



PUBLIC NOTICE

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ANNUAL INTERNATIONAL CIRCUIT STATUS REPORTS DUE ON APRIL 1, 2013 Carriers Continue to File Pursuant to Section 43.82

Section 43.82 of the Commission's rules requires each facilities-based carrier that provides international telecommunications services to file a Circuit Status Report by April 1, 2013.¹ Although the Commission recently released the *Second Report and Order* in IB Docket No. 04-112, which will revise the international circuit reporting requirements,² the revised requirements will not be in effect for the 2013 filings and international telecommunication carriers should continue to file their annual Circuit Status Reports pursuant to section 43.82 of the Commission's Rules.³

All facilities-based carriers providing international telecommunications services must file a Circuit Status Report if they had any activated or idle circuits as of December 31, 2012.⁴ The information that must be reported, and the filing format for the Circuit Status Report, is set out in the Circuit Status Filing Manual (Filing Manual).⁵ The Commission made changes to the reporting requirements in the *First Report and Order and Further Notice of Proposed Rulemaking* in IB Docket No. 04-112 that are not reflected in the current Filing Manual, however.⁶ Specifically, carriers are:

¹ Section 43.82 of the Commission's rules requires that the reports be filed by March 31 each year. 47 C.F.R. § 43.82. Because March 31 falls on a Sunday this year, the filing date for this year's report will be April 1, 2013. Compliance with Section 43.82 is a specific condition of a carrier's international Section 214 authorization. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

² *Reporting Requirement for U.S. Providers of International Telecommunication Services Amendment of Part 43 of the Commission's Rules*, IB Docket No. 04-112, Second Report and Order, FCC 13-6, 28 FCC Rcd 575 (2013).

³ See *Carriers Should Continue to file Annual International Traffic and Revenue Reports and Circuit Status Reports Pursuant to Section 43.61 and 43.82 of the Commission's Rule*, Public Notice, DA 13-165 (IB rel. Feb. 7, 2013).

⁴ If a carrier did not have any activated or idle circuits as of December 31, 2012, it is not required to file a Circuit Status Report and is not required to file a letter stating that it has no circuits to report.

⁵ *Manual for Filing Section 43.82 Circuit Status Data in Accordance with the FCC's Rules and Regulations*, 10 FCC Rcd 8605 (1995) ("Filing Manual"). The filing manual is accessible on the FCC's website at <http://transition.fcc.gov/ib/pd/pf/csmanual.html>.

⁶ See *Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commissions Rules*, IB Docket No. 04-112, First Report and Order and Further Notice of Proposed Rulemaking, FCC 11-76, 26 FCC Rcd 7274, 7284, 7293-95, paras. 24-25, 51-55 (2011).

(1) no longer required to report circuits from off-shore U.S. points separately;⁷

(2) no longer required to report any circuits between the United States and offshore U.S. points;⁸
and,

(3) no longer required to file a Circuit Addition Report.⁹

In filing their reports, carriers should now combine the circuit data for off-shore U.S. points with the data for domestic U.S. points. Carriers thus should only report circuits between the United States and foreign points.¹⁰

The Filing Manual requires carriers to report the total number of activated and the total number of idle circuits using the following categories: submarine cable, satellite, and landline (cable or microwave).

The Filing Manual defines international facilities-based circuits as “international circuits in which a carrier has an ownership interest. For this purpose, the term ownership interest includes outright ownership, indefeasible right of use (IRU) interests, or leasehold interests in bare capacity in an international facility, regardless of whether the underlying facility is a common or non-common carrier submarine cable or . . . satellite system.”¹¹ The Filing Manual further explains that leasehold interests in bare capacity “are distinct from private lines leased from another reporting international carrier.”¹² Thus, any telecommunications carrier that has leased an international circuit from another common carrier, a non-common carrier, or a foreign carrier, *other than a lease of private line “service” or “capacity” from a common carrier*, must file a Circuit Status Report and include that circuit in its report. Such a circuit should be reported as a facilities-based circuit, and not as a facilities-based resold circuit. Private line resellers should report their resold circuits using the Facility Codes 11, 12 and 13 as specified in the Filing Manual.¹³

Facilities-based carriers that are regulated as dominant on particular U.S. international routes under Section 63.10 must provide their circuit status information on a facility-specific basis for the dominant route only.¹⁴ Carriers should provide the information in a separate appendix using the same table format in the Filing Manual, but they should add a column labeled “Facility Name” after “Data

⁷ *Id.* at 7295, para. 55.

⁸ *Id.*

⁹ *Id.* at 7284, para. 25.

¹⁰ *Id.* at 7295, para. 55. *See* 47 C.F.R. § 43.82(a). The “United States” is defined as the “several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Canal Zone.” 47 U.S.C. § 153(58).

¹¹ Filing Manual at 5.

¹² *Id.*

¹³ *See* sample filing-template, Attachment 1.

¹⁴ 47 CFR § 63.10 (c)(5).

field #2.”

Carriers should file their reports on compact disc (CD) media. We will not accept reports filed on diskettes.

We will accept Excel files. Attachment 1 contains a sample filing-template in Excel with brief field descriptions.

For ease of reference, Attachment 2 contains a list of the International Point country codes carriers can use in filing their circuit reports.

The detailed Filing Manual, along with other instructions that are needed to fulfill this filing requirement, can be found on the FCC website at <http://transition.fcc.gov/ib/pd/pf/csmanual.html>. The Filing Manual is also available through the Commission's contractor for public service records duplication: Best Copy and Printing, Inc. Portals II, 445 12th Street S.W., Room CY-B402, Washington, D.C. 20554, telephone (800)-378-3160.

Carriers must submit two (2) copies of their transmittal letter and report, and one set of data, in CD form, to Chief, Policy Division, International Bureau. Carriers must file their original transmittal letter and the report with Marlene Dortch, FCC Secretary. The detailed filing addresses can be found on the FCC Office of the Secretary home page at <http://transition.fcc.gov/osec/>. In addition, carriers should file a complete set of their submission, *i.e.*, copies of transmittal letter and report, with the Commission's contractor, Best Copy and Printing, Inc. (same mailing address as above).

For further information contact Cathy Hsu of the Policy Division, International Bureau, at (202) 418-2114, email: Cathy.Hsu@fcc.gov.

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