day initial review period will typically start on the date the Chair of the Committee determines that the responses to these standard questions and any tailored questions, when required, are complete. If the Committee determines no tailored questions are necessary, the 120-day initial review period will start no more than 30 days after the FCC's referral, on the date the Committee informs the FCC that the responses to the standard questions are complete and that no tailored questions are required. If the Applicant fails to provide timely responses to any Committee requests for information, the Committee may recommend that the FCC dismiss the application without prejudice.

Dissemination of Information: The information received by the Committee pursuant to 47 CFR § 1.40003 and any subsequent requests for information by the Committee may be shared and used in accordance with Section 8 of Executive Order 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020).

Instructions

- 1) Complete All Sections:** When a "Yes" answer is indicated, provide further information as appropriate. The questions seek further details regarding the Applicant and its security-related practices, and some questions are particularly directed at identifying and assessing the complete scope of the equipment that the Applicant will be operating and the services that the Applicant will be offering should the FCC grant those authorities. Applicants should explain in their submissions the scope of their responses and any limitations in their responses. If necessary, the Committee will contact the Applicant to clarify or expand upon its responses after the Commission refers the application or when the Committee sends any Tailored Questions.
- 2) Response Format:** Uniquely and sequentially number your responses to the standard questions, including any attachments, with an endorsement on each page. The number must be a unique,

consistently formatted identifier; the number of digits in the numeric portion of the format should not change in subsequent productions, if any, nor should spaces, hyphens, or other separators be added or deleted. Produce any Excel documents in native format (if desired, you may also produce a PDF version for record keeping purposes).

- 3) **Protection from Disclosure:** All information provided in response to this questionnaire will be protected according to the provisions of Executive Order 13913, Section 8. If there are multiple Applicants, each Applicant should clearly mark any answers or documents that contain sensitive information that should not be disclosed to the other Applicants. Personally Identifiable Information (PII) may be submitted in a separate attachment. The PII Supplement is Attachment G.
- 4) **Multiple Applicants:** When there are multiple Applicants for a single application, the Applicants may file responses either jointly or separately. A cover letter or email (if submitted electronically) must:
 - Provide a clear statement as to how the Applicants have submitted their responses;
 - Identify which Applicants have filed jointly and which Applicants can view each other's business confidential information; and
 - Clearly identify, in headings, the group of Applicants that have filed together, along with a case name and FCC file number.
 - Applicants may use an Applicant-specific identification system, such as Bates Numbering, along with the identification of the FCC file number and party case/transaction name(s).
 - If co-Applicants decide to submit separate standard questions responses by email, Applicants should submit the standard questions on the same day.
- 5) **Individuals' Names:** For names that follow different naming conventions, such as the use of surnames as first names (e.g., Korean names), or the use of mother's last name as one of two last names that are often hyphenated (e.g., Spanish names), follow standard English convention for purposes of completing this information. For example, if the name is Kim Chul-su, write "Chul-su Kim" in the form. If the name in Spanish is Juan Garcia-Reyes, write "Juan Garcia Reyes."
- 6) **Residential Addresses:** Contract mail receipt locations, post office boxes, co-working, or shared virtual locations may not be used in lieu of residence addresses.
- 7) **Business Addresses:** For each business address, clearly indicate whether the address is a shared business venue, co-working location, virtual office, or traditional physical office.
- 8) **Obligation to Update:** The Applicant must inform the Committee if there is any material change to any of the information provided in the Applicant's responses while the Committee's review is ongoing, including, but not limited to, changes in ownership, equipment, and Communications Assistance for Law Enforcement Act (CALEA) compliance.
- 9) **Cross Referencing:** To the extent that the response to a question contains the same information provided in another response to a question in this questionnaire, the Applicant may cross reference the response to the other question. For example, if the response to Question X contains the same information provided in the response to Question Y, the response to Question X can cross reference the response to Question Y. The Applicant should not reference information provided in other documents.
- 10) **Definitions** – These terms, as used in this questionnaire, have the following definitions:

- “Applicant” shall have the same meaning as the term is defined in 47 CFR § 1.767(h).
- “Corporate Officer” refers to any Individual (including Senior Officers) hired or appointed by the Entity’s board of directors that has actual or apparent authority to exercise day-to-day management responsibilities over an Entity.
- “Director” refers to any Individual serving on an Applicant’s board of directors or similar governing body organized to set policies for corporate management of or oversight for an Applicant/Licensee.
- “Entity” includes a partnership, association, estate, trust, company, corporation, limited liability company, consortium, joint venture, governmental authority, or other organization.
- An “Equity Interest Holder” is any Individual or Entity that has the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, a share or other ownership stake in the Applicant.
- The term “Foreign Government” includes any person or group of persons exercising sovereign *de facto* or *de jure* political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign *de facto* or *de jure* authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.
- “Individual” refers to a natural person, as distinguished from an Entity.
- “Managed Services” or “Enterprise Services” refers to the provision of a complete, end-to-end communications solution to customers.
- A “Non-U.S. Individual” is an Individual who is not a U.S. citizen.
- An “Owner” is an Individual or Entity that holds an Ownership Interest in the Applicant/Licensee.
- An “Ownership Interest” is a 5% or greater equity (non-voting) and/or voting interest, whether directly or indirectly held, or a Controlling Interest in the Applicant, and includes the ownership in the Ultimate Parent/Owner of the Applicant and any other Entity(ies) in the chain of ownership (i.e., all Entities that exist in the ownership structure between the Applicant itself and its Ultimate Parent).
 - A “Controlling Interest” is generally a 50% or greater Ownership Interest (either equity or voting). A Controlling Interest shall be determined on a case-by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships. The term Controlling Interest includes Individuals or Entities with positive or negative *de jure* or *de facto* control of the Applicant.
 - “Ultimate Owner” and “Ultimate Parent” refer to the Individual or Entity that ultimately owns and controls the Applicant.
 - *De jure* control includes holding 50% or more of the voting stock of a corporation or holding a general partnership interest in a partnership. Ownership Interests that are held indirectly by any party through one or more intervening corporations may be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain except that if the ownership percentage for an interest in any link in the chain is equal to or exceeds 50% or represents actual control, it may be treated as if it were a 100% interest.
 - *De facto* control is determined on a case-by-case basis. Examples of *de facto*, or actual, control include constituting or appointing 50% or greater of the board of directors or management committee; having authority to appoint, promote, demote, and fire Senior Officers that control the day-to-day activities of the Licensee; or playing an integral role in management decisions. In the case of a consortium, each member of the consortium shall be considered to have a Controlling Interest in the consortium.

- Controlling Interests include *de facto* controlling interests, for which equity and/or voting ownership may be below 5%.
- “Principal Equipment” means the primary components of the Domestic Communications Infrastructure (DCI) and the Wet Plant. Principal Equipment includes: network element servers; routers; switches; repeaters; submarine line terminal equipment (SLTE); system supervisory equipment (SSE); signal modulators and amplifiers; power feed equipment (PFE); tilt and shape equalizer units (TEQ/SEQ); optical distribution frames (ODF); branching units (BU); synchronous optical network (SONET), synchronous digital hierarchy (SDH), wave division multiplexing (WDM), dense wave division multiplexing (DWDM), coarse wave division multiplexing (CWDM), or optical carrier network (OCx) equipment, as applicable; and any non-embedded software necessary for the proper monitoring, administration, and provisioning of the submarine cable system (with the exception of commercial-off-the-shelf (COTS) software used for common business functions, *e.g.*, MS Office).
 - “Domestic Communications Infrastructure” or “DCI” means: (a) any portion of the cable system that physically is located in the United States, up to the submarine line terminating equipment, including (if any) transmission, switching, bridging, and routing equipment, and any associated software (with the exception of COTS software used for common business functions, *e.g.*, MS Office) used by or on behalf of the Applicant to provide, process, direct, control, supervise, or manage domestic communications; and (b) Network Operations Center (NOC) facilities.
 - “Wet Plant” means hardware components installed and residing on the undersea portion of the submarine cable system, including fiber optic cables, repeaters, branching units, and routers (if any). Wet Plant includes all the components used in order to define the topology of the undersea portion of the submarine cable system.
- “Remote Access” is access from a point that is not physically co-located with the Applicant’s network facilities, or that is not at a point within the Applicant’s network.
- “Senior Officer” refers to any individual that has actual or apparent authority to act on behalf of the Entity. Depending upon the circumstances, such individuals could include the Chief Executive Officer, the President, Chief Financial Officer, Chief Information Officer, Senior Vice President, Chief Technical Officer, or Chief Operating Officer.

Section I: Identification of Parties

- 1) Provide the name, address, principal place of business, and place of incorporation for the following Individuals or Entities:
 - a) Current Cable Landing Licensee(s) (“**Licensee(s)**”):
 - b) Any Individual or Entity with an Ownership Interest in the Licensee(s) (“**Owner(s)/Controller(s)**”):
 - c) Assignee(s)/Transferee(s) of the Cable Landing License(s) (“**Proposed Licensee(s)**”):
 - d) Any Individual or Entity with an Ownership Interest in the Proposed Licensee(s) (“**Proposed Owner(s)/Controller(s)**”).

For the purposes of the following questions, “Relevant Parties” means the Individuals or Entities identified in c) and d) above.

Section II: Applicants’ Ownership

- 2) Identify the current and proposed ownership percentage in the submarine cable system of each of the Relevant Parties.
- 3) Identify each Individual or Entity that holds/will hold an Ownership Interest in the Proposed Licensee(s) and the Proposed Owner(s)/Controller(s), specifically identifying any foreign Entities or Foreign Government-controlled Entities, including the Ultimate Parent/Owner of the Proposed Licensee(s) and any other Individuals or Entities holding an Ownership Interest in the chain of ownership, including a Controlling Interest in the Applicant.
 - a) For each such Individual or Entity with an Ownership Interest in the Relevant Parties, include a clear explanation of its involvement in the submarine cable system Proposed Licensee(s), including whether it has or will have a management role; and
 - b) For each such Individual or Entity with an Ownership Interest in Relevant Parties, provide all necessary identifying information, as follows:
 - i) For Individuals, provide the name (including all names and aliases used by that Individual), country of citizenship (indicate whether the Individual is a dual citizen and all countries where citizenship is held), date and place of birth, U.S. alien number (indicate whether the individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.
 - ii) For Entities, provide country of incorporation (if the United States, include state of incorporation), principal place of business, general business type (e.g., holding company, investment firm), all business addresses, email addresses, and related phone numbers.
- 4) Provide the dollar amount that each Proposed Owner(s)/Controller(s) or Proposed Licensee(s) has/will invest in the submarine cable system.

- 5) What is the source of funding for each Proposed Owner(s)/Controller(s) or Proposed Licensee(s)'s investment?
- 6) Provide a detailed ownership structure diagram for all Proposed Owner(s)/Controller(s) or Proposed Licensee(s).
- 7) List all other submarine cable systems in which each Proposed Owner(s)/Controller(s) or Proposed Licensee(s) have equity and provide the amount of the equity for each Proposed Owner(s)/Controller(s) or Licensee(s) in each cable system.

Section III: Overview of Submarine Cable Owners

- 8) How many fiber pairs comprise the submarine cable system and what is its design capacity?
- 9) What Entity owns or controls each segment of the cable and what Entities own or control which fiber pairs or what capacity? How will that change after the proposed transaction?
- 10) Do the Relevant Parties currently operate or plan to operate a website?
Yes No

If yes, provide all URL addresses for any current or known future websites and describe whether the information in the website is up to date.

- 11) For each of the Proposed Owner(s)/Controller(s) and Proposed Licensee(s), name the Senior Officers and Directors and provide the following:
 - a) Explain the nature and extent of each Senior Officer's or Director's involvement in the Entity's business; and,
 - b) Provide citizenship (indicate whether the Individual is a dual citizen, list all countries of citizenship), date and place of birth, U.S. alien number (indicate whether the individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses and all phone numbers. PII may be provided in Attachment G.
- 12) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors been involved in bankruptcy proceedings, or any other legal proceeding undertaken for the purpose of liquidating, reorganizing, refinancing, or otherwise seeking relief from all or some of the debts of the Proposed Licensee or any Proposed Owner(s)/Controller(s), in any jurisdiction over the past 5 years?
Yes No

If yes, describe in detail.

- 13) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors been involved or associated with a previous application to the FCC within the last 10 years? For the purposes of this question, an Individual or Entity is "involved" or "associated" with a previous application if that Individual or Entity was either the Applicant or listed as an owner in an application filed with the FCC within the last 10 years
Yes No

If yes, provide the application identifying information.

- 14) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors, ever been blocked, sanctioned, penalized, or had an authorization or other permission revoked/terminated by the FCC?

Yes No

If yes, describe in detail.

- 15) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been involved or associated with a previous filing with the Committee on Foreign Investment in the United States (CFIUS)? For the purposes of this question, an Individual or Entity is “involved” or “associated” with a previous filing if that Individual or Entity was either the subject or listed as an owner of the subject of any prior filing with CFIUS.

Yes No

If yes, provide the filing identifying information.

- 16) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission prohibited, suspended, or revoked by CFIUS?

Yes No

If yes, describe in detail.

- 17) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors, ever been convicted of any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) in the United States or any other country? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, offenses, jurisdiction/court, and sentence.

- 18) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been subject to any criminal, administrative, or civil penalties imposed for violating the regulations of the FCC, U.S. Department of State, U.S. Department of the Treasury (to include, but not be limited to, Internal Revenue Service, Office of Foreign Assets Control, Financial Crimes Enforcement Network (FinCEN), and Office of the Comptroller of the Currency), U.S. Department of Energy, U.S. Department of Commerce, U.S. Federal Trade Commission, U.S. Securities and Exchange Commission, World Bank Group, U.S. Environmental Protection Agency, or U.S. Commodity Futures Trading Commission, or for violating the regulations of any comparable state or foreign agency? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, violations, agency, penalty, and if a fine was imposed, status of payment.

- 19) Have any of the Relevant Parties, any of their Corporate Officers, Senior Officers, Directors, or any associated foreign Entities ever been on the Specially Designated Nationals And Blocked Persons List

(SDN List), the BIS Unverified List or Entity List in 15 CFR part 744, or equivalent list of the United Nations Security Council or European Union?

Yes No

If yes, describe in detail, including providing the specific category of list, the name of the Individual or Entity placed on the list, the date the Individual or Entity was placed on the list, and the factual circumstances underlying the reason for the Individual or Entity being placed on the list.

20) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been investigated, arraigned, arrested, indicted, or convicted of any of the following:

a) Criminal violations of U.S. law, including espionage-related acts or criminal violations of the International Trade in Arms Regulations (ITAR) or the Export Administration Regulations (EAR)?

Yes No

b) Deceptive sales practices, violations of the Consumer Fraud Act and regulations, and/or other fraud or abuse practices whether pursuant to Federal, state, or local law?

Yes No

c) Violations of Federal, state, or local law in connection with the provision of telecommunications services, equipment and/or products and/or any other practices regulated by the Telecommunications Act of 1996 and/or by state public utility commissions?

Yes No

If yes to any of the above, describe in detail, including name(s) of the Individual or Entity involved, date(s), and current status or final disposition of matter, including any terms of settlement. Provide any available supporting documentation.

21) Do any of the present or Proposed Owner(s)/Controller(s) or Proposed Licensee(s) have existing (or planned) relationships/partnerships (formal or informal), funding or service contracts, directly or indirectly, with any foreign individuals, foreign Entities, Foreign Governments, and/or any Foreign Government-controlled Entities? For purposes of this question, existing (or planned) relationships/partnerships (formal or informal), and funding or service contracts do not include foreign subscribers to the Applicant's retail services, nor do they include foreign employees who are identified in other questions (such as the Senior Officers and Directors identified in Question 11 and Non-U.S. Individuals identified in Question 36). A "planned" relationship includes foreign relationships that result from current or reasonably anticipated negotiations or that are identified under current business plans. For example, a planned relationship includes situations in which contracts have been signed or where the parties are already in negotiations.

Yes No

If yes, indicate whether the relationship/partnership includes a management role by any foreign Individuals, foreign Entities or Foreign Governments. Provide the name(s) of the foreign Individuals, foreign Entities and/or Foreign Government and explain the nature of the relationship/partnership, including whether the relationship/partnership currently exists and/or is intended to continue in the future.

Section IV: Submarine Cable System(s) Overview

22) When did the submarine cable system(s) first go into service?

23) What is the design capacity of the submarine cable system(s)? What is the current lit capacity? Is this expected to change post-transfer? If yes, describe in detail the changes.

24) Provide a brief description of the operational purpose of the submarine cable system(s), and the current market segmentation:

Is this expected to change post-transfer? If yes, describe in detail the changes.

25) Describe the nature of services delivered by the submarine cable system and the customer base:

Is this expected to change post-transfer? If yes, describe in detail the changes.

26) Provide addresses or physical locations for all of the submarine equipment, transmission/transport equipment, network equipment and infrastructure, who owns/leases it (if leased provide details for the Applicant):

- a) The NOC (and back-up NOC, if any);
- b) All submarine Cable Landing Stations;
- c) All associated data centers and distribution facilities; and
- d) All associated Points of Presence.

Is this expected to change post-transfer? If yes, describe in detail the changes.

27) List current vendors, contractors, or subcontractors involved in operating, managing or maintaining the Principal Equipment. For each Entity, provide country of incorporation, principal place of business, general business type (e.g., holding company, investment firm), all business addresses, and related phone numbers:

Is this expected to change post-transfer? If yes, describe in detail the changes.

28) Provide a description of all Principal Equipment, including a list of functions supported and information related to the manufacturer, model, and/or version number of any such equipment:

Is this expected to change post-transfer? If yes, describe in detail the changes.

29) List current vendors, contractors, or subcontractors involved in maintaining or securing the submarine cable system. For each entity, provide country of incorporation, principal place of business, general business type (e.g., holding company, investment firm), all business addresses, and related phone numbers:

Is this expected to change post-transfer? If yes, describe in detail the changes.

30) List any Federal, state, and local government customers, including pursuant to any classified contracts, and include a description of all services that are currently being provided to such customers:

Is this expected to change post-transfer? If yes, describe in detail the changes.

Section V: Submarine Cable System Security Overview

- 31)** What, if any, capability do Owner(s)/Controller(s) and Applicant(s)/Licensee(s) have to control or monitor operations over the network (e.g., audit mechanisms, record access monitoring) via Remote Access?

If Remote Access is available, provide a copy of the Remote Access security policy, if available.

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 32)** Do/will any third-party vendors, associated companies, or Owners have Remote Access/monitoring to the network, systems, or records to provide Managed Services? If so, provide additional details, i.e., third party identifying information, role, and reason for their access.

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 33)** What access control provisions, physical and logical security policies are in place for your submarine cable system for day-to-day operations and maintenance? If the policies exist and are available in writing, provide copies of these policies.

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 34)** What provision is in place to monitor suspicious activity occurring over the paths of the cables?

- 35)** Do the Relevant Parties have any screening and/or vetting procedures which are applied to U.S. or non-U.S. Individuals (employees, contractors or others) who have access, remote or otherwise, to the submarine cable system Owners' facilities, equipment, or data?

Yes No

If yes, provide copies of the written procedures. If these procedures are not available in writing, explain all such procedures in detail.

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 36)** Does/will any Non-U.S. Individual have access to one or more of the following:

- a) Physical facilities and/or Principal Equipment?

Yes No

If yes, provide the identity of Individual(s) and explain the type of access provided.

- b) Network control, monitoring, and/or auditing features, including any NOC facilities?

Yes No

If yes, provide the identity of Individual(s) and explain the type of access provided.

- c) Communications content and data?

Yes No

If yes, provide the identity of Individual(s) and explain the type of access provided.

- d) Customer records and billing records?

Yes No

If yes, provide the identity of Individual(s) and explain the type of access and records that will be provided.

Is this expected to change post-transfer? If yes, describe in detail the changes.

For each Individual identified in response to these questions, provide the following information: name, all countries of citizenship, date and place of birth, U.S. alien number (indicate whether the individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses and all phone numbers. PII may be provided in Attachment G.

37) Does/will the submarine cable system Proposed Owner(s)/Controller(s) store and/or maintain any domestic communications content, customer records, or billing records?

Yes No

- a) Describe the types of records that will be stored.
- b) Provide all addresses of locations where such records will be stored and/or remotely accessed/managed via electronic systems.
- c) If any storage location differs from the submarine cable system Owners' primary business address, explain the general purpose of the location and its function within the cable Owners' business.
- d) If any of the records will be accessible from outside the United States, explain where, how, and who will have access to them.

Describe all physical/electronic security measures utilized for all locations/systems to protect the confidentiality of records.

38) Identify whether, if required by law, regulation, or license condition, the Applicant(s) will inform the Committee if, in the future, any record storage/access location is transferred and/or newly established outside of the United States.

39) Identify the Individual (who is a U.S. citizen residing in the United States with an active security clearance or who is eligible to obtain one) who will be the Licensee/Applicant's (the U.S. landing party only) authorized law enforcement point of contact responsible for accepting and responding to requests or compulsory processes from U.S. law enforcement or other U.S. government agencies.

Explain the Individual's relationship to the Licensee and provide name, all countries of citizenship, date and place of birth, U.S. social security number, all passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. Also identify whether the Individual has an active U.S. Government security clearance. PII may be provided in Attachment G.

40) Explain how the Applicant(s) would make any and all records not stored in the United States electronically available in the United States within five (5) business days pursuant to a lawful request to the authorized law enforcement point of contact identified above.

- 41) Describe all lawful intercept capabilities of the submarine cable system Owners to include switching platforms, mediation devices, and use of third-party service providers for provisioning and delivery.

Section VI: Submarine Cable System Network Overview

- 42) Provide:

- a) The most current submarine cable system network diagram/topology map showing all Cable Landing Stations, fiber termination points, Principal Equipment, Point of Presence, segments and branching units;
- b) Network and telecommunications architecture descriptions and associated descriptions of interconnection points and controlled gateways to the DCI and Wet Plant;
- c) Submarine cable system network operational plans, processes, and procedures; and
- d) Descriptions of interfaces and connections to the submarine cable system for service offload, disaster recovery or administrative functions.

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 43) Do the submarine cable system Owner(s)/Controller(s) or Licensee(s) use interconnecting carriers and/or peering relationships?

Yes No

If yes, provide details and list the carriers.

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 44) Do the submarine cable system Owner(s)/Controller(s) or Licensee(s) rely on underlying carrier(s) to furnish services to its customers and/or resell any services?

Yes No

If yes, provide details and list whose services are utilized or resold.

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 45) Are the submarine cable system Owner(s)/Controller(s) or Licensee(s) or their affiliates able to control operations at any Point of Presence, data center, and/or NOC from any overseas locations?

Yes No

If yes, what is the nature of the foreign-based control?

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 46) Explain how disaster recovery is managed, including interconnection mechanisms with other submarine cable systems for restoration in the case of outages due to cable disruptions. Identify any third parties who will be contracted for restoration/repair of damaged cables. Provide a copy of a restoration plan for the submarine cable system, if available.

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 47) Has the cable experienced any outages during its operational history? If so, provide the date, cause and duration of the outage(s).

Section VII: Submarine Cable System Critical Infrastructure Services

- 48) Does the submarine cable system provide services to any sectors of U.S. critical infrastructure? For the purposes of this question, the phrase “provide services to” includes situations in which the submarine cable system provides service to, has customers in, or participates in the market in sectors of U.S. critical infrastructure.

Yes No

If yes, check all that apply:

- | | |
|---|--|
| a. <input type="checkbox"/> Chemical | i. <input type="checkbox"/> Financial Services |
| b. <input type="checkbox"/> Commercial Facilities | j. <input type="checkbox"/> Food and Agriculture |
| c. <input type="checkbox"/> Communications | k. <input type="checkbox"/> Government Facilities |
| d. <input type="checkbox"/> Critical Manufacturing | l. <input type="checkbox"/> Healthcare and Public Health |
| e. <input type="checkbox"/> Dams | m. <input type="checkbox"/> Information Technology |
| f. <input type="checkbox"/> Defense Industrial Base | n. <input type="checkbox"/> Nuclear Reactors, Materials, and Waste |
| g. <input type="checkbox"/> Emergency Services (i.e., Federal, state, local entities) | o. <input type="checkbox"/> Transportation Systems |
| h. <input type="checkbox"/> Energy | p. <input type="checkbox"/> Water and Wastewater Systems |
| | q. <input type="checkbox"/> Other (explain in detail) |

Is this expected to change post-transfer? If yes, describe in detail the changes.

- 49) If the submarine cable system provides or will provide services to any sectors of U.S. critical infrastructure, answer each question below as it relates to each type of service provided:
- Does/will the submarine cable system have service contracts with any Entity in the sector? If so, provide details.
 - In what manner are/will the service(s) be delivered to its customers?
 - What kind of network infrastructure is/will be utilized to deliver the service(s)?
 - What equipment (manufacturer, make and model) and software version is/will be utilized to provide the service(s)?

WARNING

If an Applicant knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, the Applicant may be subject to prosecution under Title 18, United States Code, Section 1001. The FCC may also terminate, revoke, or render null and void any license or authorization granted in this matter if any responses provided are false or intentionally misleading.

Licensee Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of _____, the License Holder, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Proposed Licensee(s) Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of _____, the Proposed Licensee, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Attachment E**Standard Questions for a
Section 310(b) Petition for Declaratory Ruling
Involving a Broadcast Licensee**

Petitioner(s) Name(s):

FCC File Number(s):

Purpose: This list of standard questions solicits the initial information that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) will review in connection with any referral of the above-referenced Petition by the Federal Communications Commission (FCC) in order to assess any national security and law enforcement concerns raised by the Petition.

Filing Requirement: As required by 47 CFR § 1.40003, each Applicant subject to a referral to the Committee must provide responses to these standard questions directly to the Committee, prior to or at the same time the applicant files its application with the FCC.

Process of Review: After its review, the Committee may request additional information, including through tailored questions. The 120-day initial review period will typically start on the date the Chair of the Committee determines that the responses to these standard questions and any tailored questions, when required, are complete. If the Committee determines no tailored questions are necessary, the 120-day initial review period will start no more than 30 days after the FCC's referral, on the date the Committee informs the FCC that the responses to the standard questions are complete and that no tailored questions are required. If the Petitioner fails to provide timely responses to any Committee requests for information, the Committee may recommend that the FCC dismiss the Petition without prejudice.

Dissemination of Information: The information received by the Committee pursuant to 47 CFR § 1.40003 and any subsequent requests for information by the Committee may be shared and used in accordance with Section 8 of Executive Order 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020).

Instructions

- 1) Who Must Respond to this Questionnaire:** A Petitioner that seeks to obtain (a) a section 310(b)(4) foreign ownership ruling in connection with an application for a new broadcast license or (b) a 310(b)(4) foreign ownership ruling in connection with an application for assignment, transfer of control, or other change in ownership or control of the Licensee must respond to this questionnaire. In the case of (b), a Petitioner must provide information pertaining to the post-transaction ownership, structure, and operations of the Licensee and Relevant Parties. As used in this questionnaire, the term "Licensee" refers to both an Applicant for a broadcast license and an existing licensee.
- 2) Complete All Sections:** When a "Yes" answer is indicated, provide further information as appropriate. The questions seek further details regarding the Applicant and security-related practices and some questions are particularly directed at identifying and assessing the complete scope of the equipment that the Applicant will be operating and the services that the Applicant will be offering should the FCC grant those authorities. Accordingly, in answering the "Section V: Licensee Services" questions, the Applicant(s) must file complete and accurate responses. Applicants should explain in their submissions the scope of their responses and any limitations in their responses. If

necessary, the Committee will contact the Applicant to clarify or expand upon its responses after the Commission refers the application or when the Committee sends any Tailored Questions.

- 3) **Response Format:** Uniquely and sequentially number your responses to the standard questions, including any attachments, with an endorsement on each page. The number must be a unique, consistently formatted identifier; the number of digits in the numeric portion of the format should not change in subsequent productions, if any, nor should spaces, hyphens, or other separators be added or deleted. Produce any Excel documents in native format (if desired, you may also produce a PDF version for record keeping purposes).
- 4) **Protection from Disclosure:** All information provided in response to this questionnaire will be protected according to the provisions of Executive Order 13913, Section 8. If there are multiple Petitioners, each Petitioner should clearly mark any answers or documents that contain sensitive information that should not be disclosed to the other Petitioners. Personally Identifiable Information (PII) may be submitted in a separate attachment. The PII Supplement is Attachment G.
- 5) **Multiple Petitioners:** When there are multiple Petitioners for a single petition, the Petitioners may file responses either jointly or separately. A cover letter or email (if submitted electronically) must:
 - o Provide a clear statement as to how the Petitioners have submitted their responses;
 - o Identify which Petitioners have filed jointly and which Petitioners can view each other's business confidential information; and
 - o Clearly identify, in headings, the group of Petitioners that have filed together, along with a case name and FCC file number.
 - Petitioners may use a Petitioner-specific identification system, such as Bates Numbering, along with the identification of the FCC file number and party case/transaction name(s).
 - If co-Petitioners decide to submit separate standard questions responses by email, Petitioners should submit the standard questions on the same day.
- 6) **Individuals' Names:** For names that follow different naming conventions, such as the use of surnames as first names (e.g., Korean names), or the use of mother's last name as one of two last names that are often hyphenated (e.g., Spanish names), follow standard English convention for purposes of completing this information. For example, if the name is Kim Chul-su, write "Chul-su Kim" in the form. If the name in Spanish is Juan Garcia-Reyes, write "Juan Garcia Reyes."
- 7) **Residential Addresses:** Contract mail receipt locations, post office boxes, co-working or shared virtual locations may not be used in lieu of residence addresses.
- 8) **Business Addresses:** For each business address, clearly indicate whether the address is a shared business venue, co-working location, virtual office, or traditional physical office.
- 9) **Obligation to Update:** The Applicant must inform the Committee if there is any material change to any of the information provided in the Applicant's responses while the Committee's review is ongoing, including, but not limited to, changes in ownership and equipment.
- 10) **Cross Referencing:** To the extent that the response to a question contains the same information provided in another response to a question in this questionnaire, the Applicant may cross reference the response to the other question. For example, if the response to Question X contains the same information provided in the response to Question Y, the response to Question X can cross reference the response to Question Y. The Applicant should not reference information provided in other documents.

11) Definitions – These terms, as used in this questionnaire, have the following definitions:

- “Corporate Officer” refers to any Individual (including Senior Officers) hired or appointed by the Entity’s board of directors that has actual or apparent authority to exercise day-to-day management responsibilities over an Entity.
- “Director” refers to any Individual serving on an Applicant’s board of directors or similar governing body organized to set policies for corporate management of or oversight for an Applicant.
- “Entity” includes a partnership, association, estate, trust, company, corporation, limited liability company, consortium, joint venture, governmental authority, or other organization.
- An “Equity Interest Holder” is any Individual or Entity that has the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, a share or other ownership stake in the Applicant.
- The term “Foreign Government” includes any person or group of persons exercising sovereign *de facto* or *de jure* political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign *de facto* or *de jure* authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.
- The term “Foreign Political Party” includes any organization, or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part, to the establishment, administration, control, or acquisition of, administration, or control, of a government of a foreign country, or a subdivision thereof, or the furtherance, or influencing, of the political, or public, interests, policies, or relations of a government of a foreign country, or a subdivision thereof.
- The term “Foreign Principal” includes:
 - a government of a foreign country and a foreign political party;
 - a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
 - a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.
- “Individual” refers to a natural person, as distinguished from an Entity.
- The term “Information-service Employee” includes any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country.
- A “Non-U.S. Individual” is an Individual who is not a U.S. citizen.
- An “Owner” is an Individual or Entity that holds an Ownership Interest in the Applicant/Licensee.
- An “Ownership Interest” is a 5% or greater equity (non-voting) and/or voting interest, whether directly or indirectly held, or a Controlling Interest in the Applicant, and includes the ownership in the ultimate parent/owner of the Applicant and any other Entity(ies) in the chain of ownership (i.e., all Entities that exist in the ownership structure between the Applicant itself and its Ultimate Parent).

- A “Controlling Interest” is generally a 50% or greater Ownership Interest (either equity or voting). A Controlling Interest shall be determined on a case-by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships. The term Controlling Interest includes Individuals or Entities with positive or negative *de jure* or *de facto* control of the Applicant.
- “Ultimate Owner” and “Ultimate Parent” refer to the Individual or Entity that ultimately owns and controls the Applicant.
- *De jure* control includes holding 50% or more of the voting stock of a corporation or holding a general partnership interest in a partnership. Ownership Interests that are held indirectly by any party through one or more intervening corporations may be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain except that if the ownership percentage for an interest in any link in the chain is equal to or exceeds 50% or represents actual control, it may be treated as if it were a 100% interest.
- *De facto* control is determined on a case-by-case basis. Examples of *de facto*, or actual, control include constituting or appointing 50% or greater of the board of directors or management committee; having authority to appoint, promote, demote, and fire Senior Officers that control the day-to-day activities of the Licensee; or playing an integral role in management decisions. In the case of a consortium, each member of the consortium shall be considered to have a Controlling Interest in the consortium.
- Controlling Interests include *de facto* controlling interests, for which equity and/or voting ownership may be below 5%.
- “Political Consultant” means any person who engages in informing or advising any other person with reference to the domestic or foreign policies of the United States the political or public interest, policies, or relations of a foreign country or of a Foreign Political Party.
- “Publicity Agent” includes any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise.
- “Public-Relations Counsel” includes any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal.
- “Senior Officer” refers to any individual that has actual or apparent authority to act on behalf of the Entity. Depending upon the circumstances, such individuals could include the Chief Executive Officer, the President, Chief Financial Officer, Chief Information Officer, Senior Vice President, Chief Technical Officer, or Chief Operating Officer.

Section I: Identification of Relevant Parties

- 1) Provide the name, address, principal place of business, and place of incorporation of Relevant Parties. For the purposes of the following questions, “Relevant Parties” means the following:
 - a) Proposed Broadcast Licensee (“**Licensee**”);
 - b) Proposed Controlling U.S. Parent of the Licensee (“**Petitioner**”); and
 - c) Any Individual or Entity with an Ownership Interest in either the Licensee or the Petitioner (“**Owner(s)/Controller(s)**”).

Section II: Petitioner/Licensee Ownership

- 2) To the extent not otherwise identified in response to Question 1, identify each Individual or Entity that holds an Ownership Interest in the Relevant Parties specifically identifying any foreign Entities, Foreign Government-controlled Entities, including the Ultimate Owner/Parent of the Licensee and Petitioner and any other Individuals or Entities holding an Ownership Interest in the chain of ownership, including a Controlling Interest in the Petitioner.
 - a) For each Individual or Entity with an Ownership Interest in any of the Relevant Parties (identified in response to either Question 1 or Question 2), include a clear explanation of its involvement in the Relevant Party, including whether the Individual or Entity will have a management role in the Petitioner or Licensee.
 - b) For each Individual or Entity with an Ownership Interest in any of the Relevant Parties (identified in response to either Question 1 or Question 2), provide all identifying information, as follows:
 - i) For Individuals, provide name (including all names and aliases used by that person), country of citizenship (indicate whether the individual is a dual citizen and all countries where citizenship is held), date and place of birth, U.S. alien number (indicate whether the Individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.
 - ii) For Entities, provide country of incorporation (if the United States, include state of incorporation), principal place of business, general business type (e.g., holding company, investment firm), all business addresses, email addresses, and related phone numbers.

Section III: Petitioner/Licensee Details

- 3) Do any of the Relevant Parties have existing, planned, or prior relationships, partnerships, funding arrangements, or service contracts, directly or indirectly, with any of the following:
 - a) Foreign companies or foreign Entities;
 - b) Any Foreign Government or any Entity owned or controlled by a Foreign Government;
 - c) Any foreign political entities or Foreign Political Parties;
 - d) An Individual or Entity outside the United States, not a citizen of, or domiciled within, the United States, or not subject to the jurisdiction of the United States, and not having as a principal place of business or presence in the United States.

Yes No

For purposes of this question, existing, planned, and prior relationships/partnerships, and funding or service contracts do not include foreign subscribers to the Applicant's retail services, nor do they include foreign employees who are identified in other questions (such as the Senior Officers and Directors identified in Question 24 and Non-U.S. Individuals identified in Question 19). A "planned" relationship includes foreign relationships that result from current or reasonably anticipated negotiations or that are identified under current business plans. For example, a planned relationship includes situations in which contracts have been signed or where the parties are already in negotiations. When disclosing "prior" relationships, Applicants are not expected to identify all prior foreign employees.

If yes to any question above, indicate whether the relationship/partnership includes a management role by any foreign Individuals, foreign Entities or Foreign Governments. Provide the name(s) of the foreign Individuals, foreign Entities and Foreign Governments and explain the nature of the relationship/partnership, including whether the relationship/partnership currently exists and/or is intended to continue in the future.

All such parties identified by the Relevant Parties will be referred to as a "Foreign Party."

- 4) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors been involved in bankruptcy proceedings, or any other legal proceeding undertaken for the purpose of liquidating, reorganizing, refinancing, or otherwise seeking relief from all or some of the Relevant Party's debts in any jurisdiction over the past 5 years?

Yes No

If yes, describe in detail.

- 5) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors been involved or associated with a previous application or petition to the FCC within the last 10 years? For the purposes of this question, an Individual or Entity is "involved" or "associated" with a previous application or petition if that Individual or Entity was either the Applicant or Petitioner or listed as an owner in an application or petition filed with the FCC within the last 10 years.

Yes No

If yes, provide the application identifying information.

- 6) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission revoked/terminated by the FCC?

Yes No

If yes, describe in detail.

- 7) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been involved or associated with a previous filing with the Committee on Foreign Investment in the United States (CFIUS)? For the purposes of this question, an Individual or Entity is "involved" or "associated" with a previous filing if that Individual or Entity was either the subject or listed as an owner of the subject of any prior filing with CFIUS.

Yes No

If yes, provide the filing identifying information.

- 8) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission prohibited, suspended, or revoked by CFIUS?

Yes No

If yes, describe in detail.

- 9) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been convicted of any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) in the United States or any other country? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, offenses, jurisdiction/court, and sentence.

- 10) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been subject to any criminal, administrative, or civil penalties imposed for violating the regulations of the FCC, U.S. Department of State, U.S. Department of the Treasury (including, but not be limited to, Internal Revenue Service, Office of Foreign Assets Control, Financial Crimes Enforcement Network (FinCEN), or Office of the Comptroller of the Currency), U.S. Department of Energy, U.S. Department of Commerce, U.S. Federal Trade Commission, U.S. Securities and Exchange Commission, U.S. Environmental Protection Agency, World Bank Group, or U.S. Commodity Futures Trading Commission, or for violating the regulations of any comparable state or foreign agency? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide details, including name(s) of the Individual or Entity involved, dates, violations, agency, penalty, and if a fine was imposed, status of payment.

- 11) Have any of the Relevant Parties, any of their Corporate Officers, Senior Officers, or Directors, or any associated foreign Entities ever been on the Specially Designated Nationals And Blocked Persons List (SDN List), the BIS Unverified List, or Entity List in 15 CFR part 744, or equivalent list of the United Nations Security Council or European Union?

Yes No

If yes, describe in detail, including providing the specific category of list, the name of the Individual or Entity placed on the list, the date the Individual or Entity was placed on the list, and the factual circumstances underlying the reason for the Individual or Entity being placed on the list.

- 12) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers, or Directors ever been investigated, arraigned, arrested, indicted or convicted of any of the following (to include any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements):

- a) Criminal violations of U.S. law, including espionage-related acts or violations of the Foreign Agents Registration Act (FARA)?

Yes No

- b) Deceptive sales practices, violations of the Telemarketing and Consumer Fraud Act and regulations, 15 U.S.C. § 6101 *et seq.*, 16 C.F.R. §§ 310.1-310.8, and/or Fraud or Prohibited Practices in Contests in violation of 47 U.S.C. § 509, 18 U.S.C. § 1304, and/or other fraud or abuse practices whether pursuant to local, state, or federal law?

Yes No

- c) Bribery or kickbacks paid in any foreign country, to a foreign official or foreign candidate for any office, in order to establish or enhance business, influence any government decision whether or not related to telecommunications, or to gain access to or advantage over broadcast frequencies or markets, natural resources, telecommunications markets, or infrastructure, or any other advantage, whether or not such investigation resulted in a conviction, fine, or loss of any license or privilege?

Yes No

If yes to any of the above questions, describe in detail, including name(s) of Individuals and Entities involved, date(s), and current status or final disposition of matter, including any terms of settlement. Provide any available supporting documentation.

- 13) Is any Relevant Party or Foreign Party registered as an agent under the Foreign Agents Registration Act, 22 U.S.C. § 611 *et seq.*

Yes No

If yes, explain in detail. Should the Relevant Party or Foreign Party wish to confer with the Foreign Agent Registration Act Unit, National Security Division, United States Department of Justice, to determine whether registration is required, contact the Foreign Investment Review Section.

- 14) Is any Relevant Party or Foreign Party presently engaged in, or anticipate engaging in, any of the following on behalf of a Foreign Principal, foreign country, Foreign Government, or foreign agent of a Foreign Principal?

- a) Within the United States, engaging in political activities for, or in the interests of, such a Foreign Principal, foreign country, or Foreign Government;
- b) Within the United States, soliciting, collecting, disbursing, or dispensing contribution, loans, money, or other things of value for, or in the interest of, such Foreign Principal, foreign country, or Foreign Government; or
- c) Within the United States, representing the interests of such Foreign Principal, foreign country, or Foreign Government before any agency, or official, of the Government of the United States.

If yes to any question above, explain each answer in detail.

- 15) Is any Relevant Party or Foreign Party presently engaged in, or anticipate engaging in, any of the following on behalf of a Foreign Principal, foreign country, Foreign Government, or foreign agent of a Foreign Principal?

- a) Undertaking, or directing, an act within the United States as a Publicity Agent or Information-Service Employee for, or in the interests of, such Foreign Principal, foreign country, or Foreign Government; or

- b) Undertaking, or directing, an act within the United States as a Public Relations Counsel or Political Consultant for, or in the interests of, such Foreign Principal, foreign country, or Foreign Government.

If yes to any question above, explain each answer in detail.

- 16) Has any Relevant Party or Foreign Party received, or anticipate receiving, any funding from any Foreign Government, or Foreign Political Party, directly or indirectly?

Yes No

If yes:

- a) Explain the nature of the current/planned relationships with, or funding by, all foreign Entities in detail;
- b) Provide all funding amounts, whether provided directly or indirectly, including amounts itemized and aggregated for the prior ten years; and
- c) Provide copies of any and all contracts, or agreements, with the foreign Entities. If not memorialized in writing, explain the understanding between the Petitioner, or Foreign Party, and the foreign Entity or government.

- 17) Will any Foreign Government or Foreign Political Party, directly or indirectly, have any direction, control, or influence of any activity of any Relevant Party or Foreign Party?

Yes No

If yes, explain in detail.

- 18) Identify the Individual who will be responsible for adhering to the FCC’s political advertising rules and maintaining a Political File pursuant to 47 CFR § 73.1943, and describe that Individual’s role with the Relevant Party.

Provide the responsive information in the chart below:

Responsible Person	Title/Role of the Responsible Person	Applicable TV/Radio Station	Call Sign

- 19) Will any Non-U.S. Individual, non-U.S. Owners, or non-U.S. management, including non-U.S. independent or non-U.S. third-party Individuals or Entities of the Relevant Party, have access to one or more of the following:

- a) Physical facilities or equipment under the Relevant Party’s control; or

- b) Electronic interfaces that allow control, or monitoring, of the facilities or infrastructure under the Relevant Party's control, including access to actual programming content and content distribution.

Yes No

For purposes of answering this question, "facilities" and "equipment" as used in a) and b) specifically refers to (1) all facilities and equipment in the United States, (2) facilities outside the United States that are used to broadcast into the United States, and (3) facilities both inside and outside the United States that store, process, or provide access to U.S. person data (including data on current, past, and potential U.S. customers). If yes to either a) or b), explain the type of access and control that will be provided, and provide the following information:

- i. Full name(s) and alias(es);
- ii. Country(ies) of citizenship (If multiple countries of citizenship, list all countries.);
- iii. Employer name and relationship to either party;
- iv. Date of birth;
- v. Place of birth;
- vi. Social Security Number (SSN) (if applicable);
- vii. U.S. Alien Number (if applicable);
- viii. Passport Number(s) and complete name of country(ies) of issuance (If multiple passports, list all passport numbers and the complete name of the country of issuance.);
- ix. Cellular/mobile phone number(s);
- x. Home phone number(s);
- xi. Email address(es) used (including business and personal);
- xii. Residence address(es);
- xiii. Business address(es); and
- xiv. Business phone number(s).

- 20) Does the Relevant Party have any screening or vetting procedures that will be applied to U.S. or Non-U.S. Individuals who have access, remote or otherwise, to communications facilities, broadcast-network facilities, equipment, or data?

Yes No

If yes, explain all such procedures in detail.

- 21) Does the Relevant Party currently operate a website?

Yes No

If yes, provide all URL addresses for any current or known future websites and describe whether the information therein is up to date.

- 22) Identify the total number of current employees of the Relevant Parties and the total number of planned employees for the next 12 months, and provide the following information:
- a) Where are, or will, those employees be located for purposes of work?
 - b) Describe the access each category of employee (e.g., Publicity Agent, Information-Service Employee, remote sales force, billing support, executives, technical support, content review, content approval) will have to:
 - i. The Licensee's network;
 - ii. The Licensee's business locations;
 - iii. The physical facilities, equipment, or network elements owned, controlled, or leased by the Licensee;
 - iv. Any production facilities, or equipment, whether under the direct control of either the Licensee or under the control of independent third parties tasked or contracted for services; and
 - v. Customer/listener records of any kind, including billing records, listening platform used (e.g., app, online, subscription service), and other listener profile information, such as geolocation information, listening habits, political or national affiliation, and aggregated or compiled data of customers obtained as a result of the provision of services or acquired from third parties for any purpose.

Section IV: Licensee Operations

- 23) Has the Licensee been operational over the course of the current and/or previous year?
Yes No

If yes, provide financial statements and records for the Licensee and Petitioner for the current and preceding year.

- 24) Name each of the Relevant Party's Corporate Officers, Senior Officers, and Directors and for each provide the following:
- a) Explain the nature and extent of each Corporate Officer's, Senior Officer's, and Director's involvement in the Entity's business; and
 - b) Provide all countries of citizenship, date and place of birth, U.S. alien number (indicate whether the Individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.

- 25) Identify the Individual (who is a U.S. citizen residing in the United States with an active security clearance or who is eligible to obtain one) who will be the Licensee's authorized law enforcement point of contact responsible for accepting and responding to requests or compulsory processes from U.S. law enforcement or other U.S. government agencies.

Explain the Individual's relationship to the Licensee and provide name, all countries of citizenship, date and place of birth, U.S. social security number, all passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. Also identify whether the Individual has an active U.S. Government security clearance. PII may be provided in Attachment G.

- 26) Provide all U.S. and foreign addresses (complete postal addresses) of the present and anticipated locations of the Relevant Party's:
- a) Facilities, whether owned, leased, used or shared;
 - b) Broadcast locations;
 - c) Editorial locations;
 - d) Data storage locations; and
 - e) Locations where content is reviewed, whether or not content is edited.

Section V: Licensee Services

- 27) List the types of broadcast licenses held (or applied for) by the Licensee (e.g., radio, television) including the geographic area of service for each type of license.
- 28) Provide a general summary of the nature of the Licensee's current and planned services and operations, to include an explanation of the Licensee's intended overall business model and its relationship with any sister and/or partner companies.

Explain why the Licensee and/or Petitioner is seeking foreign investment/ownership.

- 29) Will programming be rebroadcast via satellite or cable?
Yes No

If yes, describe in detail.

- 30) Will programming be available online?
Yes No

If yes, describe the streaming business operation (including what platform(s) will be used to make the programming available online).

- 31) Describe the intended viewer/listener base of the Licensee's broadcasts, primary language spoken of the target audience, and other demographics, including:
- a) An explanation of how services are offered to each category of viewers/listeners and platform;
and

- b) Identification of any specific business or economic sectors that supply advertising or other assistance to either the Licensee or Petitioner.

32) Does any Relevant Party or any of its subsidiaries or parents provide broadcast services of any kind in any foreign country or in the United States?

Yes No

If yes, list all services provided in each country where those services are provided.

33) Does any Relevant Party, or any foreign Owner (or its affiliates), intend to allow Non-U.S. Individuals, investors, Entities, or governments to provide any influence, direction, control, commentary, or guidance on the content of programming to be broadcast?

- a) If yes, does any Relevant Party, or any foreign Owner (or its affiliates), intend to place any restrictions, or limitations, on how Non-U.S. Individuals, investors, Entities, or governments may influence, direct, control, comment, or guide the content of programming to be broadcast?
- b) What, if any, policies, procedures, and protocols does any Relevant Party, or any foreign Owner (or its affiliates), intend to put in effect to restrict, limit, or prohibit Non-U.S. Individuals, investors, Entities, or governments from providing influence, direction, control, commentary, or guidance on the content of programming to be broadcast?
- c) To the extent that any Relevant Party, or any foreign Owner (or its affiliates), has any such policies, procedures, and protocols in effect now, produce copies of those materials.

34) Indicate whether any Relevant Party or any of its subsidiaries that offer application or web-based content collect, process, or store any U.S. subscriber data. If so, identify what types of data (e.g., name, address, email address, phone number, credit card number) are collected, processed, or stored for each U.S. subscriber.

- a) Indicate where any U.S. subscriber data identified here is stored and who serves as the custodian for such data. Also indicate who has access to such data and whether each Individual with access is a U.S. or non-U.S. citizen.
- b) If U.S. subscriber data is disclosed/will be disclosed to third parties (service providers, third party advertisers, etc.) please identify which companies it is disclosed to (i.e., company name, address, and business relationship to Licensee).
- i. What U.S. customer data is disclosed?
 - ii. What, if any, limitations are placed on the third party's use of the data?
 - iii. What, if any, limitations are placed on third party's further disclosure of the data?
 - iv. What, if any, data security/storage standards does Licensee require of third parties?
- c) Indicate whether any Relevant Party, or its subsidiaries, have deployed any security measures, protocols, or policies to protect subscriber data identified here from unauthorized access or disclosure. Describe each measure, protocol, or policy in place to protect U.S. subscriber data. If the measures have been audited, provide the results of the audits.

WARNING

If the Petitioner or Licensee knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, the Petitioner or Licensee may be subject to prosecution under Title 18, United States Code, Section 1001. The FCC may terminate, revoke, or render null and void any license or authorization granted in this matter if any responses provided are false or intentionally misleading.

Licensee Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of the Licensee, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Petitioner Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of the Petitioner, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Attachment F**Standard Questions for a
Section 310(b) Petition for Declaratory Ruling Involving
a Common Carrier Wireless or Common Carrier
Earth Station Licensee****Petitioner(s) Name(s):****FCC File Number(s):**

Purpose: This list of standard questions solicits the initial information that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) will review in connection with any referral of the above-referenced application by the Federal Communications Commission (FCC) in order to assess any national security and law enforcement concerns raised by the application.

Filing Requirement: As required by 47 CFR § 1.40003, each Applicant subject to a referral to the Committee must provide responses to these standard questions directly to the Committee, prior to or at the same time the applicant files its application with the FCC.

Process of Review: After its review, the Committee may request additional information, including through tailored questions. The 120-day initial review period will typically start on the date the Chair of the Committee determines that the responses to these standard questions and any tailored questions, when required, are complete. If the Committee determines no tailored questions are necessary, the 120-day initial review period will start no more than 30 days after the FCC's referral, on the date the Committee informs the FCC that the responses to the standard questions are complete and that no tailored questions are required. If the Petitioner fails to provide timely responses to any Committee requests for information, the Committee may recommend that the FCC dismiss the application without prejudice.

Dissemination of Information: The information received by the Committee pursuant to 47 CFR § 1.40003 and any subsequent requests for information by the Committee may be shared and used in accordance with Section 8 of Executive Order 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020).

Instructions

- 1) Who Must Respond to this Questionnaire:** A Petitioner that seeks to obtain (a) a section 310(b)(3) or 310(b)(4) foreign ownership ruling in connection with an application for a new common carrier wireless or common carrier earth station license(s), or (b) a 310(b)(3) or 310(b)(4) foreign ownership ruling in connection with an application for assignment, transfer of control, or other change in ownership or control of the Licensee must respond to this questionnaire. In the case of (b), a Petitioner must provide information pertaining to the post-transaction ownership, structure, and operations of the Licensee and Relevant Parties. As used in this questionnaire, the term "Licensee" refers to both an Applicant for a common carrier wireless or common carrier earth station license and an existing licensee.
- 2) Complete All Sections:** When a "Yes" answer is indicated, provide further information as appropriate. The questions seek further details regarding the Applicant and security-related practices

and some questions are particularly directed at identifying and assessing the complete scope of the equipment that the Applicant will be operating and the services that the Applicant will be offering should the FCC grant those authorities. Applicants should explain in their submissions the scope of their responses and any limitations in their responses. If necessary, the Committee will contact the Applicant to clarify or expand upon its responses after the Commission refers the application or when the Committee sends any Tailored Questions.

- 3) **Response Format:** Uniquely and sequentially number your responses to the standard questions, including any attachments, with an endorsement on each page. The number must be a unique, consistently formatted identifier; the number of digits in the numeric portion of the format should not change in subsequent productions, if any, nor should spaces, hyphens, or other separators be added or deleted. Produce any Excel documents in native format (if desired, you may also produce a PDF version for record keeping purposes).
- 4) **Protection from Disclosure:** All information provided in response to this questionnaire will be protected according to the provisions of Executive Order 13913, Section 8. If there are multiple Applicants, each Applicant should clearly mark any answers or documents that contain sensitive information that should not be disclosed to the other Applicants. Personally Identifiable Information (PII) may be submitted in a separate attachment. The PII Supplement is Attachment G.
- 5) **Multiple Petitioners:** When there are multiple Petitioners for a single petition, the Petitioners may file responses either jointly or separately. A cover letter or email (if submitted electronically) must:
 - Provide a clear statement as to how the Petitioners have submitted their responses;
 - Identify which Petitioners have filed jointly and which Petitioners can view each other's business confidential information; and
 - Clearly identify, in headings, the group of Petitioners that have filed together, along with a case name and FCC file number.
 - Petitioners may use a Petitioner-specific identification system, such as Bates Numbering, along with the identification of the FCC file number and party case/transaction name(s).
 - If co-Petitioners decide to submit separate standard questions responses by email, Petitioners should submit the standard questions on the same day.
- 6) **Individuals' Names:** For names that follow different naming conventions, such as the use of surnames as first names (e.g., Korean names), or the use of mother's last name as one of two last names that are often hyphenated (e.g., Spanish names), follow standard English convention for purposes of completing this information. For example, if the name is Kim Chul-su, write "Chul-su Kim" in the form. If the name in Spanish is Juan Garcia-Reyes, write "Juan Garcia Reyes."
- 7) **Residential Addresses:** Contract mail receipt locations, post office boxes, co-working or shared virtual locations may not be used in lieu of residence addresses.
- 8) **Business Addresses:** For each business address, clearly indicate whether the address is a shared business venue, co-working location, virtual office, or traditional physical office.
- 9) **Obligation to Update:** The Applicant must inform the Committee if there is any material change to any of the information provided in the Applicant's responses while the Committee's review is ongoing, including, but not limited to, changes in ownership, equipment, and Communications Assistance for Law Enforcement Act (CALEA) compliance.
- 10) **Cross Referencing:** To the extent that the response to a question contains the same information provided in another response to a question in this questionnaire, the Applicant may cross reference

the response to the other question. For example, if the response to Question X contains the same information provided in the response to Question Y, the response to Question X can cross reference the response to Question Y. The Applicant should not reference information provided in other documents.

11) Definitions – These terms, as used in this questionnaire, have the following definitions:

- “Corporate Officer” refers to any Individual (including Senior Officers) hired or appointed by the Entity’s board of directors that has actual or apparent authority to exercise day-to-day management responsibilities over an Entity.
- “Director” refers to any Individual serving on an Applicant’s board of directors or similar governing body organized to set policies for corporate management of or oversight for an Applicant/Licensee.
- “Entity” includes a partnership, association, estate, trust, corporation, limited liability company, consortium, joint venture, governmental authority, or other organization.
- An “Equity Interest Holder” is any Individual or Entity that has the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, a share or other ownership stake in the Applicant/Licensee.
- The term “Foreign Government” includes any person or group of persons exercising sovereign *de facto* or *de jure* political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign *de facto* or *de jure* authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.
- “Individual” refers to a natural person, as distinguished from an Entity.
- “Managed Services” or “Enterprise Services” refers to the provision of a complete, end-to-end communications solution to customers.
- A “Non-U.S. Individual” is an Individual who is not a U.S. citizen.
- An “Owner” is an Individual or Entity that holds an Ownership Interest in the Applicant/Licensee.
- An “Ownership Interest” is a 5% or greater equity (non-voting) and/or voting interest, whether directly or indirectly held, or a Controlling Interest in the Applicant, and includes the ownership in the ultimate parent/owner of the Applicant and any other Entity(ies) in the chain of ownership (i.e., all Entities that exist in the ownership structure between the Applicant itself and its Ultimate Parent).
 - A “Controlling Interest” is generally a 50% or greater Ownership Interest (either equity or voting). A Controlling Interest shall be determined on a case-by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships. The term Controlling Interest includes Individuals or Entities with positive or negative *de jure* or *de facto* control of the Applicant.
 - “Ultimate Owner” and “Ultimate Parent” refer to the Individual or Entity that ultimately owns and controls the Applicant.
 - *De jure* control includes holding 50% or more of the voting stock of a corporation or holding a general partnership interest in a partnership. Ownership Interests that are held indirectly by any party through one or more intervening corporations may be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain except that if the ownership percentage for an interest in any link in the chain is equal to or exceeds 50% or represents actual control, it may be treated as if it were a 100% interest.
 - *De facto* control is determined on a case-by-case basis. Examples of *de facto*, or actual, control include constituting or appointing 50% or greater of the board of directors or

management committee; having authority to appoint, promote, demote, and fire Senior Officers that control the day-to-day activities of the Licensee; or playing an integral role in management decisions. In the case of a consortium, each member of the consortium shall be considered to have a Controlling Interest in the consortium.

- Controlling Interests include *de facto* controlling interests, for which equity and/or voting ownership may be below 5%.
- “Remote Access” is access from a point that is not physically co-located with the Applicant’s network facilities, or that is not at a point within the Applicant’s network.
- “Senior Officer” refers to any individual that has actual or apparent authority to act on behalf of the Entity. Depending upon the circumstances, such individuals could include the Chief Executive Officer, the President, Chief Financial Officer, Chief Information Officer, Senior Vice President, Chief Technical Officer, or Chief Operating Officer.

Section I: Identification of Relevant Parties

- 1) Provide the name, address, principal place of business, and place of incorporation of Relevant Parties. For the purposes of the following questions “Relevant Parties” means the following:
 - a) Current or Proposed Common Carrier Wireless or Common Carrier Earth Station Licensee (“**Licensee**”)
 - b) Controlling U.S. Parent of the Licensee (“**Petitioner**”)
 - c) Any Individual or Entity with an Ownership Interest in either the Licensee or the Petitioner (“**Owner(s)/Controller(s)**”).

Section II: Petitioner/Licensee Ownership

- 2) To the extent not otherwise identified in response to Question 1, identify each Individual or Entity that holds an Ownership Interest in the Relevant Parties, specifically listing any foreign Entities or Foreign Government-controlled Entities, including the Ultimate Owner/Parent of the Licensee and the Petitioner and any other companies/Individuals holding an Ownership Interest in the chain of ownership, including a Controlling Interest in the Applicant.
 - a) For each Individual or Entity with an Ownership Interest in any of the Relevant Parties (identified in response to either Question 1 or Question 2), include a clear explanation of its involvement in the Relevant Party, including whether the Individual or Entity will have a management role in the Petitioner or Licensee.
 - b) For each Individual or Entity with an Ownership Interest in any of the Relevant Parties (identified in response to either Question 1 or Question 2), provide all identifying information, as follows:
 - i) For Individuals, provide name (including all names and aliases used by that person), country of citizenship (indicate whether the Individual is a dual citizen and all countries where citizenship is held), date and place of birth, U.S. alien number (indicate whether the Individual is a U.S. Lawful Permanent Resident) and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.
 - ii) For Entities, provide country of incorporation (if the United States, include state of incorporation), principal place of business, general business type (e.g., holding company, investment firm), all business addresses, email addresses, and related phone numbers.

Section III: Petitioner/Licensee Details

- 3) Do any of the Relevant Parties have existing (or planned) partnerships, funding arrangements, or service contracts, directly or indirectly, with any of the following:
 - a) Foreign companies or foreign Entities;
 - b) Any Foreign Government or any entity owned or controlled by a Foreign Government; or

- c) An Individual or Entity outside the United States, not a citizen of, or domiciled within, the United States, or not subject to the jurisdiction of the United States, and not having as a principal place of business or presence in the United States.
Yes No

For purposes of this questions, existing (or planned) relationships/partnerships, and funding or service contracts do not include foreign subscribers to the Applicant's retail services, nor do they include foreign employees who are identified in other questions (such as the Senior Officers and Directors identified in Question 17 and Non-U.S. individuals identified in Question 21). A "planned" relationship includes foreign relationships that result from current or reasonably anticipated negotiations or that are identified under current business plans. For example, a planned relationship includes situations in which contracts have been signed or where the parties are already in negotiations.

If yes to any question above, indicate whether the relationship/partnership includes a management role by any foreign Individuals, foreign Entities or Foreign Governments. Provide the name(s) of the foreign Individuals, foreign Entities and Foreign Governments and explain the nature of the relationship/partnership, including whether the relationship/partnership currently exists and/or is intended to continue in the future.

- 4) Identify the total number of current employees of the Licensee and the Petitioner, and planned number of employees for the next 12 months.
- 5) Does the Licensee or Petitioner currently operate or plan to operate a website?
Yes No

If yes, provide all URL addresses for any current or known future websites and describe whether the information therein is up to date.

- 6) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors been involved in bankruptcy proceedings, or any other legal proceeding undertaken for the purpose of liquidating, reorganizing, refinancing, or otherwise seeking relief from all or some of their debts in any jurisdiction over the past 5 years?
Yes No

If yes, describe in detail.

- 7) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors been involved or associated with a previous application or petition to the FCC within the last 10 years? For the purposes of this question, an Individual or Entity is "involved" or "associated" with a previous application or petition if that Individual or Entity was either the Applicant or Petitioner or listed as an owner in an application or petition filed with the FCC within the last 10 years.
Yes No

If yes, provide the application identifying information.

- 8) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission revoked by the FCC?
Yes No

If yes, describe in detail.

- 9) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors ever been involved or associated with a previous filing with the Committee on Foreign Investment in the United States (CFIUS)? For the purposes of this question, an Individual or Entity is “involved” or “associated” with a previous filing if that Individual or Entity was either the subject or listed as an owner of the subject of any prior filing with CFIUS.

Yes No

If yes, provide the filing identifying information.

- 10) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors ever been blocked, sanctioned, penalized, or had an authorization or other permission prohibited, suspended, or revoked by CFIUS?

Yes No

If yes, describe in detail.

- 11) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors ever been convicted of any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) in the United States or any other country? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements. Yes No

If yes, provide the details, including name(s) of the Individual or Entity involved, dates, offenses, jurisdiction/court, and sentence.

- 12) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors ever been subject to any criminal, administrative, or civil penalties imposed for violating the regulations of the FCC, U.S. Department of State, U.S. Department of the Treasury (including, but not be limited to, Internal Revenue Service, Office of Foreign Assets Control, Financial Crimes Enforcement Network (FinCEN), or Office of the Comptroller of the Currency), U.S. Department of Energy, U.S. Department of Commerce, U.S. Federal Trade Commission, U.S. Securities and Exchange Commission, U.S. Environmental Protection Agency, World Bank Group, or U.S. Commodity Futures Trading Commission, or for violating the regulations of any comparable state or foreign agency? This includes any settlements or negotiated resolutions, non-prosecution agreements, or deferred prosecution agreements.

Yes No

If yes, provide details, including name(s) of the Individual or Entity involved, dates, violations, agency, penalty, and if a fine was imposed, status of payment.

- 13) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors, or any associated foreign Entities ever been on the Specially Designated Nationals And Blocked Persons List (SDN List), the BIS Unverified List or Entity List in 15 CFR part 744, or equivalent list of the United Nations Security Council or European Union?

Yes No

If yes, describe in detail, including providing the specific category of list, the name of the Individual or Entity placed on the list, the date the Individual or Entity was placed on the list, and the factual circumstances underlying the reason for the Individual or Entity being placed on the list.

- 14) Have any of the Relevant Parties or any of their Corporate Officers, Senior Officers or Directors ever been investigated, arraigned, arrested, indicted, or convicted of any of the following:
- a) Criminal violations of U.S. law, including espionage-related acts or criminal violations of the International Trade in Arms Regulations (ITAR) or the Export Administration Regulations (EAR)?
Yes No
 - b) Deceptive sales practices, violations of the Consumer Fraud Act and regulations, and/or other fraud or abuse practices whether pursuant to Federal, state, or local law?
Yes No
 - c) Violations of Federal, state, or local law in connection with the provision of telecommunications services, equipment and/or products, and/or any other practices regulated by the Telecommunications Act of 1996 and/or by state public utility commissions?
Yes No

If yes to any of the above, describe in detail, including name(s) of Individuals and Entities involved, date(s), and current status or final disposition of matter, including any terms of settlement. Provide any available supporting documentation.

Section IV: Licensee Operations

- 15) Has the Licensee been operational over the course of the current or previous year?
Yes No

If yes, answer the following:

- a) Provide separately for each year its gross revenue;
- b) Provide separately for each year the Cost of Goods Sold (COGS);
- c) Provide the total amount of COGS allocated for telecommunications equipment and service types; and
- d) Describe the customer base of the Licensee (business, residential, carrier, enterprise, etc.). Is this expected to change, and if so, how?; and
- e) Describe, for all services provided to each category of customer (e.g., enterprise, residential, carrier, etc.):
 - (a) Total number of subscribers;
 - (b) Total annual gross revenue for preceding fiscal year; and
 - (c) Percentage of total gross revenue per category of customer for preceding fiscal year.
 - (d) Is this expected to change, and if so, how?

- 16) List all expected and actual Federal, state, and local government customers, including pursuant to any classified contracts, and include a description of all services to be provided, or services that are currently being provided, to such customers.

17) Name each of the Licensee's and Petitioner's Corporate Officers, Senior Officers, and Directors, and for each provide the following:

- a) Explain the nature and extent of each Corporate Officer's, Senior Officer's or Director's involvement in the Entity's business; and
- b) Provide all countries of citizenship, date and place of birth, U.S. alien number and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.

18) Identify the Individual (who is a U.S. citizen residing in the United States with an active security clearance or who is eligible to obtain one) who will be the Licensee's authorized law enforcement point of contact responsible for accepting and responding to requests or compulsory processes from U.S. law enforcement or other U.S. government agencies.

Explain the Individual's relationship to the Licensee and provide name, all countries of citizenship, date and place of birth, U.S. social security number, all passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. Also identify whether the Individual has an active U.S. Government security clearance. PII may be provided in Attachment G.

19) Identify whether, if required by law, regulation, or license condition, the Licensee will report the following to the appropriate law enforcement agencies, immediately upon discovery:

- a) Any act of compromise of a lawful interception of communications?
Yes No
- b) Any unauthorized access to customer information and/or call-identifying information?
Yes No
- c) Any artificially inflated or fraudulent call traffic detected on your network?
Yes No
- d) Any felony (an offense carrying a maximum potential sentence of a term of imprisonment of more than a year) conviction, U.S. or foreign, of the Licensee, any company officers/directors, or any Individual/company with 5% or greater direct or indirect ownership interest in the Licensee?
Yes No
- e) Any act of unlawful electronic surveillance that occurred on its premises or via electronic systems under its control?
Yes No

20) Will the Licensee store and/or maintain any U.S. communications content, transactional data, call-associated data, billing records, or other subscriber information?

Yes No

If yes, answer the following:

- a) Describe the types of records that will be stored;

- b) Provide all addresses of locations where such records will be stored and/or remotely accessed/managed via electronic systems;
- c) If any storage location differs from the Licensee's address, explain the general purpose of the location and its function within the Licensee's business;
- d) If any of the records will be accessible from outside the United States, explain where, how, and who will have access to them; and
- e) Describe all physical/electronic security measures utilized for all locations/systems to protect the confidentiality of records.

21) Will any Non-U.S. Individual have access to one or more of the following:

- a) Physical facilities and/or equipment under the Licensee's control?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access that will be provided.

- b) Customer records, including Customer Proprietary Network Information (CPNI), billing records, and/or Call Detail Records (CDRs)?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access and records that will be provided.

- c) Network control, monitoring, and/or auditing features?

Yes No

If yes, explain the type of access that will be provided, and how access will be logged and archived.

- d) Electronic interfaces that allow control and/or monitoring of the infrastructure under the Licensee's control, including, but not limited to, access to actual communications content and data?

Yes No

If yes, provide the identity of the Individual(s) and explain the type of access and control that will be provided.

For each Individual identified in response to these questions, provide the following information: name, countries of citizenship, date and place of birth, U.S. alien number and/or social security number (if applicable), passport identifying information (including number and country), all residence addresses, all business addresses, and all phone numbers. PII may be provided in Attachment G.

22) What access control/security policies (physical and cyber) are in place, or will be in place prior to commencing operations, for the network? If the policies exist and are available in writing, provide copies of these policies.

23) What encryption products/technologies have been installed on this network, or will be installed prior to commencing operations?

- 24) Does/will the Licensee have any screening and/or vetting procedures which will be applied to U.S. or Non-U.S. Individuals who have access, remote or otherwise, to the Licensee's communications network facilities, equipment, or data?

Yes No

If yes, explain all such procedures.

- 25) Identify whether, if required by law, regulation, or a license condition, the Licensee will inform the National Security Division (NSD) of the U.S. Department of Justice if, in the future, any record storage/access location is transferred and/or newly established outside of the United States.
- 26) Explain how the Licensee, in accordance with U.S. law, regulation, or license condition, would make any and all records not stored in the United States electronically available in the United States within five (5) business days pursuant to a lawful request to the authorized law enforcement point of contact identified above if such a point of contact is maintained or intended to be maintained.
- 27) Describe all lawful intercept capabilities of the Licensee. Will they be changing, if so, how?
- 28) What, if any, outside capabilities via Remote Access will exist within the Licensee to control or monitor operations over the network (e.g., audit mechanisms, record access monitoring)? Will they be changing, if so, how?
- 29) Do/will any third-party vendors, associated companies, or Owners have Remote Access to the Licensee's network, systems, or records to provide Managed Services?

Yes No

If yes, provide a detailed explanation.

- 30) Do/will any third parties have access, post-transaction, to the Licensee's network, systems, or records for any other reason (e.g., sharing subscriber data for marketing purposes)?

Yes No

If yes, provide a detailed explanation.

Section V: Licensee Services

- 31) List the types of common carrier wireless licenses (e.g., cellular, microwave) and/or common carrier earth station licenses held (or applied for) by the Relevant Parties including the geographic area of service for each type of license.
- 32) Provide a general summary of the nature of the Licensee's current and planned services and operations, to include an explanation of the Licensee's intended overall business model and its relationship with any sister and/or partner companies. Will they be changing, if so, how?
- 33) Why is the Petitioner seeking foreign investment/ownership?
- 34) Provide all addresses of the present and anticipated physical locations for all of the Licensee's network equipment, data centers, and infrastructure (e.g., towers, earth stations). Will they be changing, if so, how? Advise whether these locations are owned or leased – if leased, provide details of the owner(s) and a list of goods/services the owner(s) provides – and the make and model of the principal equipment used, including, but not be limited to, the portions of the network covered below:

- a) Describe the carrier transport facilities (e.g., T1, DS3, Optical Carrier) that will enable customer data flow into and out of owned and/or leased equipment.
- b) Will the Licensee be operating any physical and/or virtual telecommunications switching platforms (e.g., TDM and/or VoIP switches)?
Yes **No**

If yes, provide a network architecture diagram that shows all switches and connection points.

- c) Provide a description of any other intended network equipment and/or proposed infrastructure (e.g., routers, media gateways, multiplexing/cross-connect facilities, signaling devices, data centers, other equipment).
- d) Does the Licensee have a network topology map that shows its Points of Presence (POPs), Network Operation Centers (NOC), towers, and other network elements?
Yes **No**

If yes, attach to your response.

- e) Is the Licensee or its affiliates able to control operations at any POP and/or Network Operations Center (NOC) from any overseas locations?
Yes **No**

If yes, what is the nature of the foreign-based control? Where is it? Who has it? How? Will it be changing, if so, how?

- 35) Will the Licensee use interconnecting carriers and/or peering relationships?
Yes **No**

If yes, provide details and list the carriers.

- 36) Will the Licensee rely on underlying carrier(s) to furnish services to its customers and/or resell any services?
Yes **No**

If yes, provide details and list whose services and what services will be resold.

- 37) Provide a general description of the manner in which services will be delivered to customers.

- 38) Does/will the Licensee serve any sectors of U.S. critical infrastructure? For the purposes of this question, the phrase "provide services to" includes situations in which the Licensee provides service to, has customers in, or participates in the market in sectors of U.S. critical infrastructure.
Yes **No**

If yes, check all that apply:

- | | |
|---|--|
| a. <input type="checkbox"/> Chemical | i. <input type="checkbox"/> Financial Services |
| b. <input type="checkbox"/> Commercial Facilities | j. <input type="checkbox"/> Food and Agriculture |
| c. <input type="checkbox"/> Communications
(i.e., Federal, state, local law enforcement, fire, police) | k. <input type="checkbox"/> Government Facilities |
| | l. <input type="checkbox"/> Healthcare and Public Health |

- d. Critical Manufacturing
- e. Dams
- f. Defense Industrial Base
- g. Emergency Services (i.e., Federal, state, local entities)
- h. Energy
- m. Information Technology
- n. Nuclear Reactors, Materials, and Waste
- o. Transportation Systems
- p. Water and Wastewater Systems
- q. Other (explain in detail)

Will this be changing, if so, how?

Section VI: Licensee Services Portfolio Checklist and Reference Questions

Instructions: Check all applicable boxes that reflect the types of telecommunication services the Licensee intends to provide **in the United States only**. **Do not select any services that will be provided outside the United States.**

For each checked box: (1) provide a **separate and full explanation** at the end of this questionnaire and (2) answer the Reference Questions below the table regarding the services you have indicated in the checklist. **Your responses here are intended to be more specific than the general response provided in Question 38 above.**

PROPOSED LICENSEE SERVICES/ TECHNOLOGIES/NETWORK INFRASTRUCTURE	
VoIP (Voice over Internet Protocol)	<input type="checkbox"/>
POTS (Plain Old Telephone Service)	<input type="checkbox"/>
TDM (Time Division Multiplexing)	<input type="checkbox"/>
Voicemail	<input type="checkbox"/>
PBX (Private Branch Exchange)	<input type="checkbox"/>
Centrex (Hosted/Managed PBX)	<input type="checkbox"/>
Callback Service	<input type="checkbox"/>
Calling Card	<input type="checkbox"/>
Dial Tone Service	<input type="checkbox"/>
Issue DID (Direct Inward Dial) Local Telephone Numbers	<input type="checkbox"/>
Local Exchange Service	<input type="checkbox"/>
Local Toll Service	<input type="checkbox"/>
Domestic/International Long Distance (Interexchange Service)	<input type="checkbox"/>
Tollfree Service	<input type="checkbox"/>
IVR (Interactive Voice Response)	<input type="checkbox"/>
Conference Calling	<input type="checkbox"/>
Operator Service	<input type="checkbox"/>
Directory Assistance	<input type="checkbox"/>
Dial Around Service (1010XXX Casual Calling)	<input type="checkbox"/>
Switched Access	<input type="checkbox"/>
Special Access (Dedicated Line)	<input type="checkbox"/>
Mobile Top Up/Reload Services	<input type="checkbox"/>
Mobile Network Operator Services (MNO)	<input type="checkbox"/>
Mobile Virtual Network Operator Services (MVNO)	<input type="checkbox"/>
Automatic Call Distribution (ACD)	<input type="checkbox"/>

Other	<input type="checkbox"/>
	<input type="checkbox"/>
ISP (Internet Service Provider)	<input type="checkbox"/>
Data/Private Line	<input type="checkbox"/>
VPN (Virtual Private Network)	<input type="checkbox"/>
Web Hosting	<input type="checkbox"/>
LAN (Local Area Network)	<input type="checkbox"/>
WAN (Wide Area Network)	<input type="checkbox"/>
ISDN (Integrated Services Digital Network) BRI (Basic Rate Interface)	<input type="checkbox"/>
ISDN PRI (Primary Rate Interface)	<input type="checkbox"/>
DSL (Digital Subscriber Line)	<input type="checkbox"/>
Frame Relay	<input type="checkbox"/>
Email	<input type="checkbox"/>
International Voice/Data Service	<input type="checkbox"/>
Wireless/Mobile Voice/Data Services	<input type="checkbox"/>
Satellite Services	<input type="checkbox"/>
RF (Radio Frequency), Microwave	<input type="checkbox"/>
Video	<input type="checkbox"/>
Cloud Services	<input type="checkbox"/>
Other	<input type="checkbox"/>
Routing, Signaling Services	<input type="checkbox"/>
Transport Facilities	<input type="checkbox"/>
Leased Lines	<input type="checkbox"/>
Collocation Services	<input type="checkbox"/>
Other	<input type="checkbox"/>

Reference Questions:

Instructions: Answer each question below as it relates to each of the services selected in the above table.

- a) In what manner will the service(s) be delivered to the customers?
- b) What kind of network infrastructure will be utilized to deliver the service(s)?
- c) What equipment (manufacturer, make, and model) and software version will be utilized to provide the service(s)? Will the software be regularly updated?
- d) Will the service(s) be facilities based, resold, or both? Provide description.
- e) Is the Applicant planning to implement and deploy 5G? If so, describe the plans, approach, anticipated services, and the intended vendors.

WARNING

If the Petitioner or Licensee knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, the Petitioner or Licensee may be subject to prosecution under Title 18, United States Code, Section 1001. The FCC may also terminate, revoke, or render null and void any license or authorization granted in this matter if any responses provided are false or intentionally misleading.

Licensee Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of the Licensee, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

Petitioner Certification

Pursuant to Title 28, United States Code, Section 1746, I, an authorized representative of the Petitioner, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this _____ day of _____, year of _____.

Representative Name: _____

Representative Title: _____

Representative Signature: _____

