

International Bureau Temporarily Waives Section 43.62 International Traffic and Revenue Reporting Requirement

May 1, 2017



By an [International Bureau \(Bureau\) Order \(Order\)](#) released yesterday that temporarily waives the International Traffic and Revenue Reporting (the Traffic and Revenue Report) requirement, the Federal Communications Commission (FCC) appears to be moving steadily toward its overhaul of the Section 43.62 international reporting requirements. As Kelley Drye reported in recent posts ([here](#) and [here](#)), in late March the FCC released a Notice of Proposed Rulemaking (NPRM) initiating a proceeding and seeking comments on proposals to eliminate the Section 43.62 Traffic and Revenue Report and further streamline the International Circuit Capacity Report. By today's Order, on the Bureau's own motion and well before the rulemaking's May 17 comment and June 1 reply comment due dates, the Bureau temporarily waived the Traffic and Revenue Report requirement until 60 days after the FCC issues an order in the pending rulemaking proceeding. The Traffic and Revenue Report is filed annually and is due by July 31. However, as a result of the reporting waiver and unless the FCC ultimately decides to retain the reporting requirement, filers may have seen the last of the Traffic and Revenue Report.

Stating that it was not attempting to prejudge the outcome of the rulemaking proceeding, the Bureau noted the FCC's belief that the benefits of the Traffic and Revenue Report no longer outweighed the costs of its preparation. In particular, the Bureau cited the FCC's positions in the NPRM asserting that preparation of the Traffic and Revenue Report imposed significant burdens on filers and the FCC and questioning the Traffic and Revenue Report's accuracy in providing insight into international markets. The Bureau explained that the reporting waiver would avoid subjecting filers to "potentially unnecessary expenses" associated with preparing the Traffic and Revenue Report in the event the FCC eliminates the reporting requirement. While filers are not totally off the hook - the waiver still requires filers to retain the data in case the FCC identifies a need for some type of reporting requirement - the Bureau's waiver of the reporting requirement this early in the rulemaking process suggests the FCC's proposed elimination of the Traffic and Revenue Report likely will be realized.

Until the FCC rules in the rulemaking proceeding, there is no guarantee the Traffic and Revenue Report will be eliminated. Accordingly, filers interested in sharing their thoughts on the Section 43.62 reporting requirements should consider if they want to participate in the rulemaking proceeding. Additional details regarding the NPRM can be found in [Kelley Drye's client advisory](#).

Should you have any questions about this proceeding and what the proposed rules may mean for your business, feel free to contact a member of Kelley Drye's Communications practice group.