

SUPPORTING STATEMENT

Part A. Justification:

1. The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year extension of OMB Control No. 3060-0572 (delegated authority collection) titled, "Filing Manual for Annual International Circuit Status Reports." There are no changes in reporting requirements, respondents, burden hours or costs.

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.

On April 12, 2004, the Commission released a Notice of Proposed Rulemaking (NPRM), "In the Matter of Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission's Rules," IB Docket No. 04-112, FCC 04-70. The Commission is seeking comments from the public on how to simplify the reporting requirements and to ensure the usefulness of the data collected by the Commission. The proposals seek to further the Commission's goal of protecting U.S. consumers and U.S. carriers from anti-competitive conduct, ensuring that consumers enjoy more choice in telecommunications services and decreasing prices for international calls without imposing unnecessary paperwork burdens on carriers. (Note: The above referenced NPRM is hereafter referred to as the "Part 43 NPRM").

The Commission proposed to mandate that carriers submit their traffic and revenue data and their circuit-status data to the Commission electronically. The electronic submissions may include either electronic filing of data in the International Bureau Filing System (IBFS) or using a commercial spreadsheet computer program. Currently, the section 43.61 and 43.82 filing manuals direct carriers to submit their traffic and revenue and circuit-status data on diskettes, in ASCII-based record format fields. If mandatory electronic filing is implemented, it would decrease the paperwork burden on carriers since there would be no need to provide hard copies of reports and would expedite the Commission's review of information since it would be readily available in an electronic format. Furthermore, it would facilitate the Commission's analysis and consolidation of the carriers' data submissions into the annual International Telecommunications Data report.

The Commission's comprehensive report containing industry-wide totals is disseminated to the public annually.

The information collection requirements addressed in the NPRM that are related to OMB Control Number 3060-0572 are as follows: (1) Circuit Status Reports and (2) Consolidation of the Annual Traffic and Revenue Reports and Circuit Status Reports Manuals into One Consolidated Filing Manual. Other areas discussed in the NPRM, such as Annual Traffic and Revenue Reports, Reports of Division of Tolls for Telegraph Carriers and Miscellaneous Reports are addressed under OMB Control Number 3060-0106.

1. Circuit Status Reports – Section 43.82

The Commission is seeking comment from the public on whether carriers should continue to file annual circuit-status information with the Commission. If the Commission retains the annual circuit-status report, the Commission proposed that carriers no longer report circuits they use for service between the continental United States and off-shore U.S. points or between two off-shore U.S. points. The agency also proposed to consolidate the existing Sections 43.61 and 43.82 into one section of the rules.

2. Consolidation of the Annual Traffic and Revenue Reports and Circuit Status Reports Manuals into One Consolidated Filing Manual – Sections 43.61 and 43.82

The Commission is seeking comment from the public on its proposal to consolidate the annual traffic and revenue reports and circuit status reports into one consolidated filing manual. The development of a consolidated filing manual would be less confusing and less burdensome for carriers. Also, consolidating both filing manuals would be the best way to ensure that the definitions and services used in both reports remain consistent over time. Under Section 43.61, the Commission delegated authority to the Chief of the Wireline Competition Bureau (WCB) to prepare a filing manual related to the annual traffic and revenue reports. Under Section 43.82, the Commission delegated authority for preparing a filing manual for the circuit-status report to the Chief of the International Bureau. If the proposal of a consolidated filing manual is implemented, the Chief of the International Bureau will prepare the consolidated filing manual.

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. Section 63.23(e) of the FCC's rules requires that non-dominant carriers providing international resold private lines file annual circuit addition reports. The collection of Section 63.23(e) circuit addition data stems from the Commission's authority under the Communications Act of 1934, Section 1, 4(i), 4(j), 201-205, 218 and 403 of the Communications Act of 1934, as amended, 47

U.S.C. secs. 151, 154(i), 154(j), 201-205, 218 and 403, unless otherwise noted.

As noted on the OMB Form 83-I, this information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The information compiled by the Commission from the reports is useful to current industry members, potential new entrants into the industry, and the Commission. The information is aggregated and published by the Commission for the use and benefit of all industry members. The information is critically important for U.S. carriers in the preparation of their international business plans, in monitoring for nondiscriminatory provisioning of circuits by U.S. and foreign carriers, particularly in markets dominated by incumbent foreign carriers, and for determining the availability of capacity, or the lack thereof, for market entry and expansion decisions. The information will aid the industry in determining competitive opportunities and thereby supports the Commission's efforts to achieve a more competitive international telecommunications marketplace. In addition, the information will allow the Commission to comply with the statutory requirements of the Omnibus Budget Reconciliation Act of 1993. Without this information, the Commission's efforts to achieve a more competitive international telecommunications marketplace will be impeded. Also, the Commission would not have the information necessary to comply with its statutory requirements under the Omnibus Budget Reconciliation Act of 1993.

3. The Filing Manual requires that carriers file the annual circuit status reports on computer diskettes in a common format as specified in the Manual. In developing the attached manual, every effort was made to collect the necessary information consistent with the ways the carriers maintain such information for their own purposes. The Commission permits carriers to submit Excel documents to the agency. To increase distribution and provide easy access of information to the public, the manual is available on the Commission's Internet site and is available for public inspection at the Commission.

The Commission proposed mandatory electronic filing of annual traffic and revenue reports and circuit-status data for carriers. If the proposal is adopted by the Commission, carriers would have the option of filing data into the International Bureau Filing System (IBFS) or submitting information on a commercially available spreadsheet program. This proposal would decrease the paperwork burdens for carriers since they would not have to file hard copies of the submission with the FCC. A total of 100 percent of circuit status information is filed electronically in the IBFS.

4. This information collection requirement is not duplicated elsewhere in the Commission's rules.

5. The NPRM proposed to simplify the information that the carriers, both small and large, must submit for any traffic and revenue reports. Among other proposals, the NPRM proposed a set of

schedules for the reporting of the traffic and revenue and circuit-status information in lieu of the two filing manuals that are currently used. The Notice proposed to streamline some of the reporting categories, which will reduce the reporting requirements on both small and large entities.

The NPRM proposed to consolidate sections 43.61 (traffic and revenue reporting requirement) and 43.82 (circuit-status reporting requirement) into one rule. Consolidating the rules will eliminate the requirement that carriers file two separate reports – one for traffic and revenue data and one for circuit-status data. The Notice proposed that one filing manual be developed that will satisfy the reporting requirements of the new rule. One consolidated filing manual for both reports would be less confusing and less time-consuming for both small and large carriers.

The NPRM sought comment on whether it would significantly speed and facilitate the submission of data if the Commission were to encourage or mandate carriers to submit their data electronically. Electronic filing would lessen the burden of filing the reports for both small and large carriers. Because carriers maintain the data electronically, it would be practicable for carriers to submit the data in the same format rather than convert the data into a different format. In summary, the proposals discussed in the NPRM would minimize the economic impact on small entities to the greatest extent possible.

6. If the information collection was not conducted or was conducted less frequently, it would seriously undermine the Commission's authorization process. In addition, Congress mandated the Commission to collect annual regulatory fees on active equivalent 64 kilobits international circuits. Without such information, the Commission would not be able to fulfill its statutory obligation.

7. There are no special circumstances that would prevent the Commission from following all guidelines regarding the information collection.

8. On February 7, 2007, the Commission published a notice in the Federal Register (FR Cite 72 FR 5713). The comment period ended on April 9, 2007. The Commission did not receive any comments from the public. A copy of the 60 day notice is included in this submission to the OMB.

The Commission issues a Public Notice before the annual filing deadline to remind carriers of their obligations and provide information concerning the Circuit Status Filing Manual. The Manual is placed on the Commission's Internet site.

The Commission does not anticipate any circumstances preventing it from consulting with industry representatives concerning the information collection.

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. However, the Commission is seeking comment on whether the circuit-status information the carriers submit under section 43.82 continues to be competitively sensitive or whether the carriers' circuit-status information could also be made available to the public. Carriers that want continued confidential treatment for this information should address why the information is competitively sensitive. It is possible that information that is competitively sensitive when it is submitted would not continue to be sensitive after time has passed. The agency is requesting that carriers comment on whether the circuit-status information could be released after one year or after two years.

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. There are no questions of a sensitive nature with respect to the information being collected.

12. The estimate of burden hours is as follows:

Type of Respondents	Number of Respondents	Estimated Hours Per Respondent	Total Annual Burden Hours
Large Carriers	8	50	400
Second Tier Carriers	80	10	800
Third Tier Carriers (file letters only)	50	2	100
Totals:	138	9 (Average)	1,300

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

Start-Up Costs: There are no capital or start-up costs associated with this collection because the computerized record formats were made to be consistent with the record formats already used by the respondents for filing international traffic data under Section 43.61.

Operations and Maintenance Costs:

Type of Respondents	Number of Respondents	Average Burden Hours	Total Burden Hours	Costs Per Hour	Annual Costs
Facilities-Based and private line resale carriers	8	50	400	\$35	\$14,000
Second Tier Carriers	80	10	800	\$35	\$28,000
Third Tier Carriers (file letters only)	50	2	100	\$35	\$3,500
Totals:	138	9	1,300	\$35	\$45,500 (Rounded to \$46,000)

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

Government Staff	Annual Burden Hours	Costs
GS-14/Step 5 Telecommunications Specialist @ \$46.27 per hour	414 138 Respondents X 3 hours per submission = 414	\$19,155.78
Overhead (30% of \$19,155.78 = \$5,746.73)		\$5,746.73
Annualized Costs to the Federal Government:		\$24,902.51 (Rounded to \$25,000)

15. There are no program changes or adjustments in this Supporting Statement.

16. Circuit totals by circuit type, service, and country are published in the Circuit Status Filing Manual and made available on the Commission's website approximately six months after the information is filed with the agency.

17. The Commission is requesting a waiver to not display the OMB control number and expiration date on the Section 43.61 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 exceptions to the certification statement.

Part B. Collections of Information Employing Statistical Methods:

This information collection does not employ statistical methods.