

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."

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. Also, Section 63.23(e) of the Federal Communication's rules require that any party certified to provide international resold private lines to a particular geographic market shall report its circuit additions on an annual basis. Circuit additions should indicate the specific services provided (e.g., IMTS or private line) and the country served. This report shall be filed on a consolidated basis not later than March 31 for the preceding calendar year.

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 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. 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. 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 October 16, 2009, the Commission published a 60-day notice (74 FR 53235) in the Federal Register. The comment period ended on December 15, 2009. The Commission received a comment from AT & T on December 15, 2009.

The Commission's response to the comment is as follows: AT&T Inc. filed the only comment in response to the notice in the Federal Register. AT&T makes two points in its comments. First, it states that the time it needs to complete the required reports is significantly higher than the time estimates in the notice. Second, AT&T urges the FCC to proceed with its proposed reforms to the reporting requirements.

Although the numbers that AT&T cites in its comments to prepare the required reports are higher than we would expect, AT&T is one of the largest carriers and thus would have the most difficult and time consuming filings. The estimated time in the notice is a weighted average of many carriers, most of which are smaller than AT&T and would not need as much time to prepare their submissions as AT&T requires.

The FCC agrees with AT&T that we should complete the proceeding where we have proposed changes to the reporting requirements. FCC staff is working on Further Notice of Proposed Rulemaking in that proceeding and will seek further comment on the proposals to reform the reporting requirements. FCC staff have met with AT&T and let them know the status of the proceeding.

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 for the 138 respondents to this information collection is as follows:

Type of Respondents	Number of Responses	Estimated Hours Per Response	Total Annual Burden Hours	Hourly In Cost
Large Carriers	8	50	400	\$35.00/
Second Tier Carriers	80	10	800	\$35.00/
Third Tier Carriers (file letters only)	50	2	100	\$35.00/
Totals:	138		1,300 Hours	

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-14/Step 5 Telecommunications Specialist @ \$57.13 per hour	138 Responses Received X 3 hours of work per response received = 414 hours for staff	\$23,651.82
Annualized Costs to the Federal Government:		\$23,651.82

15. There are no program changes to this information collection. However, there are adjustments of -\$46,000 to the annual costs burden. The Commission has determined that there are no costs to respondents for this information collection.

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 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. The Commission published a 60-day notice in the Federal Register on October 16, 2009 (*See* 74 FR 53235). In the notice, the Commission stated that the estimated time per response is 9 hours and the annual burden costs are \$46,000. With this submission, the Commission corrects these figures. The estimated time per response is 2 – 50 hours per response and there are no annual costs to the respondents for this information collection. 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.