

REVISED SUPPORTING STATEMENT

Part A. Justification:

1. On May 12, 2011, the Federal Communications Commission adopted a First Report and Order and Further Notice of Proposed Rulemaking (FCC 11-76) in *Reporting Requirements for U.S. Providers of International Telecommunications Services, Amendment of Part 43 of the Commission's Rules*, IB Docket No. 04-112 (rel. May 13, 2011). In the First Report and Order portion of that document (First Report and Order), the Commission amended the international reporting requirements in Section 43.82 that requires carriers annually to report the status of the international transmission circuits they owned or leased on December 31st of the preceding year. In the First Report and Order, the Commission also eliminated the circuit-addition report in Section 63.23(e) of the Commission's rules.

In the First Report and Order, the Commission retained the annual circuit-status report contained in Section 43.82, but eliminated the requirement that filing entities separately report circuits between the conterminous 48 states and offshore U.S. points such as Guam and the U.S. Virgin Islands and circuits between such offshore U.S. points and foreign points.

In the First Report and Order, the Commission also removed the requirement that filing entities file the circuit-addition report in section 63.23(e) of the rules. The Commission found that the section 43.82 annual circuit-status report provides enough information so that the circuit-addition report is no longer necessary. Section 63.23(e) required carriers that have been certified to resell international private lines for the provision of telecommunications services to file each year the number of private line circuits they added and the service for which they were used. The Commission required this report because such service provider did not file the annual circuit-status report. The underlying carriers that provide the private lines that the resellers are using are required to report those circuits in their annual circuit-status report. As a result, we have a record that the circuits are used and do not need for the resellers also to report the same circuits.

Section 43.82 of the Federal Communications Commission's rules requires that each common carrier engaged in providing facilities-based international telecommunications services between the United States and foreign points shall file annually the status of its circuits used to provide international services. The annual circuit-status report, required by Section 43.82, provides the Commission, the carriers, and others information on how U.S. international carriers use their circuits. The Commission uses the information from the circuit-status reports to ensure that carriers with market power do not use their access to circuit capacity to engage in any anti-competitive behavior. The Commission also uses the reports to implement the requirement in Section 9 of the Communications Act of 1934, as amended, that carriers pay annual regulatory fees for each of the bearer circuits they own.

In 2004, the Commission initiated an overall review of its international reporting requirements, *Reporting Requirements for U.S. Providers of International Telecommunications Services, Amendment of Part 43 of the Commission's Rules*, IB Docket No. 04-112, Notice of Proposed Rulemaking, 19 FCC Rcd 6460 (2004) (*NPRM*). In the *NPRM*, the Commission proposed to retain the annual circuit-status report in section 43.82 and to make certain changes to simplify it. The Commission also proposed to remove the annual circuit-addition report.

The Commission has authority for this information collection pursuant to the Communications Act of 1934 Sections 4, 48, 48 Stat. 1066, as amended, 47 U.S.C. 154 unless otherwise noted. Interpret or apply Sections 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219 and 220.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. Information on international circuits continues to be essential for the Commission to fulfill its mission. The circuit-status reports provide the Commission with the only information it has about the number of circuits on U.S. international routes, the ownership of such circuits, whether the circuits are in use or idle, and how the U.S. international filing entities use their circuits. These data are used to monitor the continuing transition of international routes to competition, to monitor compliance with Commission rules and policies, to gauge the effect of Commission decisions on competition in the international market, and to develop policy positions for bilateral and multilateral negotiations and for Commission participation in international organizations. The Commission also uses circuit-status information to ensure that carriers with market power do not use their access to circuit capacity to engage in anticompetitive behavior. Additionally, the Commission uses the information in analyzing merger applications to determine whether a proposed merger might result in an anticompetitive concentration of market power in the international transport market. Finally, the commission uses the information to help monitor compliance with international bearer circuit regulatory fees established in Section 9 of the Communications Act.
3. Carriers submit three paper copies of their circuit-status information. Carriers must also submit their data on compact disc (CD) media. Alternatively, carriers may also submit their circuit-status data in the form of Excel files.
4. This information collection requirement is not duplicated elsewhere in the Commission's rules.
5. Both large and small carriers file the section 43.82 circuit-status report. The elimination of the requirement for filing entities separately to report circuits between the 48 conterminous U.S. states and U.S. offshore points will simplify the filing of the report and will, thus, benefit small entities.
6. If the information collection were not conducted or were conducted less frequently, it would seriously undermine the Commission's authorization and regulatory process. In addition, Congress mandated the

Commission to collect annual regulatory fees on active equivalent 64 kilobits international circuits. Without such information from the circuit-status report, the Commission's efforts to fulfill its statutory obligation to collect regulatory fees would be hampered.

7. There are no special circumstances that would prevent the Commission from following all guidelines regarding the information collection.
8. The Commission published a 60-day notice in the Federal Register seeking comments from the public on the information collection requirements contained in this collection on July 22, 2011 (76 FR 44007). No comments were received from the public.
9. The Commission will not provide any payment or gift to respondents.
10. At present, the Commission does not provide any assurance of confidentiality to carriers for their circuit-status information.

Carriers that seek to protect the confidentiality of particular data elements may request such treatment under section 0.459 of the Commission's rules. That rule requires such a carrier to justify fully its request for confidentiality by providing enough information for the Commission to determine the need for confidential treatment. The rule requires a carrier requesting confidentiality to submit an unredacted version of its data, as well as a redacted version to be made publicly available. Should the Commission decide to grant a request for confidential treatment of information that does not fall within a specific exemption pursuant to the Freedom of Information Act (FOIA), that Act requires the Commission to disclose publicly the information upon an appropriate request. The Commission may grant requests for confidential treatment either conditionally or unconditionally. As such, the Commission has the discretion to release on public interest grounds information that does fall within the scope of a FOIA exemption. The Commission is requesting public comment on the granting of confidential treatment for particular pieces of data in the annual traffic and revenue or circuit-status reports.

11. The information collection does not seek information from individual persons, so there are no questions of a sensitive nature with respect to the information being collected.

12. The estimate of burden hours for the 75 respondents to this information collection is as follows:

Type of Respondents	Number of Responses	Estimated Hours Per Response	Total Annual Burden Hours	Hourly In-House Costs	Total In-House Costs
Large Carriers	9	50	450	\$35.00/hour	\$15,750
Second Tier Carriers	44	6	264	\$35.00/hour	\$9,240
Third Tier Carriers (file letters only)	22	1	22	\$35.00/hour	\$770
Totals:	75		736 Hours		\$25,760

13. The estimate of costs for the respondents is as follows:

Start-Up Costs: None.

Operations and Maintenance Costs: None.

Total Costs Burden: None.

14. The annualized costs to the Federal government are as follows:

Government Staff	Annual Burden Hours	Costs
GS-15/Step 5 Telecommunications Specialist @ \$67.21 per hour	75 Responses Received X 3 hours of work per response received = 225 hours for staff	\$15,122.25
Annualized Costs to the Federal Government:		\$15,122.25

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15. There are no adjustments to this information collection. There are program changes/decreases of 63 to the number of respondents, 63 to the annual number of responses and 564 to the annual burden. These program changes/decreases are due to the Commission removing the requirement that entities file the circuit-addition report in section 63.23(e) of the rules (*see* FCC 11-76).

17. The Commission is requesting a waiver to not display the OMB control number and expiration date on the manual used by carriers in submitting the information. This will alleviate the Commission from having to update the OMB expiration date on the manual whenever it is resubmitted to OMB. The Commission will use an edition date in lieu of the OMB expiration date. Finally, all OMB-approved information collections (including this one) will be published in 47 CFR 0.408 that “displays” the title, OMB control number and OMB expiration date.

18. There are no other exceptions to the Certification Statement.

Part B. Collections of Information Employing Statistical Methods:

This information collection does not employ statistical methods.