

Annual and Quarterly FCC International Reports Due April 2, 2018

March 13, 2018

Kelley Drye's Communications Group wants to remind its clients of the following Federal Communications Commission ("FCC") reports due **April 2, 2018**. [1]

Annual Section 43.62(b) International Circuit Capacity Reports

The circuit capacity reports collect data regarding capacity held on international terrestrial, satellite and submarine cable facilities, the status of the circuits, and planned and active capacity. The report must be submitted via the online filing portal available here:

<https://apps2.fcc.gov/section4362/login.xhtml> and the portal is open for filing.

Note: An October 2017 FCC Order made changes to certain international reporting requirements, including eliminating the requirement to file terrestrial and satellite circuit data with the Circuit Capacity Reports. However, Office of Management and Budget ("OMB") approval of the changes remains pending. To facilitate this year's report filing, the FCC temporarily waived the requirement to file the terrestrial and satellite circuit data until the earlier of July 1, 2018 or when the FCC provides notification of OMB approval.

The submarine cable circuit reporting and the required reporting entities, are described briefly below. The reports require detailed information pursuant to specific defined terms and filers should be sure to review the FCC's Section 43.62 filing manual for further details regarding the reports.[2]

1) Circuit Capacity Report - International Submarine Cable - Cable Operators

Who must report:

Licensee(s) of submarine cables between the United States and a foreign point

What data is reported: All capacity available on the circuit using equipment currently existing on the cable, as of December 31 of the reporting period. Cable Operators also report planned capacity encompassing all intended capacity on a cable as of two (2) years from December 31 of the current reporting, based on plans for use of upgraded technology on the submarine cable. Capacity is reported in Gbps rounded to one decimal place.

2) Circuit Capacity Report - International Submarine Cable - Capacity Holders

Who must report:

(1) Licensee(s) of submarine cables between the United States and a foreign point, and

(2) Common carriers holding capacity on the U.S. end of a cable between the United States and a foreign point.

What data is reported: Filers must report available capacity held, via cable ownership, indefeasible right of use, or inter-carrier lease, on the U.S. end of every submarine cable between the United States and any foreign point. Capacity holdings also must be categorized and reported as activated or non-activated. Capacity is reported in Synchronous Transport Module level-1 (STM-1) units.

Note that the terrestrial and satellite circuit reports page will still be available in the online filing system. Filers should skip this page, leaving it blank, when submitting the cable operator and capacity holder reports.

Be reminded that FCC staff has the ability to send e-mails to filers through the Section 43.62 online filing system. System-generated e-mails from the FCC will be from: FCC-INTL-Part43@FCC.gov and filers should ensure e-mails from that address will not be caught in spam filters.

FCC Quarterly Section 63.10(c)(2) International Traffic and Revenue Report

All carriers that are classified as dominant for the provision of international communications services must file a quarterly report detailing traffic and revenue data for the services and routes on which the carrier is classified as dominant. The quarterly report must be submitted in the same format as the annual Section 43.62(b) international traffic and revenue report. Note that the annual Section 43.62 international traffic and revenue report will be eliminated, and new quarterly 63.10(c)(2) reporting rules will be implemented, once the FCC's October 2017 rule changes take effect. However, until the new rule changes take effect, filers should use the Section 43.62(b) report templates when preparing the quarterly Section 63.10(c)(2) report.

The traffic and revenue data for the quarterly report must be divided between service billed by U.S. service providers and by foreign service providers. Filers also must report data for minutes and revenues associated with fixed line or mobile networks and settlement payouts and receipts. This international calling service data must be reported in the same format as Schedule 1 of the annual Section 43.62(b) report and revenue data for international private line service must be reported consistent with Schedule 3 of the annual Section 43.62(b) report.

The report must cover the calendar quarter period of October 1, 2017 through December 31, 2017 and must be filed with the FCC by **April 2, 2018**.

FCC Quarterly Section 63.10(c)(3) Quality of Service Report

All carriers that are classified as dominant for the provision of international communications services must provide information regarding the provisioning and maintenance of all basic network facilities and services procured from the carrier's foreign carrier affiliate for those routes on which the carrier is classified as dominant.

These reports should contain the following data: "the types of circuits and services provided; the average time intervals between order and delivery; the number of outages and intervals between fault report and service restoration; and for circuits used to provide international switched service, the percentage of 'peak hour' calls that failed to complete."

The report must cover the calendar quarter period of October 1, 2017 through December 31, 2017 and must be filed with the FCC by **April 2, 2018**.

FCC Quarterly Section 63.10(c)(4) International Circuit Status Report

Facilities-based carriers that are classified as dominant for the provision of international communications services must report on the status of all circuits used to provide international service on those routes on which the carrier is classified as dominant. Information regarding activated or idle 64 kbps or equivalent circuits must be reported on a facility-by-facility basis. Carriers should identify the terrestrial, satellite and submarine cable transmission facilities used, *i.e.*, U.S. - United Kingdom cable system, *etc.* for each route and identify the number of channels or circuits for each system if more than one system is used.

The report must cover the calendar quarter period of October 1, 2017 through December 31, 2017 and must be filed with the FCC by **April 2, 2018**.

FCC Quarterly Section 1.767(l) Submarine Cable Licensee Circuit Status and Provisioning and Maintenance Reports

Section 1.767(l) reports must be filed by submarine cable licensees that (i) are, or are affiliated with, carriers with market power in any of the submarine cable's WTO Member destination countries; and (ii) that have sought streamlined processing of a cable landing license, pursuant to section 1.767 of the Commission's rules.

Filers must submit the following Provisioning and Maintenance and Circuit Status Reports:

Section 1.767 Provisioning and Maintenance Report - The provisioning and maintenance report summarizes the provisioning and maintenance of all network facilities and services procured from the filer's foreign carrier affiliate, in the destination market. The report must contain the following information: the types and volume or quantity of provisioned services and facilities; the time interval between order and delivery; and the number of outages and intervals between fault report and facility or service restoration.

Section 1.767 Circuit Status Report - The circuit status report must include the status of all active and idle 64 kbps or equivalent circuits used to provide international service in the destination markets. Circuits must be reported by facility (terrestrial, satellite and submarine cable).

The section 1.767 provisioning and maintenance reports and circuit status reports are due within 90 days from the end of each calendar quarter. The report must cover the calendar quarter period of October 1, 2017 through December 31, 2017 and must be filed with the FCC by **April 2, 2018**.

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Please be advised that attorneys in Kelley Drye & Warren's telecommunications practice group are experienced in addressing international reporting issues and are able to assist clients in filing the international carrier reports.

For further information on any of these filings, please contact your usual Kelley Drye attorney.

[\[1\]](#) FCC rules require the reports to be filed by March 31 each year. Because the due date falls on a Saturday this year, the report deadline is extended to April 2, 2018.

[\[2\]](#) The FCC's Order directed the International Bureau to release a new filing manual reflecting the revised reporting requirements. Until the revised filing manual is released, filers should use the current, February 2016 manual for the Circuit Capacity report filing.