

SUPPORTING STATEMENT

A. Justification:

1. The Federal Communications Commission (Commission or FCC) is requesting an extension of the information collection titled Submarine Cable Reporting under OMB control number 3060-1116 in order to obtain a full three-year clearance from the Office of Management and Budget (OMB).

The Commission requests that operators of each submarine cable system that holds a cable landing license voluntarily provide information regarding the system status and service restoration activities for the submarine cable systems and cable landing stations and information about the physical location, assets, and restoration plans for the submarine cable systems. As of February 2020, there are currently 74 authorized submarine cable systems, many with multiple entities on the cable landing license, from whom we request voluntary compliance with this information request.¹

This information is needed in order to support Federal government national security and emergency preparedness communications programs for the purposes of providing situational awareness of submarine cable system performance as well as a greater understanding of potential physical threats to the submarine cable systems. When the Commission initially determined to proceed with this collection, it contacted two of the largest submarine cable operators to discuss the parameters of this information request. See 5 C.F.R. § 1320.13(c). Subsequently, the Commission provided the submarine cable operators an opportunity to comment on this information collection request through both informal discussions and a meeting at the Commission's headquarters in May 2008. Based on these discussions, it was apparent that submarine cable operators already have much of the information the Commission desires to collect, and the Commission therefore amended the information request to clarify that the operators would not be required to generate new information in order to comply with this request. Rather, operators would be asked to supply the information to the extent it is generated in the normal course of business. Therefore, the Commission is not asking operators to provide information not already generated in the operation of the submarine cable systems or in possession of the operators.

In July 2016, the Commission adopted rules intended to supplant UCIS with a mandatory outage reporting system. See *Improving Outage Reporting for Submarine Cables and Enhanced Submarine Cable Outage Data*, Report and Order, 31 FCC Rcd 7947 (2016) (*Submarine Cable Order*). In response to two Petitions for Reconsideration, the Commission issued an *Order on*

¹ <https://www.fcc.gov/research-reports/guides/submarine-cable-landing-licenses>.

Reconsideration on December 29, 2019, which finalized the parameters for the mandatory outage reporting system.² The Commission is currently developing the technical updates necessary to allow for collection of this data in the Commission’s Network Outage Reporting System (NORS). While the Commission effectuates the changes to NORS and before the effective date of its amended rules, it is necessary to renew UCIS for an additional three years so that reporting may continue in the meantime. The Commission previously indicated, however, that UCIS will be discontinued in the face of a mandatory outage reporting system, even if that occurs before the three-year expiration date for UCIS. *See generally Submarine Cable Order*, 31 FCC Rcd at 7953, para. 14.

Format, content, thresholds, frequency, and timeliness: The operator-generated information covering system status and restoration data in item (1) below (and all subparts) varies widely in format, content, threshold, and volume. Some may not generate all fields of data. Some may have a low threshold for generating a report, and others may have a higher threshold. Whatever the case may be, our view is that if the company feels it is important enough that it generates the information for itself or for another owner/operator, then that threshold is acceptable. Because of these great differences, and to minimize the burden on licensees, we do not request that a formal report be produced. At the same time, we recognize that operators will need to apply discretion in determining what is the appropriate data for sharing with the Federal Government. Original information suffices and is actually preferred at the time of its generation, with full recognition that such information is, like all developing information, subject to change as a given situation is clarified.

Specifically, we request that the cable landing licensees provide the following information regarding the submarine cable systems:

- a. System status and restoration: Every owner/operator of a submarine cable generates and receives varying forms of email and other data or documents related to the technical performance of its system and developments that may have an impact on its operation or security. This information, which provides owners/operators with situational awareness on an ongoing basis for their submarine cables includes, but is not limited to, e-mail messages, frequently referred to as “international restoration” messages (for consortia systems), “trouble tickets,” and so forth. While the form and content of such communications can vary widely depending on the company, the arrangements which generate them, and the reasons for which they are being produced, the Commission seeks to collect information in the following fields of data for systems landing on U.S. sovereign soil that are generated in the normal course of business:

² *Improving Outage Reporting for Submarine Cables and Enhanced Submarine Cable Outage Data Order on Reconsideration*, 34 FCC Rcd 13054 (2019).

- i. Indications of potential problems (alarms, safety and security concerns, changes in latency, fiber degradation and any other concerns);
 - ii. Potential traffic-impacting/hazardous conditions/impairments (electrical and optical faults such as shunt and power conductor faults, fiber break, undersea and terrestrial component failures, terminal equipment failures, card failures, circuit pack problems, faulty switches, planned maintenance or construction, other maritime hazards);
 - iii. Impact information (affected facilities as well as outage and return to normalization times);
 - iv. Restoration activity (ring switches, auto span switches, facility restoration status pursuant to approved restoration plans);
 - v. Repair activity (fault localization, repair plans, progress, vessel activity, power reconfiguration);
 - vi. Periods of test activity – Optical time domain reflectometry (OTDR), coherent OTDR, and other technical measurement activity for fault localization; link tests; terminal equipment tests (not actual test measurements);
 - vii. Event/activity/message date/time – the information is to be provided when generated in the normal course of business as part of commercial communications processes; and
 - viii. Addressees – E-mail addresses for any foreign owner/operators also receiving the information at the time of generation are also requested. E-mail addresses for specific individuals are not requested but are an acceptable substitute if they identify companies receiving the email.
- b. Terrestrial Route Map: The Commission asks that each operator provide after-installation information on the terrestrial route (in map and/or Excel spreadsheet form) of its cable(s) from the shore landing to the beach manhole (BMH) and from the BMH to the cable landing station. Please indicate, to the extent records are available, the type of protection provided to the cable on the route (*e.g.*, steel pipe, concrete conduit, etc.). The Commission requests that the operator report annually to update this information if there are any changes to the routing.
- c. Undersea Location Spreadsheet: The Commission requests that each operator provide after-installation information in the form of an electronic spreadsheet of its associated route position list. Please detail the position of all system components – including repeaters, joints, branching units, repair splices, burial positions, burial depth and whether the cable is armored or unarmored. The Commission seeks for operators to report annually to update this information if there any changes to the routing.
- d. Restoration Capability: The Commission seeks for each operator to provide information on its submarine cable system restoration capability (internal and

external). Please indicate whether the system has a Universal Restoration Manual, what type of catastrophic restoration plans (or similar plans for extreme circumstances) are in place, and which other cable systems might be used for restoration. In addition, the Commission requests that the operator provide a copy of any existing Restoration Manual and report annually to update this information.

Operator-generated information covering system status and restoration data in Item 1 varies widely in format, content, threshold, and volume. Some operators may not generate all fields of data. Operators are not required to generate new information in order to comply with this request but should supply the information to the extent it is generated in the normal course of business. The filing system allows operators to provide a terrestrial route map as either a map or an Excel spreadsheet.

The filing system clarifies that operators should annually update information related to items (2), (3), and (4) – the terrestrial route map, the undersea location spreadsheet, and restoration capability.

The Commission has authority over the licensing of submarine cable landing licenses pursuant to the Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. *See also* Sections 1, 4i, 4j, 303r and 403 of the Communications Act of 1934, as amended (47 U.S.C. §§ 151, 154(i), 154(j), 303(r) and 403) (among other sections of the 1934 Act) providing the Commission general authority over international communications that may be carried over submarine cables. *See also* 47 C.F.R. § 1.767(g)(3) (licensees must “at all times comply with any requirements of United States government authorities regarding the location and concealment of the cable facilities, buildings, an apparatus for the purpose of protecting and safeguarding the cables from injury or destruction by enemies of the United States”).

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

2. While the Commission will be the collection point for this information, we will share it with Federal departments and agencies that have direct responsibility for national and homeland security. This information is needed in order to support Federal government national security and emergency preparedness communications programs, for the purposes of providing situational awareness of submarine cable system performance as well as a greater understanding of potential threats to the submarine cable systems.

3. To simplify operators' compliance with this request, we will allow them to provide the information using alternative methods as shown below. For system status and restoration data, operators will be able to provide information using the Undersea Cable Information System

document management system established by the Commission, which provides an authentication process. In particular, the operators may file the information electronically with a designated and secure FCC computer system interface similar to the Network Outage Reporting System (NORS) and the Disaster Information Reporting System (DIRS). NORS and DIRS are Internet-based systems that the Commission has found valuable in reducing the burdens of filing reports of, respectively, telecommunication service disruptions and collecting the information needed to determine the status of communications services affected by a major disaster. This information will only be available via electronic means to authorized personnel within the Commission and Federal departments and agencies that have direct responsibility for national and homeland security. Each respondent may update its information in the database as needed using the web-based forms but will not have access to view the entire database nor any data input by other respondents. As a second method for filing the information, the operators may provide the information to a designated FCC e-mail address. For cable mapping and restoration capability data, operators will be able to provide information to the Commission using the secure electronic information system described above.

4. This agency does not impose a similar information collection on the respondents, nor is this information otherwise available to the Federal government. The information is not available from other sources.
5. The respondents are not small businesses or small entities.
6. This information is needed in order to support Federal government national security and emergency preparedness communications programs, for the purposes of providing situational awareness of submarine cable system performance as well as a greater understanding of potential physical threats to the submarine cable systems. This information will provide situational awareness regarding the operational status of submarine cable systems to the Federal government and allow it to assess potential risks and threats to these critical communications systems in the context of other available information.
7. The requested information is needed in order to support Federal government national security and emergency preparedness communications programs, for the purposes of providing situational awareness of submarine cable system performance as well as a greater understanding of potential threats to these critical communications systems.

The importance of this information to national security and emergency preparedness communications programs requires that the Commission continue to collect this information.

8. The Commission published a notice in the *Federal Register* on November 5, 2020 (85 FR_70619) to solicit the views of industry and the general public. The Commission received no comments in response to the Notice in the *Federal Register*.

9. No payment or gift will be provided.

10. Information provided pursuant to this request will be viewed as presumptively confidential upon submission because the information would reflect reports on weaknesses in or damage to national communications infrastructure, and the release of this sensitive information to the public could potentially facilitate terrorist targeting of critical infrastructure and key resources. The submissions also may contain internal confidential information that constitutes trade secrets and commercial/financial information that the respondent does not routinely make public and public release of the submitted information could cause competitive harm by revealing information about the types and deployment of cable equipment and the traffic that flows across the system. For these reasons, the information requested in (b) (Terrestrial Route Map) and (c) (Undersea Location Spreadsheet) above is presumptively exempt from public disclosure under Freedom of Information Act (FOIA) Exemption 3, 5 U.S.C. § 552(b)(3), and section 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(j), as implemented in 47 C.F.R. § 0.457(c)(1)(i) (exempting disclosure of “maps showing the exact location of submarine cables”). The information requested in (a) (System Status and Restoration Messages) and (d) (Restoration Capability) described above will be considered exempt under Exemption 4 of the FOIA, 5 U.S.C. § 552(b)(4). If a FOIA request is filed for information submitted in response to this request, the respondent whose records are the subject of the request will be notified of the FOIA request and given the opportunity to oppose release of the records. *See* 47 C.F.R. § 0.461(d)(3). We note that the information provided in response to this request will be shared with the Department of Homeland Security’s National Communications System (NCS) and relevant Executive Branch agencies on a confidential basis. *See* 44 U.S.C. § 3510.

11. This collection of information does not address any private matters of a sensitive nature.

12. The Commission has estimated the burden hours and in-house costs in the attached spreadsheet.

Total Number of Annual Respondents: 74 licensees.

Total Number of Annual Responses: 74 responses.

(74 covered providers could potentially file each year under this collection, with the possibility of more if additional submarine cable licenses are granted)

Total Number of Annual Burden Hours: 74 responses x 190 hours average burden per response = 14,060 total annual burden hours. *See* the attached spreadsheet for a breakdown of the estimated burden hours.

The Commission estimates that all of the respondents would use in-house staff to perform the requirements of this collection. *See* the attached spreadsheet for a breakdown of the estimated in-house costs. **Total Annual “In-House” Cost: \$703,000.**

13. Annual Costs:

(a). Total annualized capital/startup costs: **None.**

(b). Total annual costs (O&M): **None.**

(c). Total annualized cost requested: **None.**

14. There are no costs to the Commission or other Federal government agencies beyond what we consider to be part of their normal operating costs.

15. The Commission is reporting adjustments/increases to this collection from the last submission to OMB. The total number of respondents and total annual responses increased by +11 and the total annual burden hours increased by +2,090, reflecting 11 additional licensees.

There are no program changes to this collection.

16. The data will not be published.

17. The Commission is seeking OMB approval to not display the OMB expiration date. This will alleviate updating the OMB expiration date on electronic systems each time this collection is submitted to OMB for approval. A PRA burden statement displaying the OMB control number appears on the attached e-mail that is sent to each operator.

18. There were no exceptions to Certification Statement.

B. Collections of Information Employing Statistical Methods:

This information collection does not employ any statistical methods.

Submarine Cable Reporting

**3060-1116
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	Burden Per Licensee		In-House Cost for All Licensees					
	Burden Hours		Hourly Cost	Cost		Licensees	One-Time	Annual
	One-Time	Annual		One-Time	Annual			
Restoration/Trouble Report	0	40	\$50	\$0	\$2,000	74	\$0	\$148,000
Terrestrial Infrastructure	25	20	\$50	\$1,250	\$1,000	74	\$92,500	\$74,000
Undersea Infrastructure	40	20	\$50	\$2,000	\$1,000	74	\$148,000	\$74,000
Restoration Capability	25	20	\$50	\$1,250	\$1,000	74	\$92,500	\$74,000
Total Burden Hours	90	100						
GRAND TOTAL Of Burden Hours Per License	190 HOURS³							
Total – In House Costs							\$333,000	\$370,000
GRAND TOTAL OF IN-HOUSE COST							\$703,000	

³ The total for all licensees is 14,060 hours. See question 12 for the burden calculation for all licensees.