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

In the Matter of Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules	)))))))))	 OI Docket No. 24-523 MD Docket No. 24-524

SECOND ERRATUM

Released: October 24, 2025

By the Chief, Office of International Affairs, and the Managing Director:

1. On August 13, 2025, the Commission released a Report and Order and Further Notice of Proposed Rulemaking, FCC 25-49, in the above captioned proceeding. On September 16, 2025, the Office of International Affairs and the Managing Director released an Erratum to note some technical corrections to Appendix A and conform the body of the released document to those corrections. This Second Erratum corrects footnote 945, on page 143, to read as follows:

> "[945] *See* OMB Memorandum M-25-05, *Phase 2 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Open Government Data Access and Management Guidance* (Jan. 15, 2025)."

2. To make additional technical corrections necessary to conform to the publishing conventions of the National Archives and Records Administration's Office of the Federal Register, this Second Erratum also replaces Appendix A of the released document, in its entirety, to reflect both sets of corrections. See new **Appendix A** attached.

FEDERAL COMMUNICATIONS COMMISSION

Thomas P. Sullivan
Chief
Office of International Affairs

Mark Stephens
Managing Director
Office of Managing Director

APPENDIX A

Final Rules

Parts 0, 1, and 43 of the Commission's rules are amended as follows:

PART 0 – COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 409, and 1754, unless otherwise noted.

2. Amend § 0.351 by revising paragraph (a)(9) to read as follows:

§ 0.351 Authority delegated.

(a) * * *

(9) To act upon applications for cable landing licenses or revoke or terminate cable landing licenses under the Cable Landing License Act, 47 U.S.C. 34-39, and Executive Order 10530, dated May 10, 1954.

* * * * *

3. Amend § 0.457 by adding paragraph (c)(1)(iv) to read as follows:

§ 0.457 Records not routinely available for public inspection.

* * * * *

(c) * * *

(1) * * *

(iv) The exact specific geographic location information of submarine cables as specified in § 1.70005(e)(7) and (f) of this chapter.

* * * * *

PART 1 – PRACTICE AND PROCEDURE

4. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

Subpart E—Complaints, Applications, Tariffs, and Reports Involving Common Carriers

§ 1.767 [Amended]

5. Amend § 1.767 by:

a. Removing and reserving paragraphs (b) through (d), (f), (g)(1) through (5), (g)(9) through (11), (14), and (16), (i) through (l), and (o); and
b. Removing the note to § 1.767.

§ 1.767 [Removed]

6. Delayed indefinitely, remove § 1.767.

§ 1.768 [Removed]

7. Delayed indefinitely, remove § 1.768.

Subpart G—Schedule of Statutory Charges and Procedures for Payment

8. Amend § 1.1107 by adding the entry "Foreign Adversary Annual Report" at the end of table 1 to read as follows:

§ 1.1107 Schedule of charges for applications and other filings for the international services.

Table 1 to § 1.1107

International services		
Cable landing license, per application	**Payment type code**	**New fee**
* * * * * * *		
Foreign Adversary Annual Report	DAQ	1,445

* * * * *

9. Add subpart FF, consisting of §§ 1.70000 through 1.70024, to read as follows:

Subpart FF—Cable Landing Licenses

Sec.

1.70000 Purpose.

1.70001 Definitions.

1.70002 General requirements.

1.70003 [Reserved]

1.70004 Additional presumptive disqualifying conditions.

1.70005-1.70006 [Reserved]

1.70007 Routine conditions.

1.70008-1.70009 [Reserved]

1.70010 Amendment of applications.

1.70011-1.70013 [Reserved]

1.70014 Processing of applications.

1.70015 Quarterly reports.

1.70016 Eligibility for streamlining.

1.70017-1.70020 [Reserved]

1.70021 Electronic filing.

1.70022 Action on applications, revocation, and termination.

1.70023-1.70024 [Reserved]

§ 1.70000 Purpose.

The provisions contained in this subpart implement the Cable Landing License Act of 1921, codified at 47 U.S.C. 34–39, as amended, and section 5(a) of Executive Order 10530, dated May 10, 1954, and provide requirements for initial applications for a cable landing license; certifications; routine conditions; requests for special temporary authority; foreign carrier affiliation notifications; amendment of applications; modification applications; substantial assignment and transfer of control of a cable landing license; *pro forma* assignment and transfer of control notifications; requests for streamlining of applications; quarterly reports; foreign adversary annual reports; renewal or extension applications; public viewing of applications; electronic filing; and provide for the grant, denial, revocation, and termination of cable landing license applications or licenses.

§ 1.70001 Definitions.

(a) *Affiliated.* The term "affiliated" as used in this subpart is defined as in § 63.09 of this chapter.

(b) *Country.* The term "country" as used in this subpart refers to the foreign points identified in the U.S. Department of State's list of Independent States in the World and its list of Dependencies and Areas of Special Sovereignty. *See* https://www.state.gov.

(c) *Foreign carrier*. The term "foreign carrier" as used in this subpart is defined as in § 63.09 of this chapter except that the term "foreign carrier" shall also include any entity that owns or controls a cable landing station in a foreign market.

(d) *Third-party service provider.* The term "third-party service provider" as used in this subpart is defined as an entity that is involved in providing, hosting, analyzing, repairing, and maintaining the equipment of a submarine cable system, including third-party owners and operators of network operations centers (NOCs).

(e) *Foreign adversary.* The term "foreign adversary" as used in this subpart is defined as any foreign government or foreign non-government person determined by the Secretary of Commerce, pursuant to Executive Order 13873 of May 15, 2019, to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons as identified in 15 CFR 791.4.

(f) *Foreign adversary country.* The term "foreign adversary country" as used in this subpart refers to foreign governments identified as foreign adversaries in 15 CFR 791.4, and countries controlled by a foreign adversary identified in 15 CFR 791.4.

(1) The term "foreign adversary country" includes Venezuela to the extent Venezuelan politician

Nicolás Maduro (Maduro Regime) is identified as a foreign adversary in 15 CFR 791.4.

(2) [Reserved]

(g) *Owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary*. The term "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" as used in this subpart applies to:

(1) Any individual or entity, wherever located, who acts as an agent, representative, or employee, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign adversary or of an individual or entity whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by a foreign adversary;

(2) Any individual, wherever located, who is a citizen of a foreign adversary or a country controlled by a foreign adversary, and is not a United States citizen or permanent resident of the United States;

(3) Any entity, including a corporation, partnership, association, or other organization, that has a principal place of business in, or is headquartered in, incorporated in, or otherwise organized under the laws of a foreign adversary or a country controlled by a foreign adversary; or

(4) Any entity, including a corporation, partnership, association, or other organization, wherever organized or doing business, that is owned or controlled by a foreign adversary, to include circumstances in which any person identified in paragraphs (g)(1) through (3) of this section possesses the power, direct or indirect, whether or not exercised, through the ownership of a majority or a dominant minority (10% or greater) of the total outstanding voting interest and/or equity interest, or through a controlling interest, in an entity, board representation, proxy voting, a special share, contractual arrangements, formal or informal arrangements to act in concert, or other means, to determine, direct, or decide important matters affecting an entity.

(h) *Submarine cable system.* The term submarine cable system as used in this subpart is defined as a cable system that carries bidirectional data and voice telecommunications traffic consisting of one or more submarine cable(s) laid beneath the water, and all associated components that support the operation of the submarine cable system end-to-end, including the segments up to the system's terrestrial terminations at one or more Submarine Line Terminal Equipment (SLTEs) as well as the transponders that convert optical signals to electrical signals and vice versa.

§ 1.70002 General requirements.

(a) *Cable landing license requirements.* A cable landing license must be obtained prior to landing a submarine cable that connects:

(1) The continental United States with any foreign country;

(2) Alaska, Hawaii, or the U.S. territories or possessions with—
(i) A foreign country;
(ii) The continental United States; or
(iii) Each other; or

(3) Points within the continental United States, Alaska, Hawaii, or a territory or possession in

which the cable is laid in areas beyond the U.S. territorial waters, which extend 12 nautical miles seaward from the coastline.

(b) [Reserved]

(c) *Character presumptive disqualifying condition*—(1) *Presumptive disqualifying condition.* An applicant will be presumed not to possess the requisite character qualifications to become a cable landing licensee if the applicant has within the last 20 years:

(i) Materially violated the Cable Landing License Act, 47 U.S.C. 34-39, where the violation—

(A) Was not remediated with an adjudication involving a consent decree and/or compliance plan;

(B) Resulted in a loss of Commission license or authorization; or

(C) Was found by the Commission to be intentional;

(ii) Committed national security-related violations of the Communications Act, 47 U.S.C. 151 *et seq.*, or Commission rules as identified in Commission orders, including but not limited to violations of rules concerning the Covered List that the Commission maintains on its website pursuant to the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act), 47 U.S.C. 1601-1609;

(iii) Made materially false statements or engaged in fraudulent conduct concerning national security or the Cable Landing License Act;

(iv) Been subject to an adjudicated finding of making false statements or engaging in fraudulent conduct concerning national security before another U.S. Government agency; or

(v) Materially failed to comply with the terms of a cable landing license, including but not limited to a condition requiring compliance with a mitigation agreement with the Executive Branch agencies, including the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), where the violation—

(A) Was not remediated with an adjudication involving a consent decree and/or compliance plan;

(B) Resulted in a loss of Commission license or authorization; or

(C) Was found by the Commission to be intentional.

(2) *Applicability*. The presumptive disqualifying condition shall apply to the following applications:

(i) *Initial application*. An initial application for a cable landing license that is filed after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*];

(ii) *Application filed by licensees whose cable landing license is granted after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*. An application for modification, assignment, transfer of control, or renewal or extension of a cable landing license that is filed after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], by a licensee whose initial application for a cable landing license is granted after such date; and

(iii) *Application filed by licensees whose cable landing license is granted prior to [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*. An application for modification, assignment, transfer of control, or renewal or extension of a cable landing license that is filed after [INSERT DATE 30 DAYS

AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], by a licensee whose cable landing license was or is granted prior to such date and that does not exhibit any of the criteria in paragraphs (c)(1)(i) through (v) of this section prior to such date.

(3) *Presumption*. An applicant subject to paragraphs (c)(1) and (2) of this section can overcome the adverse presumption only by establishing that the applicant has the requisite character, despite its past conduct. An applicant need not disclose pending investigations, but rather must only disclose violations as preliminarily or finally determined by the Commission, and as adjudicated by another U.S. Government agency or a court in the United States.

(d) *State Department coordination***.** Cable landing licenses shall be granted or revoked by the Commission after obtaining the approval of the Secretary of State and such assistance from any executive department or establishment of the Government as the Commission may deem necessary. See section 5(a) of Executive Order 10530, dated May 10, 1954.

§ 1.70003 [Reserved]

§ 1.70004 Additional presumptive disqualifying conditions.

(a) *Foreign adversary presumptive disqualifying condition*—(1) *Presumptive disqualifying condition*. The disqualifying condition will presumptively preclude the grant of an application, as specified in paragraph (a)(2) of this section, filed by any applicant:

(i) That is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in § 1.70001(g);

(ii) That is identified on the Covered List that the Commission maintains on its website pursuant to the Secure Networks Act, 47 U.S.C. 1601-1609; and/or

(iii) Whose authorization, license, or other Commission approval, whether or not related to the operation of a submarine cable, was denied or revoked and/or terminated or is denied or revoked and/or terminated in the future on national security and law enforcement grounds, as well as the current and future affiliates and subsidiaries of any such entity as defined in § 2.903(c) of this chapter.

(2) *Applicability*. The presumptive disqualifying condition shall apply to the following applications:

(i) *Initial application*. An initial application for a cable landing license that is filed after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*];

(ii) *Application filed by licensees whose cable landing license is granted after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*. An application for modification, assignment, transfer of control, or renewal or extension of a cable landing license that is filed after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], by a licensee whose initial application for a cable landing license is granted after such date; and

(iii) *Application filed by licensees whose cable landing license is granted prior to [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*. An application for modification, assignment, transfer of control, or renewal or extension of a cable landing license that is filed after [INSERT DATE 30 DAYS

AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], by a licensee whose cable landing license was or is granted prior to such date and that does not exhibit any of the criteria in paragraphs (a)(1)(i) through (iii) of this section prior to such date.

(3) *Presumption*. An applicant subject to paragraphs (a)(1) and (2) of this section can overcome the adverse presumption only by establishing through clear and convincing evidence that the applicant does not fall within the scope of the adverse presumption, or that grant of the application would not pose risks to national security or that the national security benefits of granting the application would substantially outweigh any risks.

(b) *Foreign adversary cable landing presumptive disqualifying condition*—(1) *Presumptive disqualifying condition*. The disqualifying condition will presumptively preclude the grant of an application, as specified in paragraph (b)(2) of this section, filed by any applicant:

(i) That seeks to land a new submarine cable in a foreign adversary country, as defined in § 1.70001(f).

(ii) That seeks to modify, renew, or extend its cable landing license to add a new landing located in a foreign adversary country, as defined in § 1.70001(f).

(2) *Applicability*. The presumptive disqualifying condition shall apply to the following applications:

(i) *Initial application*. An initial application for a cable landing license that is filed after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*];

(ii) *Application filed by licensees whose cable landing license is granted after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*. An application for modification or renewal or extension of a cable landing license that is filed after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], by a licensee whose initial application for a cable landing license is granted after such date; and

(iii) *Application filed by licensees whose cable landing license is granted prior to [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*. An application for modification or renewal or extension of a cable landing license that is filed after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], by a licensee whose cable landing license was or is granted prior to such date.

(3) *Presumption*. An applicant subject to paragraphs (b)(1) and (2) of this section can overcome the adverse presumption only by establishing through clear and convincing evidence that the applicant does not fall within the scope of the adverse presumption, or that grant of the application would not pose risks to national security or that the national security benefits of granting the application would substantially outweigh any risks.

§§ 1.70005-1.70006 [Reserved]

§ 1.70007 Routine conditions.

Except as otherwise ordered by the Commission, this section applies to each licensee of a cable landing license.

(a) Grant of the cable landing license is subject to:

(1) All rules and regulations of the Federal Communications Commission in this chapter;

(2) Any treaties or conventions relating to communications to which the United States is or may hereafter become a party; and

(3) Any action by the Commission or the Congress of the United States rescinding, changing, modifying or amending any rights accruing to any person by grant of the license.

(b) The location of the cable system within the territorial waters of the United States of America, its territories and possessions, and upon its shores shall be in conformity with plans approved by the Secretary of the Army. The cable shall be moved or shifted by the licensee at its expense upon request of the Secretary of the Army, whenever he or she considers such course necessary in the public interest, for reasons of national defense, or for the maintenance and improvement of harbors for navigational purposes.

(c) The licensee shall at all times comply with any requirements of United States government authorities regarding the location and concealment of the cable facilities, buildings, and apparatus for the purpose of protecting and safeguarding the cables from injury or destruction by enemies of the United States of America.

(d) The licensee, or any person or company controlling it, controlled by it, or under direct or indirect common control with it, does not enjoy and shall not acquire any right to handle telecommunications services to or from the United States, its territories or its possessions unless such service is authorized by the Commission pursuant to section 214 of the Communications Act, as amended.

(e) The following prohibition on special concessions applies: (1) The licensee shall be prohibited from agreeing to accept special concessions directly or indirectly from any foreign carrier, including any entity that owns or controls a foreign cable landing station, where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market, and from agreeing to accept special concessions in the future.

(2) For purposes of this section, a special concession is defined as an exclusive arrangement involving services, facilities, or functions on the foreign end of a U.S. international route that are necessary to land, connect, or operate submarine cables, where the arrangement is not offered to similarly situated U.S. submarine cable owners, indefeasible-right-of-user holders, or lessors, and includes arrangements for the terms for acquisition, resale, lease, transfer and use of capacity on the cable; access to collocation space; the opportunity to provide or obtain backhaul capacity; access to technical network information; and interconnection to the public switched telecommunications network.

(3) Licensees may rely on the Commission's list of foreign carriers that do not qualify for the presumption that they lack market power in particular foreign points for purposes of determining which foreign carriers are the subject of the requirements of this section. The Commission's list of foreign carriers that do not qualify for the presumption that they lack market power is available from the Office of International Affairs' website at: https://www.fcc.gov/international-affairs.

(f)-(h) [Reserved]

(i) The Commission reserves the right to require the licensee to file an environmental assessment should it determine that the landing of the cable at the specific locations and construction of necessary cable landing stations may significantly affect the environment within the meaning of § 1.1307 implementing the National Environmental Policy Act of 1969. See § 1.1307(a) and (b). The cable landing license is subject to modification by the Commission under its review of any environmental assessment or environmental impact statement that it may require pursuant to its rules. See also note 1 to § 1.1306 and §

1.1307(c) and (d).

(j) The Commission reserves the right, pursuant to section 2 of the Cable Landing License Act, 47 U.S.C. 35, Executive Order 10530 as amended, and section 214 of the Communications Act of 1934, as amended, 47 U.S.C. 214, to impose common carrier regulation or other regulation consistent with the Cable Landing License Act on the operations of the cable system if it finds that the public interest so requires.

(k) The licensee, or in the case of multiple licensees, the licensees collectively, shall maintain *de jure* and *de facto* control of the U.S. portion of the cable system, including the cable landing stations in the United States, sufficient to comply with the requirements of the Commission's rules in this chapter and any specific conditions of the license.

(l)-(m) [Reserved]

(n) The cable landing license is revocable or subject to termination by the Commission after due notice and opportunity for hearing pursuant to section 2 of the Cable Landing License Act, 47 U.S.C. 35, or for failure to comply with the terms of the license or with the Commission's rules in this chapter.

(o) The cable landing license shall expire twenty-five (25) years from the in-service date, unless renewed or extended upon proper application. Upon expiration, all rights granted under the license shall be terminated.

(p) The licensee(s) must commence service provided under its license within three years following the grant of its license.

> (1) The licensee must notify the Commission within thirty (30) days of the date the cable is placed into service.
>
> (2) Failure to notify the Commission of commencement of service within three years following the grant of the license shall result in automatic termination of the license after the Commission receives approval from the State Department, unless the licensee submits a request for waiver showing good cause why it is unable to commence commercial service on the cable, why the license should not be terminated, and the expected commencement of service date. The requirement to commence service may be extended upon a showing of good cause.

(q) [Reserved]

(r) Licensees shall file submarine cable outage reports as required in part 4 of this chapter.

(s)-(t) [Reserved]

(u) A licensee whose application for a cable landing license is filed and granted after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], shall not use equipment or services identified on the Covered List that the Commission maintains on its website pursuant to the Secure Networks Act, 47 U.S.C. 1601-1609, on its submarine cable system under the license.

> (1) A licensee whose modification application to add a new segment is filed and granted after [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], shall not use equipment or services identified on the Covered List on the new segment and the new landing point. No licensee shall add to its submarine cable system(s) under its respective license(s) equipment or services identified on the Covered List; except, this paragraph (u)(1) shall not apply to a licensee that is identified on the Covered List whose cable landing license was or is granted prior to [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].
>
> (2) [Reserved]

(v) [Reserved]

(w) The licensee shall not enter into a new or extension of an existing arrangement for Indefeasible Rights of Use (IRUs) or leases for capacity on submarine cable systems landing in the United States, where such arrangement for IRUs or lease for capacity would give an entity that is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in § 1.70001(g), the ability to install, own, or manage SLTE on a submarine cable landing in the United States, unless so authorized by the Commission.

(1) A licensee may petition the Commission for waiver of the condition; however, any waiver of the condition would be granted only to the extent the licensee demonstrates by clear and convincing evidence that a new or extension of an existing arrangement for IRUs or lease for capacity subject to this subpart would serve the public interest and would present no risks to national security or that the national security benefits of granting the waiver would substantially outweigh any risks.

(2) [Reserved]

(x) [Reserved]

§ 1.70008-§ 1.70009 [Reserved]

§ 1.70010 Amendment of applications.

Any application may be amended as a matter of right prior to the date of any final action taken by the Commission or designation for hearing. Amendments to applications shall be signed and submitted in the same manner as was the original application. If a petition to deny or other formal objection has been filed in response to the application, the amendment shall be served on the parties.

§ 1.70011-§ 1.70013 [Reserved]

§ 1.70014 Processing of applications.

(a) *Processing of submarine cable applications.* The Commission will take action upon an application eligible for streamlined processing, as specified in § 1.70016, within forty-five (45) days after release of the public notice announcing the application as acceptable for filing and eligible for streamlined processing. If the Commission deems an application seeking streamlined processing acceptable for filing but ineligible for streamlined processing due to national security or law enforcement concerns or other public interest considerations, or if an applicant does not seek streamlined processing, the Commission will issue public notice indicating that the application is ineligible for streamlined processing. Within ninety (90) days of the public notice, the Commission will take action upon the application or provide public notice that, because the application raises questions of extraordinary complexity, an additional 90-day period for review is needed. Each successive 90-day period may be so extended.

(b) *Submission of application to executive branch agencies.* On the date of filing with the Commission, the applicant shall also send a complete copy of the application, or any major amendments or other material filings regarding the application by electronic mail or postal mail, to: U.S. Coordinator, EB/CIP, U.S. Department of State, 2201 C Street NW, Washington, DC 20520-5818; Office of Chief Counsel/NTIA, U.S. Department of Commerce, 14th St. and Constitution Ave. NW, Washington, DC 20230; and Defense Information Systems Agency, ATTN: OGC/DDC, 6910 Cooper Avenue, Fort Meade, MD 20755-–7088, and to electronic mail addresses identified on the FCC website at https://www.fcc.gov/submarine-cables and shall certify such service by electronic mail or postal mail on a service list attached to the application or other filing. Authority is delegated to the Office of International Affairs to amend this rule and to amend the referenced website herein as necessary to update contact information and the list of agencies for filing.

§ 1.70015 Quarterly reports

Any licensee that is, or is affiliated with, a carrier with market power in any of the cable's destination countries must comply with the following requirements:

(a) File quarterly reports summarizing the provisioning and maintenance of all network facilities and services procured from the licensee's affiliate in that destination market, within ninety (90) days from the end of each calendar quarter. These reports shall contain the following:

(1) The types of facilities and services provided (for example, a lease of wet link capacity in the cable, collocation of licensee's equipment in the cable station with the ability to provide backhaul, or cable station and backhaul services provided to the licensee);

(2) For provisioned facilities and services, the volume or quantity provisioned, and the time interval between order and delivery; and

(3) The number of outages and intervals between fault report and facility or service restoration; and

(b) File quarterly, within 90 days from the end of each calendar quarter, a report of its active and idle 64 kbps or equivalent circuits by facility (terrestrial, satellite and submarine cable).

§ 1.70016 Eligibility for streamlining.

(a) *Eligibility for streamlining*. Each applicant must demonstrate eligibility for streamlining, except as otherwise set out in paragraph (b) of this section, by:

(1) Certifying that it is not a foreign carrier and it is not affiliated with a foreign carrier in any of the cable's destination markets;

(2) Demonstrating pursuant to § 63.12(c)(1)(i) through (iii) of this chapter that any such foreign carrier or affiliated foreign carrier lacks market power; or

(3) Certifying that the destination market where the applicant is, or has an affiliation with, a foreign carrier is a World Trade Organization (WTO) Member and the applicant agrees to accept and abide by the reporting requirements set out in § 1.70015. An application that includes an applicant that is, or is affiliated with, a carrier with market power in a cable's non-WTO Member destination country is not eligible for streamlining.

(4) Certifying that all individuals or entities that hold a ten percent or greater direct or indirect equity and/or voting interests, or a controlling interest, in the applicant are U.S. citizens or entities organized in the United States.

(5)

(i) For a license to construct and operate a submarine cable system or to modify the construction of a previously approved submarine cable system, the applicant must certify that it is not required to submit a consistency certification to any state pursuant to section 1456(c)(3)(A) of the Coastal Zone Management Act (CZMA), 16 U.S.C. 1456.

(ii) Streamlining of cable landing license applications will be limited to those applications where all potentially affected states, having constructive notice that the application was filed with the Commission, have waived, or are deemed to have waived, any section 1456(c)(3)(A) right to review the application within the thirty-day period prescribed by 15 CFR 930.54.

(b) *Eligibility for streamlining of renewal or extension applications.* Each applicant for a renewal or extension of a cable landing license must demonstrate eligibility for streamlined processing of the application by:

(1) Including the information and certifications required in paragraph (a) of this section.

(2) [Reserved]

§ 1.70017-§ 1.70020 [Reserved]

§ 1.70021 Electronic filing.

(a) With the exception of submarine cable outage reports, and subject to the availability of electronic forms, all applications and notifications described in this subpart must be filed electronically through the International Communications Filing System (ICFS). A list of forms that are available for electronic filing can be found on the ICFS homepage. For information on electronic filing requirements, see subpart Y of this part, and the ICFS homepage at https://www.fcc.gov/icfs. See also §§ 63.20 and 63.53 of this chapter.

(b) Submarine cable outage reports must be filed as set forth in part 4 of this chapter.

§ 1.70022 Action on applications, revocation, and termination.

The Office of International Affairs shall determine appropriate procedures on a case by case basis for grant or denial of an application or revocation and/or termination of a cable landing license, and grant or deny an application, initiate and conduct application, revocation, and/or termination proceedings, and revoke and/or terminate a cable landing license, as required by due process and applicable law and in light of the relevant facts and circumstances, including providing the applicant or licensee with notice and opportunity to cure noncompliance to the extent such an opportunity is required by the Administrative Procedure Act, 5 U.S.C. 558(c), and to respond to allegations and evidence in the record.

§ 1.70023-§ 1.70024 [Reserved]

10. Delayed indefinitely, amend § 1.70002 by adding paragraph (b) to read as follows:

§ 1.70002 General requirements.

* * * * *

(b) *Public interest statement*. An applicant seeking a cable landing license or modification, assignment, transfer of control, or renewal or extension of a cable landing license shall include in the application information demonstrating how the grant of the application will serve the public interest.

* * * * *

11. Delayed indefinitely, add § 1.70003 to read as follows:

§ 1.70003 Applicant/licensee requirements.

Except as otherwise required by the Commission, the following entities, at a minimum, shall be applicants for, and licensees on, a cable landing license:

(a) Any entity that controls a cable landing station in the United States; and

(b) All other entities owning or controlling a five percent (5%) or greater interest in the cable system and using the U.S. points of the cable system.

12. Delayed indefinitely, add §§ 1.70005 and 1.70006 to read as follows:

§ 1.70005 Initial application for a cable landing license.

An applicant must demonstrate in the initial application for a cable landing license that it meets the requirements under § 1.70002(b) and (c), and the initial application must contain:

(a) The name, address, e-mail address(es), and telephone number(s) of each applicant.

(b) The Government, State, or Territory under the laws of which each corporate or partnership applicant is organized.

(c) The name, title, address, e-mail address(es), and telephone number of the officer and any other contact point, such as legal counsel, of each applicant to whom correspondence concerning the application is to be addressed.

(d) The name of the submarine cable system.

(e) A description of the submarine cable system, including:

(1) The States, Territories, or possessions in the United States and the foreign countries where the submarine cable system will land;
(2) The number of segments in the submarine cable system and the designation of each (e.g., Segment A, Main Trunk, A-B segment);
(3) The length of the submarine cable system by segment and in total;
(4) The location, by segment, of any branching units;
(5) The number of optical fiber pairs, by segment, of the submarine cable system;
(6) The design capacity, by segment, of the submarine cable system;
(7) Specific geographic location information (geographic coordinates, street address, county or county equivalent, as applicable), or if not available, a general geographic description and specific geographic location information to be filed no later than ninety (90) days prior to construction regarding:

(i) Each U.S. and non-U.S. cable landing station and beach manhole;
(ii) Each network operations center (NOC) and backup NOC and, if distinct from the NOC, each security operations center (SOC) and backup SOC, or else a statement that the SOC and backup SOC are not distinct from the NOC and/or backup NOC;
(iii) Where each Power Feed Equipment (PFE) and each Submarine Line Terminal Equipment (SLTE) is connected with the terrestrial land based system(s) and from where each is operated; and
(iv) The route position list including the wet segment of the submarine cable system;

(8) Anticipated time frame when the applicant(s) intends to place the submarine cable system into service; and

(9) For each U.S. cable landing station that is not owned by the applicant(s), provide—

(i) The name of the entity(ies) that owns the cable landing station;

(ii) A statement that the owner(s) of the cable landing station will have no ability to significantly affect the operation of the submarine cable system;

(iii) A statement that the applicant(s) will meet the requirements under § 1.70007(k); and

(iv) A statement that the applicant(s) will ensure the landing station lease agreement(s) have initial terms, with extension options at the sole discretion of the applicant(s), for a total of 25 years, coextensive with the term of the cable landing license.

(f) A specific description of the submarine cable system consistent with paragraph (e)(7) of this section, including a map and geographic data in generally accepted GIS formats or other formats. The Office of International Affairs, in coordination with the Office of Economics and Analytics, shall determine the file formats and specific data fields in which data will ultimately be collected.

(1) The applicant initially may file a general geographic description of the information required in paragraph (e)(7) of this section; however, grant of the application will be conditioned on the Commission's final approval of specific location information, consistent with paragraph (e)(7), to be filed by the applicant no later than ninety (90) days prior to construction. The Commission will give public notice of the filing of each description, and grant of the license will be considered final with respect to that specific geographic location unless the Commission issues a notice to the contrary no later than sixty (60) days after receipt of the specific description, unless the Commission designates a different time period.

(2) Information under paragraph (e)(7) of this section and the exact location information of the wet segment as it approaches the shore, the submarine cable as it reaches the beach manhole, and the dry segment including the cable landing station(s), such as where the SLTE is located and/or from where it is operated, will be withheld from public inspection.

(3) The Commission may disclose to relevant Federal Government agencies information submitted by an applicant, petitioner, licensee, or authorization holder about the submarine cable system, including the location information of cable landing stations, beach manholes, PFE, SLTE, NOCs and backup NOCs, SOCs and backup SOCs, and route position lists. Where such information has been submitted in confidence pursuant to § 0.457 or § 0.459 of this chapter, such information may be shared subject to the provisions of § 0.442 of this chapter and, notwithstanding the provisions of § 0.442(d)(1) of this chapter, notice will be provided at the time of disclosure.

(g) A statement disclosing whether or not the applicant uses and/or will use the following third-party service providers, as defined in § 1.70001(d), in the operation of the submarine cable system:

(1) Any entity that is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in § 1.70001(g);
(2) Any entity identified on the Covered List that the Commission maintains on its website pursuant to the Secure Networks Act, 47 U.S.C. 1601-1609; and/or
(3) Any entity that can access the submarine cable from a foreign adversary country, as defined in § 1.70001(f), and to identify any such foreign adversary country.

(h) A statement as to whether the cable will be operated on a common carrier or non-common carrier basis. Applicants for common carrier cable landing licenses shall also separately file an application for an international section 214 authorization for overseas cable construction under § 63.18 of this chapter.

(i) A list of all of the proposed owners of the submarine cable system including those owners that are not applicants, their respective equity and/or voting interests in the submarine cable system as a whole, their respective equity and/or voting interests in each U.S. cable landing station including SLTE, and their respective equity and/or voting interests by segment of the cable.

(j) For each applicant:

(1) The information and certifications required in § 63.18(h), (o), (p), and (q) of this chapter;

(2) A certification as to whether or not the applicant is, or is affiliated with, a foreign carrier, including an entity that owns or controls a cable landing station, in any foreign country. The certification shall state with specificity each such country;

(3) A certification as to whether or not the applicant seeks to land and operate a submarine cable connecting the United States to any country for which any of the following is true. The certification shall state with specificity the foreign carriers and each country:

(i) The applicant is a foreign carrier in that country; or

(ii) The applicant controls a foreign carrier in that country; or

(iii) There exists any entity that owns more than 25 percent of the applicant, or controls the applicant, or controls a foreign carrier in that country; or

(iv) Two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of the applicant and are parties to, or the beneficiaries of, a contractual relation (e.g., a joint venture or market alliance) affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer and use of capacity on the cable in the United States; and

(4) For any country that the applicant has listed in response to paragraph (j)(3) of this section that is not a member of the World Trade Organization, a demonstration as to whether the foreign carrier lacks market power with reference to the criteria in § 63.10(a) of this chapter.

(5) Under § 63.10(a) of this chapter, the Commission presumes, subject to rebuttal, that a foreign carrier lacks market power in a particular foreign country if the applicant demonstrates that the foreign carrier lacks 50 percent market share in international transport facilities or services, including cable landing station access and backhaul facilities, intercity facilities or services, and local access facilities or services on the foreign end of a particular route.

(k) The certifications in § 1.70006, including a certification that the applicant accepts and will abide by the routine conditions specified in § 1.70007, and information pursuant to §§ 1.70002(c) and 1.70004(a) and (b);

(l) [Reserved]

(m) Each applicant shall certify that it has created and will implement and update a cybersecurity and physical security risk management plan consistent with § 1.70006(c). Applicants shall submit cybersecurity and physical security risk management plans to the Commission upon request. The Office of International Affairs, in coordination with the Public Safety and Homeland Security Bureau, may request, at its discretion, submission of such cybersecurity and physical security risk management plans and evaluate them for compliance with the Commission's rules in this subpart. The cybersecurity and physical security risk management plans provided under this paragraph (m) shall be treated as presumptively confidential.

(n) Any other information that may be necessary to enable the Commission to act on the application.

(o) Applicants for cable landing licenses may be subject to the consistency certification requirements of the Coastal Zone Management Act (CZMA), 16 U.S.C. 1456, if they propose to conduct activities, in or outside of a coastal zone of a state with a federally-approved management plan, affecting any land or water use or natural resource of that state's coastal zone.

(1) Before filing their applications for a license to construct and operate a submarine cable system or to modify the construction of a previously approved submarine cable system, applicants must determine whether they are required to certify that their proposed activities will comply with the enforceable policies of a coastal state's approved management program. In order to make this determination, applicants should consult National Oceanic Atmospheric Administration (NOAA) regulations, 15 CFR part 930, subpart D, and review the approved management programs of coastal states in the vicinity of the proposed landing station to verify that this type of application is not a listed federal license activity requiring review.

(2) After the application is filed, applicants should follow the procedures specified in 15 CFR 930.54 to determine whether any potentially affected state has sought or received NOAA approval to review the application as an unlisted activity. If it is determined that any certification is required, applicants shall consult the affected coastal state(s) (or designated state agency(ies)) in determining the contents of any required consistency certification(s). Applicants may also consult the Office for Coastal Management (OCM) within NOAA for guidance.

(3) The cable landing license application filed with the Commission shall include any consistency

certification required by 16 U.S.C. 1456(c)(3)(A) for any affected coastal state(s) that lists this type of application in its NOAA–approved coastal management program and shall be updated pursuant to § 1.65 to include any subsequently required consistency certification with respect to any state that has received NOAA approval to review the application as an unlisted federal license activity. Upon documentation from the applicant—or notification from each coastal state entitled to review the license application for consistency with a federally approved coastal management program—that the state has either concurred, or by its inaction, is conclusively presumed to have concurred with the applicant's consistency certification, the Commission may take action on the application.

§ 1.70006 Certifications.

An applicant must certify to the following in the initial application for a cable landing license:

(a) That the applicant accepts and will abide by the routine conditions specified in § 1.70007.

(b) Whether or not it exhibits any of the criteria set out in the presumptive disqualifying conditions per §§ 1.70002(c) and 1.70004(a) and (b):

(1) *Character presumptive disqualifying condition*. An applicant seeking a cable landing license or modification, assignment, transfer of control, or renewal or extension of a cable landing license, shall also certify in the application whether or not the applicant has the requisite character qualifications as set out in § 1.70002(c). In an application for an assignment or transfer of control, the licensee, assignee/transferee, and assignor/transferor must submit this certification;

(2) *Foreign adversary presumptive disqualifying condition*. An applicant seeking a cable landing license or modification, assignment, transfer of control, or renewal or extension of a cable landing license, shall certify in the application whether or not it exhibits any of the criteria set out in the presumptive disqualifying condition under § 1.70004(a); and

(3) *Foreign adversary cable landing presumptive disqualifying condition*. An applicant seeking a cable landing license or modification or renewal or extension of a cable landing license, shall certify whether or not it exhibits any of the criteria set out in the presumptive disqualifying condition under § 1.70004(b).

(c) That the applicant has created and will implement and update a cybersecurity and physical security risk management plan, and:

(1) That the plan describes how the applicant will take reasonable measures to employ its organizational resources and processes to ensure the confidentiality, integrity, and availability of its systems and services that could affect its provision of communications services through the submarine cable system;

(2) That the plan identifies the cybersecurity risks the applicant faces, the controls it uses or plans to use to mitigate those risks, and how the applicant will ensure that these controls are applied effectively to its operations;

(3) That the plan addresses both logical and physical access risks, as well as supply chain risks;

(4) That the plan has been signed by the entity's Chief Executive Officer, Chief Financial Officer, Chief Technology Officer, Chief Information Security Officer, or similarly situated senior officer responsible for governance of the organization's security practices;

(5) That the applicant will submit cybersecurity and physical security risk management plans to the Commission upon request; and

(6) That the applicant will preserve data and records related to its cybersecurity and physical security risk management plans, including documentation necessary to demonstrate how those plans are implemented, for a period of two years from the date the related risk management plan certification is submitted to the Commission.

(d) That the submarine cable system will not use equipment or services identified on the Covered List that the Commission maintains on its website pursuant to the Secure Networks Act, 47 U.S.C. 1601-1609.

13. Delayed indefinitely, amend § 1.70007 by adding paragraphs (f) through (h), (l), (m), (q), (s), (t), (v), and (x) to read as follows:

§ 1.70007 Routine conditions.

* * * * *

(f) The cable landing license and rights granted in the license shall not be transferred, assigned, or disposed of, or disposed of indirectly by transfer of control of the licensee, except in compliance with the requirements set out in §§ 1.70012 and 1.70013.

(g) Entities that are parties to a *pro forma* assignment or transfer of control must notify the Commission no later than thirty (30) days after the assignment or transfer of control is consummated, and the notification must include information and certifications required under § 1.70013.

(h) Unless the licensee has notified the Commission in the application of the specific geographic location information required by § 1.70005(e)(7) and (f), the licensee shall notify the Commission no later than ninety (90) days prior to commencing construction. The Commission will give public notice of the filing of each description, and grant of the cable landing license will be considered final with respect to that specific geographic location unless the Commission issues a notice to the contrary no later than sixty (60) days after receipt of the specific description, unless the Commission designates a different time period.

* * * * *

(l) The licensee shall comply with the requirements of § 1.70009.

(m) The licensee shall file annual circuit capacity reports as required by § 43.82 of this chapter.

* * * * *

(q) The licensee must implement a cybersecurity and physical security risk management plan consistent with the requirements in § 1.70006(c) as of the date the submarine cable is placed into service.

(1) The licensee must certify to the Commission, within thirty (30) days of the date the submarine cable is placed into service, that it has created and implemented the cybersecurity and physical security risk management plan as of the in-service date.

(2) The licensee must continue to implement and update, as required based on material changes to the cybersecurity and physical security risks and vulnerabilities that the licensee faces, the cybersecurity and physical security risk management plan.

(3) The licensee shall submit cybersecurity and physical security risk management plans to the Commission upon request. The Office of International Affairs, in coordination with the Public Safety and Homeland Security Bureau, may request, at its discretion, submission of such cybersecurity and physical security risk management plans and evaluate them for compliance with the Commission's rules in this subpart. The cybersecurity and physical security risk management plans provided under this paragraph (q)(3) shall be treated as presumptively confidential.

(4) The licensee shall preserve data and records related to its cybersecurity and physical security risk management plans, including documentation necessary to demonstrate how those plans are implemented, for a period of two years from the date the related risk management plan certification is submitted to the Commission.

* * * * *

(s) The licensee shall notify the Commission of any changes to the following within thirty (30) days:

(1) The contact information of the licensee provided under § 1.70005(a) and (c); and

(2) The name of the licensee (including the name under which the licensee is doing business).

(t) The licensee(s) shall notify the Commission of any changes to the name of the licensed submarine cable system within thirty (30) days of such change. If there are multiple licensees of the submarine cable system, the lead licensee shall file the notification.

* * * * *

(v) The licensee(s) that meet the applicant/licensee requirements of § 1.70003 and criteria under § 1.70017(b) shall submit a Foreign Adversary Annual Report every year consistent with the requirements under § 1.70017.

* * * * *

(x) Cable landing licensees with a license granted prior to [effective date of amendatory instruction 13], must submit a route position list consistent with the requirement under § 1.70005(e)(7)(iv) under the relevant license file number in the Commission's International Communications Filing System (ICFS), or any successor system, no later than sixty (60) days after [effective date of amendatory instruction 13]. Licensees may petition the Commission for waiver of the requirement, which may be granted only to the extent the licensee demonstrates that the required information is unavailable by the submission deadline.

* * * * *

14. Delayed indefinitely, add §§ 1.70008 and 1.70009 to read as follows:

§ 1.70008 Requests for special temporary authority.

(a) Special temporary authority may be used for construction, testing, or operation of a submarine cable system for a term up to and including 180 days.

(b) Applicants seeking special temporary authority must file the requisite application(s) related to the request for special temporary authority. Applicants must identify the file number(s) of any pending application(s) associated with the request for special temporary authority.

(c) An application for special temporary authority must include:

(1) A narrative describing the request for a special temporary authority including the type of request (e.g. new request, extension or renewal of previous request, or other), purpose for the special temporary authority (construction, testing, operating, or other), and the justification for such request;

(2) Information required by § 1.70005(a) through (d);

(3) Whether or not the request for special temporary authority is associated with an application(s) pending with the Commission, and if so, identification of the related file number(s);

(4) The date by which applicants seek grant of the request for special temporary authority and the duration for which applicants seek special temporary authority;

(5) An acknowledgement that any grant of special temporary authority:

(i) Does not prejudice action by the Commission on any underlying application(s);

(ii) Is subject to revocation/cancellation or modification by the Commission on its own motion without a hearing;

(iii) Will expire automatically upon the termination date unless the applicant has made a timely and complete application for extension of the special temporary authority; and

(iv) Does not preclude enforcement action for non-compliance with the Cable Landing License Act, the Communications Act, or the Commission's rules in this chapter for action or failure to act at any time before or after grant of the special temporary authority; and

(6) The certification required in § 63.18(o) of this chapter.

(7) Any other information that may be necessary to enable the Commission to act on the application.

§ 1.70009 Notification by and prior approval for cable landing licensees that are or propose to become affiliated with a foreign carrier.

Any entity that is licensed by the Commission ("licensee") to land or operate a submarine cable landing in a particular foreign destination market that becomes, or seeks to become, affiliated with a foreign carrier that is authorized to operate in that market, including an entity that owns or controls a cable landing station in that market, shall notify the Commission of that affiliation.

(a) *Affiliations requiring prior notification*. Except as provided in paragraph (b) of this section, the licensee must notify the Commission, pursuant to this section, forty-five (45) days before consummation of either of the following types of transactions:

(1) Acquisition by the licensee, or by any entity that controls the licensee, or by any entity that directly or indirectly owns more than twenty-five percent (25%) of the capital stock of the licensee, of a controlling interest in a foreign carrier that is authorized to operate in a market where the cable lands; or

(2) Acquisition of a direct or indirect interest greater than twenty-five percent (25%), or of a controlling interest, in the capital stock of the licensee by a foreign carrier that is authorized to operate in a market where the cable lands, or by an entity that controls such a foreign carrier.

(b) *Exceptions*.

(1) Notwithstanding paragraph (a) of this section, the notification required by this section need not be filed before consummation, and may instead by filed pursuant to paragraph (c) of this section, if either of the following is true with respect to the named foreign carrier, regardless of whether the destination market where the cable lands is a World Trade Organization (WTO) or non-WTO Member:

(i) The Commission has previously determined in an adjudication that the foreign carrier lacks market power in that destination market (for example, in an international section 214 application or a declaratory ruling proceeding); or

(ii) The foreign carrier owns no facilities in that destination market. For this purpose, a carrier is said to own facilities if it holds an ownership, indefeasible-right-of-user, or leasehold interest in a cable landing station or in bare capacity in international or domestic telecommunications facilities (excluding switches).

(2) In the event paragraph (b)(1) of this section cannot be satisfied, notwithstanding paragraph (a)

of this section, the notification required by this section need not be filed before consummation, and may instead be filed pursuant to paragraph (c) of this section, if the licensee certifies that the destination market where the cable lands is a WTO Member and provides certification to satisfy either of the following:

(i) The licensee demonstrates that its foreign carrier affiliate lacks market power in the cable's destination market pursuant to § 63.10(a)(3) of this chapter; or

(ii) The licensee agrees to comply with the reporting requirements contained in § 1.70015 effective upon the acquisition of the affiliation.

(c) *Notification after consummation*. Any licensee that becomes affiliated with a foreign carrier and has not previously notified the Commission pursuant to the requirements of this section shall notify the Commission within thirty (30) days after consummation of the acquisition.

Example 1 to paragraph (c). Acquisition by a licensee (or by any entity that directly or indirectly controls, is controlled by, or is under direct or indirect common control with the licensee) of a direct or indirect interest in a foreign carrier that is greater than twenty-five percent (25%) but not controlling is subject to this paragraph (c) but not to paragraph (a) of this section.

Example 2 to paragraph (c). Notification of an acquisition by a licensee of a hundred percent (100%) interest in a foreign carrier may be made after consummation, pursuant to this paragraph (c), if the foreign carrier operates only as a resale carrier.

Example 3 to paragraph (c). Notification of an acquisition by a foreign carrier from a WTO Member of a greater than twenty-five percent (25%) interest in the capital stock of the licensee may be made after consummation, pursuant to this paragraph (c), if the licensee demonstrates in the post-notification that the foreign carrier lacks market power in the cable's destination market or the licensee agrees to comply with the reporting requirements contained in § 1.70015 effective upon the acquisition of the affiliation.

(d) *Cross-reference*. In the event a transaction requiring a foreign carrier notification pursuant to this section also requires a transfer of control or assignment application pursuant to the requirements of the license granted under § 1.70007(f) and (g), § 1.70012, or § 1.70013, the foreign carrier notification shall reference in the notification the transfer of control or assignment application and the date of its filing. See § 1.70007.

(e) *Contents of notification*. The notification shall certify the following information:

(1) The name of the newly affiliated foreign carrier and the country or countries at the foreign end of the cable in which it is authorized to provide telecommunications services to the public or where it owns or controls a cable landing station.

(2) Which, if any, of those countries is a Member of the World Trade Organization.

(3) The name of the cable system that is the subject of the notification, and the FCC file number(s) under which the license was granted.

(4) The name, address, citizenship, and principal business of any person or entity that directly or indirectly owns ten percent or more of the equity interests and/or voting interests, or a controlling interest, of the licensee, and the percentage of equity and/or voting interest owned by each of those entities (to the nearest one percent). Where no individual or entity directly or indirectly owns ten percent or more of the equity interests and/or voting interests, or a controlling interest, of the licensee, a statement to that effect.

(i) *Calculation of equity interests held indirectly in the licensee*. Equity interests that are held by an individual or entity indirectly through one or more intervening entities shall be calculated by successive multiplication of the equity percentages for each link in the vertical ownership chain, regardless of whether any particular link in the chain represents a controlling interest in the company positioned in the next lower tier. Example: An entity holds a non-controlling 30 percent equity and voting interest in Corporation A which, in turn, holds a non-controlling 40 percent equity and voting interest in the licensee. The entity's equity interest in the licensee would be calculated by multiplying the individual's equity interest in Corporation A by that entity's equity interest in the licensee. The entity's equity interest in the licensee would be calculated as 12 percent (30% × 40% = 12%). The result would be the same even if Corporation A held a de facto controlling interest in the licensee.

(ii) *Calculation of voting interests held indirectly in the licensee.* Voting interests that are held through one or more intervening entities shall be calculated by successive multiplication of the voting percentages for each link in the vertical ownership chain, except that wherever the voting interest for any link in the chain is equal to or exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest. A general partner shall be deemed to hold the same voting interest as the partnership holds in the company situated in the next lower tier of the vertical ownership chain. A partner of a limited partnership (other than a general partner) shall be deemed to hold a voting interest in the partnership that is equal to the partner's equity interest. Example: An entity holds a non-controlling 30 percent equity and voting interest in Corporation A which, in turn, holds a controlling 70 percent equity and voting interest in the licensee. Because Corporation A's 70 percent voting interest in the licensee constitutes a controlling interest, it is treated as a 100 percent interest. The entity's 30 percent voting interest in Corporation A would flow through in its entirety to the licensee and thus be calculated as 30 percent (30% × 100% = 30%).

(5) An ownership diagram that illustrates the licensee's vertical ownership structure, including the direct and indirect ownership (equity and voting) interests held by the individuals and entities named in response to paragraph (e)(4) of this section. Every individual or entity with ownership shall be depicted and all controlling interests must be identified.

(6) The name of any interlocking directorates, as defined in § 63.09(g) of this chapter, with each foreign carrier named in the notification.

(7) With respect to each foreign carrier named in the notification, a statement as to whether the notification is subject to paragraph (a) or (c) of this section. In the case of a notification subject to paragraph (a) of this section, the licensee shall include the projected date of closing. In the case of a notification subject to paragraph (c) of this section, the licensee shall include the actual date of closing.

(8) If a licensee relies on an exception in paragraph (b) of this section, then a certification as to which exception the foreign carrier satisfies and a citation to any adjudication upon which the licensee is relying. Licensees relying upon the exceptions in paragraph (b)(2) of this section must make the required certified demonstration in paragraph (b)(2)(i) of this section or the certified commitment to comply with the reporting requirements in paragraph (b)(2)(ii) of this section in the notification required by paragraph (c) of this section.

(f) *Exemptions based on lack of market power.* If the licensee seeks exemption from the reporting requirements contained in § 1.70015, the licensee should demonstrate that each foreign carrier affiliate named in the notification lacks market power pursuant to § 63.10(a)(3) of this chapter.

(g) *Procedure*. After the Commission issues a public notice of the submissions made under this section, interested parties may file comments within fourteen (14) days of the public notice.

(1) If the Commission deems it necessary at any time before or after the deadline for submission of public comments, the Commission may impose reporting requirements on the licensee based on the provisions of § 1.70015.

(2) In the case of a prior notification filed pursuant to paragraph (a) of this section, the authorized

U.S. licensee must demonstrate that it continues to serve the public interest for it to retain its interest in the cable landing license for that segment of the cable that lands in the non-WTO destination market. Such a showing shall include a demonstration as to whether the foreign carrier lacks market power in the non-WTO destination market with reference to the criteria in § 63.10(a) of this chapter. In addition, upon request of the Commission, the licensee shall provide the information specified in § 1.70005(j). If the licensee is unable to make the required showing or is notified by the Commission that the affiliation may otherwise harm the public interest pursuant to the Commission's policies and rules in this chapter under 47 U.S.C. 34 through 39 and Executive Order 10530, dated May 10, 1954, then the Commission may impose conditions necessary to address any public interest harms or may proceed to an immediate authorization revocation hearing.

(3) Under § 63.10(a) of this chapter, the Commission presumes, subject to rebuttal, that a foreign carrier lacks market power in a particular foreign country if the applicant demonstrates that the foreign carrier lacks 50 percent market share in international transport facilities or services, including cable landing station access and backhaul facilities, intercity facilities or services, and local access facilities or services on the foreign end of a particular route.

(h) *Continuing accuracy of information*. All licensees are responsible for the continuing accuracy of information provided pursuant to this section for a period of forty-five (45) days after filing. During this period if the information furnished is no longer accurate, the licensee shall as promptly as possible, and in any event within ten (10) days, unless good cause is shown, file with the Commission a corrected notification referencing the FCC file numbers under which the original notification was provided.

(i) *Requests for confidential treatment.* A licensee that files a prior notification pursuant to paragraph (a) of this section may request confidential treatment of its filing, pursuant to § 0.459 of this chapter, for the first twenty (20) days after filing.

(j) *Electronic filing*. Subject to the availability of electronic forms, all notifications described in this section must be filed electronically through the International Communications Filing System (ICFS). A list of forms that are available for electronic filing can be found on the ICFS homepage. For information on electronic filing requirements, see §§ 1.10000 through 1.10018 and the ICFS homepage at https://www.fcc.gov/icfs. See also §§ 63.20 and 63.53 of this chapter.

15. Delayed indefinitely, add §§ 1.70011 through 1.70013 to read as follows:

§ 1.70011 Applications for modification of a cable landing license.

A separate application shall be filed with respect to each individual submarine cable system for which a licensee(s) seeks to modify the cable landing license. Each modification application shall include a narrative description of the proposed modification including relevant facts and circumstances leading to the request. Each modification application must contain information pursuant to §§ 1.70002(b) and (c) and 1.70004. Requirements for specific types of modification requests are set out below. For other situations, the licensee(s) should contact Commission staff regarding the required information for the modification application.

(a) An application to add a landing point(s), segment(s), or other like material changes to a submarine cable system must also include the following:

(1) Information as required by § 1.70005(a) through (i), (k), (m), and (o), except as specified in paragraph (a)(2) of this section, as it relates to the modified portion of the cable system and a description of how any new landing point(s) or segment(s) will be connected to the cable system;

(2) Certifications set forth under § 1.70006, except for § 1.70006(d). A licensee seeking a modification of a cable landing license must certify in the application that it has created, updated, and implemented a cybersecurity and physical security risk management plan, consistent with §§

1.70006(c) and 1.70007(q);

(3) Any other information that may be necessary to enable the Commission to act on the application; and

(4) Signature(s) by each licensee. Joint licensees may appoint one party to act as proxy for purposes of complying with this paragraph (a)(4).

(b) An application to add an applicant as a licensee for an existing cable landing license must also include the following:

(1) Information required by § 1.70005(a) through (c), (g), (j), (k), and (m), except as specified in paragraph (b)(4) of this section, for the proposed new licensee;

(2) Information required by § 1.70005(d) through (f);

(3) Information required by § 1.70005(i) for the proposed new licensee and current owners of the submarine cable system;

(4) Certifications set forth under § 1.70006 for the proposed new licensee, except for § 1.70006(d);

(5) Any other information that may be necessary to enable the Commission to act on the application; and

(6) Signature(s) by the proposed licensee and each current licensee. Joint licensees may appoint one party to act as proxy for purposes of complying with this paragraph (b)(6).

(c) A notification of the removal of a landing point(s), segment(s), or other like changes to a submarine cable system must be filed no later than 30 days after the removal. The notification must also include the following:

(1) Information as required by § 1.70005(a) through (d);

(2) A description of which element(s) were removed from the submarine cable system and the date on which the element(s) was removed from the submarine cable system;

(3) An updated description of the submarine cable system after the removal of the elements of the submarine cable system;

(4) An explanation of what happened with the physical facilities upon removal from the submarine cable system;

(5) An explanation of how the removal affected the ownership of the remaining portions of the submarine cable;

(6) Any other information that may be necessary to enable the Commission to act on the notification; and

(7) Signature(s) by each licensee. Joint licensees may appoint one party to act as proxy for purposes of complying with this paragraph (c)(7).

(d) A notification that a licensee(s) has relinquished an interest in a cable landing license must be filed no later than 30 days after the relinquishment. The notification must also include:

(1) Information required by § 1.70005(a) through (d) for the licensee(s) that relinquished an interest in the submarine cable system;

(2) The ownership interests that were held by that licensee(s) prior to the relinquishment;

(3) Whether the licensee(s) relinquished all of its interests in the submarine cable system or what interests it has retained;

(4) An explanation of what happened to the interests that were relinquished (whether the interests were re-distributed pro rata amongst the remaining licensees or otherwise re-distributed);

(5) A demonstration that the entity is not required to be a licensee under § 1.70003 and that the remaining licensee(s) retain collectively *de jure* and *de facto* control of the U.S. portion of the submarine cable system sufficient to comply with the requirements of the Commission's rules in this chapter and any specific conditions of the license;

(6) A signature(s) from the licensee(s) that relinquished its interest;

(7) Any other information that may be necessary to enable the Commission to act on the notification; and

(8) A certification that the notification was served on each of the other licensees of the submarine cable system.

(e) If any joint licensee(s) of a submarine cable no longer exists and did not file a notification to modify the license to relinquish its interest in the license, the remaining joint licensee(s) of the cable may collectively file a modification notification to remove the licensee from the license. Joint licensees may appoint one party to act as proxy for purposes of complying with this paragraph (e). The notification must also include:

(1) Information required by § 1.70005(a) through (d) for the licensee(s) that seeks to remove a licensee(s) from a cable landing license;

(2) An explanation of why the licensee(s) request removal of a licensee(s) from the license;

(3) A description of the efforts to contact the licensee to be removed;

(4) The ownership interests in the submarine cable held by the licensee(s) to be removed;

(5) An explanation of what will happen to the interests of the licensee(s) that will be removed (whether the interests were re-distributed pro rata amongst the remaining licensees or otherwise re-distributed);

(6) A demonstration that the remaining licensee(s) retain collectively *de jure* and *de facto* control of the U.S. portion of the cable system sufficient to comply with the requirements of the Commission's rules in this chapter and any specific conditions of the license;

(7) A signature(s) from all of the licensee(s) of the submarine cable that seeks to remove the licensee(s);

(8) Any other information that may be necessary to enable the Commission to act on the notification; and

(9) A certification that the notification was served on each of the other licensees of the submarine cable system.

(f) A notification to add, remove, or otherwise change a condition on the cable landing license regarding compliance with a national security mitigation agreement (e.g., Letter of Agreement or National Security Agreement) must be filed no later than 30 days after the change. The notification must include the following:

(1) Information required by § 1.70005(a) through (c) of the licensee(s) that seeks to add, remove, or change a condition;

(2) Information required by § 1.70005(d);

(3) An explanation of the change in the national security condition;

(4) A copy of the new national security mitigation agreement, if applicable;

(5) A certification that the Committee for the Assessment of Foreign Participation in the U.S.

Telecommunications Services Sector (Committee) agrees with the change;

(6) A certification that the notification has been served on the Chair of the Committee;

(7) A signature(s) from the licensee(s) that seeks to add, remove, or change a condition; and

(8) Any other information that may be necessary to enable the Commission to act on the notification.

(g) If a landing point is being moved within the same town/city/county as approved in the cable landing license, the licensee(s) must file a notification no later than 30 days after the landing point is moved. The notification must include:

(1) Information as required by § 1.70005(a) through (f), as it relates to the modified portion of the cable system;

(2) Any other information that may be necessary to enable the Commission to act on the notification; and

(3) Signature(s) by each licensee. Joint licensees may appoint one party to act as proxy for purposes of complying with this paragraph (g)(3).

(h) A notification to add an interconnection between two or more licensed cable systems must be filed no later than ninety (90) days prior to construction. The Commission will give public notice of the filing of this description, and grant of the modification will be considered final if the Commission does not notify the applicant otherwise in writing no later than sixty (60) days after receipt of the notification, unless the Commission designates a different time period. If, upon review of the notification, the Commission finds that the proposed interconnection presents a risk to national security, law enforcement, foreign policy, and/or trade policy or raises other concerns, it may require the licensee(s) to file a complete modification application to seek Commission approval for the interconnection. The notification must include:

(1) Information as required by § 1.70005(a) through (c) for each licensee of the submarine cables to be interconnected;

(2) Information as required by § 1.70005(d) and the license file number of each of the cable systems to be interconnected;

(3) A general description of where the interconnection will take place and the terms of the interconnection agreement;

(4) Any other information that may be necessary to enable the Commission to act on the notification; and

(5) Signature(s) by each licensee of each cable to be interconnected. Joint licensees may appoint one party to act as proxy for purposes of complying with this paragraph (h)(5).

(i) A notification to add a new connection between a branching unit of a licensed submarine cable and a foreign landing point must be filed no later than ninety (90) days prior to construction. The Commission will give public notice of the filing of this description, and grant of the modification will be considered final if the Commission does not notify the applicant otherwise in writing no later than sixty (60) days after receipt of the notification, unless the Commission designates a different time period. If, upon review of the notification, the Commission finds that the proposed connection presents a risk to national security, law enforcement, foreign policy, and/or trade policy or raises other concerns, it may require the licensee(s) to file a complete modification application to seek Commission approval for the connection. The notification must include:

(1) Information as required by § 1.70005(a) through (c) for each licensee of the Commission-licensed cable whose branching unit will be used to make the connection between two (or more) foreign points;

(2) Information as required by § 1.70005(d) and the license file number of the Commission-

licensed cable whose branching unit will be used to make the connection between two (or more) foreign points;

(3) A description of the proposed connection, including which foreign points would be connected;

(4) The relationship between the owner of the proposed connection and the licensees of the Commission- licensed cable whose branching unit will be used to make the connection between two (or more) foreign points;

(5) An explanation of how the proposed connection would not allow for direct connection from the new foreign point(s) to the United States;

(6) Any other information that may be necessary to enable the Commission to act on the notification; and

(7) Signature(s) by each licensee of the cable. Joint licensees may appoint one party to act as proxy for purposes of complying with this paragraph (i)(7).

§ 1.70012 Substantial assignment or transfer of control applications.

(a) Each application for authority to assign or transfer control of an interest in a cable system shall contain information pursuant to§§ 1.70002(b) and (c) and 1.70004(a). The application shall contain a certification as to whether or not the licensee, assignor/transferor, or assignee/transferee exhibit any of the criteria set out in the presumptive disqualifying conditions under §§ 1.70002(c)(1) and 1.70004(a)(1).

(b) An application for authority to assign or transfer control of an interest in a cable system shall contain a narrative description of the proposed transaction, including relevant facts and circumstances. The application shall also include the following information:

(1) The information requested in § 1.70005(a) through (c) for both the assignor/transferor and the assignee/transferee.

(2) The information required in § 1.70005(d) through (f).

(3) A narrative describing the means by which the assignment or transfer of control will take place.

(4) The information and certifications required in § 1.70005(j) for the assignee or the transferee and the licensee that is the subject of the transfer of control.

(5) The application shall also specify, on a segment specific basis, the percentage of voting and ownership interests being assigned or transferred in the cable system, including in the U.S. portion of the cable system (which includes all U.S. cable landing station(s)).

(6) The information and certifications required in § 1.70005(g) and (m), except as specified in paragraph (b)(7) of this section, for each assignee or licensee that is the subject of a transfer of control.

(7) The certifications set forth in § 1.70006, except for § 1.70006(d). A licensee seeking an assignment or transfer of control of a cable landing license must certify in the application that it has created, updated, and implemented a cybersecurity and physical security risk management plan, consistent with §§ 1.70006(c) and 1.70007(q). The application must also include a certification that the assignee or the transferee and the licensee that is the subject of the transfer of control accepts and will abide by the routine conditions specified in § 1.70007.

(8) In the event the transaction requiring an assignment or transfer of control application also requires the filing of a foreign carrier affiliation notification pursuant to § 1.70009, the application shall reference the foreign carrier affiliation notification and the date of its filing.

(9) The Commission reserves the right to request additional information concerning the transaction to aid it in making its public interest determination.

(10) An assignee or transferee must notify the Commission no later than thirty (30) days after either consummation of the assignment or transfer or a decision not to consummate the assignment or transfer. The notification shall identify the file numbers under which the initial license and the authorization of the assignment or transfer were granted.

§ 1.70013 Pro forma assignment and transfer of control notifications.

(a) A *pro forma* assignee or a licensee that is the subject of a *pro forma* transfer of control of a cable landing license is not required to seek prior approval for the *pro forma* transaction. A *pro forma* assignee or licensee that is the subject of a *pro forma* transfer of control must notify the Commission no later than thirty (30) days after the assignment or transfer of control is consummated.

(b) Assignments or transfers of control that do not result in a change in the actual controlling party are considered non-substantial or *pro forma*. Whether there has been a change in the actual controlling party must be determined on a case-by-case basis with reference to the factors listed in note 1 to § 63.24(d) of this chapter. The types of transactions listed in note 2 to § 63.24(d) of this chapter will be considered presumptively *pro forma* and prior approval from the Commission need not be sought. A notification of a *pro forma* assignment or transfer of control shall include the following information:

(1) The information requested in § 1.70005(a) through (c) for both the assignor/transferor and the assignee/transferee.

(2) The information required in § 1.70005(d).

(3) A narrative describing the means by which the *pro forma* assignment or transfer of control occurred.

(4) The information and certifications required in § 63.18(h), (o), and (q) of this chapter for the assignee or the transferee and the licensee that is the subject of the transfer of control.

(5) The notification shall also specify, on a segment specific basis, the percentage of voting and ownership interests being assigned or transferred in the cable system, including in the U.S. portion of the cable system (which includes all U.S. cable landing station(s)).

(6) The notification must certify that the assignment or transfer of control was *pro forma*, as defined in this paragraph (b), and, together with all previous *pro forma* transactions, does not result in a change of the licensee's ultimate control.

(7) The information and certifications required in § 1.70005(j)(2) through (5).

(8) A certification that the assignee or the transferee and the licensee that is the subject of the transfer of control accepts and will abide by the routine conditions specified in § 1.70007.

(9) A certification as to whether or not the licensee, assignor/transferor, or assignee/transferee exhibit any of the criteria set out in the presumptive disqualifying conditions under §§ 1.70002(c)(1) and 1.70004(a)(1).

(10) The licensee may file a single notification for an assignment or transfer of control of multiple licenses issued in the name of the licensee if each license is identified by the file number under which it was granted.

(11) The Commission reserves the right to request additional information concerning the transaction to aid it in making its public interest determination.

16. Delayed indefinitely, amend § 1.70016 by:

a. Removing the period at the end of paragraph (b)(1) and adding "; and" in its place; and

b. Adding paragraph (b)(2).
The addition reads as follows:

§ 1.70016 Eligibility for streamlining.

* * * * *

(b) * * *

(2) Certifying that individuals or entities that hold a ten percent or greater direct or indirect equity and/or voting interests, or a controlling interest, in the applicant are:

(i) U.S. citizens or entities organized in the United States; and/or

(ii) Individuals or entities that have citizenship(s) or place of organization in a foreign country and:

(A) Do not have a citizenship(s) or place of organization in a foreign adversary country, as defined in § 1.70001(f); and

(B) Whose ownership interest in the applicant has been previously reviewed by the Commission and the Committee.

17. Delayed indefinitely, add § 1.70017 to read as follows:

§ 1.70017 Foreign adversary annual report for licensees.

(a) *Annual report.* Licensees shall file every year an annual report in the relevant File Number in the Commission's International Communications Filing System (ICFS), or any successor system.

(b) *Criteria for who must report*. The annual reporting requirement in this section applies to a licensee:

(1) That is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in § 1.70001(g);

(2) That is identified on the Covered List that the Commission maintains on its website pursuant to the Secure Networks Act, 47 U.S.C. 1601-1609;

(3) Whose authorization, license, or other Commission approval, whether or not related to operation of a submarine cable, was denied or revoked and/or terminated or is denied or revoked and/or terminated in the future on national security and law enforcement grounds, as well as the current and future affiliates or subsidiaries of any such entity; and/or

(4) Whose submarine cable system is licensed to land or operate in a foreign adversary country, as defined in § 1.70001(f).

(c) *Information contents*. The Foreign Adversary Annual Report shall include information that is current as of thirty (30) days prior to the filing deadline, as follows:

(1) The information as required in § 1.70005(a) through (g), (i), and (m).

(2) Certifications as set forth under § 1.70006, except for 1.70006(b) and (d).

(d) *Reporting deadlines*. Licensees shall submit their initial Foreign Adversary Annual Report within six months of [effective date of the amendatory instruction 17], and each year. OIA shall establish and modify, as appropriate, the filing manner and associated deadlines for the Foreign Adversary Annual Report. OIA may, if needed, consult with the relevant Executive Branch agencies concerning the filing manner and associated deadlines for the annual reports. Licensees shall file the Foreign Adversary Annual Report pursuant to the deadlines.

(e) *Filing with the committee*. Licensees shall file a copy of the report directly with the Committee.

18. Delayed indefinitely, add § 1.70020 to read as follows:

§ 1.70020 Renewal and extension applications.

(a) Licensees seeking to renew or extend a cable landing license shall file an application six months prior to the expiration of the license.

(b) The application must include the information and certifications required in §§ 1.70002(b) and (c), 1.70004, 1.70005, and 1.70006 (except for 1.70006(d)). A licensee seeking a renewal or extension of a cable landing license must certify in the application that it has created, updated, and implemented a cybersecurity and physical security risk management plan, consistent with §§ 1.70006(c) and 1.70007(q).

(c) Upon the filing of a timely and complete application to renew or extend a cable landing license in accordance with the Commission's rules in this chapter, a licensee may continue operating the submarine cable system while the application is pending with the Commission.

19. Delayed indefinitely, add §§ 1.70023 to 1.70024 to read as follows:

§ 1.70023 Covered list certification for cable landing licensees.

Each cable landing licensee shall submit a certification, within sixty (60) days of [effective date of amendatory instruction 19], that it will not add to its submarine cable system(s) under its respective license(s) equipment or services identified on the Covered List that the Commission maintains on its website pursuant to the Secure Networks Act, 47 U.S.C. 1601-1609; except, this condition shall not apply to a licensee that is identified on the Covered List whose cable landing license was or is granted prior to [effective date of amendatory instruction 19].

§ 1.70024 One-time cybersecurity and physical security certification

(a) *Existing licensees*. Each licensee whose cable landing license was granted before [effective date of amendatory instruction 19], must:

(1) Implement a cybersecurity and physical security risk management plan consistent with the requirements in § 1.70006(c) within one year of [effective date of amendatory instruction 19]. To the extent the licensee does not commence service on the submarine cable by this timeframe, the licensee must implement a cybersecurity and physical security risk management plan as of the date the submarine cable is placed into service.

(2) Submit a certification to the Commission within thirty (30) days of [effective date of amendatory instruction 19], that it will implement a cybersecurity and physical security risk management plan consistent with the requirements in § 1.70006(c).

(3) The licensee shall submit cybersecurity and physical security risk management plans to the Commission upon request. The Office of International Affairs, in coordination with the Public Safety and Homeland Security Bureau, may request, at its discretion, submission of such cybersecurity and physical security risk management plans and evaluate them for compliance with the Commission's rules in this subpart. The cybersecurity and physical security risk management plans provided under this subsection shall be treated as presumptively confidential.

(4) The licensee shall preserve data and records related to its cybersecurity and physical security risk management plans, including documentation necessary to demonstrate how those plans are implemented, for a period of two years from the date the related risk management plan certification is submitted to the Commission.

(b) *Pending application for cable landing license*. If an application for a cable landing license is filed prior to [effective date of amendatory instruction 19], and remains pending on or after [effective date of amendatory instruction 19], the applicant(s) must submit a certification, within thirty (30) days of [effective date of amendatory instruction 19], attesting that it will create and implement a cybersecurity and physical security risk management plan as of the date the submarine cable is placed into service.

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS, PROVIDERS OF INTERNATIONAL SERVICES AND CERTAIN AFFILIATES

20. The authority citation for part 43 continues to read as follows:

Authority: 47 U.S.C. 35-39, 154, 211, 219, 220; sec. 402(b)(2)(B), (c), Pub. L. 104-104, 110 Stat. 129.

§ 43.82 [Amended]

21. Amend existing § 43.82 by removing and reserving paragraph (a)(1).

22. Delayed indefinitely, further amend § 43.82 by:
    a. Revising the heading of paragraph (a);
    b. Adding paragraph (a)(1);
    c. Revising paragraph (a)(2);
    d. In paragraph (b), removing "Section 0.459(a)(4) of the Commission's rules" and adding "§ 0.459(a)(4) of this chapter" in its place; and
    e. Adding paragraphs (d) and (e).

The revisions and additions read as follows:

§ 43.82 Circuit capacity report.

(a) *Submarine cable capacity.* * * *

(1) *Capacity holder report.* Each cable landing licensee and common carrier shall file a report showing its capacity on submarine cables landing in the United States as of December 31 of the preceding calendar year.

(2) *United States.* United States is defined in section 3 of the Communications Act of 1934, as amended, 47 U.S.C. 153.

* * * * *

(d) *Compliance.* Submission of false or inaccurate certifications or failure to file timely and complete annual circuit capacity reports in accordance with the Commission's rules in this chapter and the Filing Manual shall constitute grounds for enforcement action, including but not limited to a forfeiture or cancellation of the cable landing license or international section 214 authorization, pursuant to the Communications Act of 1934, as amended, and any other applicable law.

(e) *Sharing of circuit capacity reports with Federal agencies.* For purposes of the information collected under this subpart, the Commission may disclose to the Committee for the Assessment of Foreign Participation in the U.S. Telecommunications Services Sector, the Department of Homeland Security, and the Department of State any information submitted by an applicant, petitioner, licensee, or authorization holder under this subpart. Where such information has been submitted in confidence pursuant to § 0.457 or § 0.459 of this chapter, such information may be shared subject to the provisions of § 0.442 of this chapter and, notwithstanding the provisions of § 0.442(d)(1) of this chapter, notice will be provided at the time of disclosure.