

## SUPPORTING STATEMENT

### A. Justification

The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve a revision of OMB Control No. 3060-0686 to incorporate changes from three Commission orders: the *Mandatory Electronic Filing Order*,<sup>1</sup> the *Executive Branch Review Order*,<sup>2</sup> and the *Executive Branch Standard Questions Order*.<sup>3</sup> The Commission also seeks approval for online electronic forms that are currently under development as part of the Commission's modernization of its online, web-based electronic filing system -- the International Communications Filing System (ICFS).<sup>4</sup> To improve the Commission's collection of information related to international section 214 authorizations (international 214s) and to incorporate the new requirements, the Commission revised current application forms and added new forms.

First, the *Mandatory Electronic Filing Order* requires that any remaining applications and reports administered by the International Bureau that are filed on paper or through an alternative filing process should be filed electronically once forms become available in ICFS.<sup>5</sup> The Order sought to reduce costs and administrative burdens, and therefore to result in greater efficiencies, facilitate faster and efficient communications, and overall improve transparency to the public.

Second, the *Executive Branch Review Order* and the *Executive Branch Standard Questions Order* create new requirements associated with certain applications, including international 214 applications, with reportable foreign ownership that will be reviewed by the

---

<sup>1</sup> *Mandatory Electronic Filing of Section 325(c) Applications, International Broadcast Applications, and Dominant Carrier Section 63.10(c) Quarterly Reports*, Docket No. 21-265, Order, 36 FCC Rcd 12038 (2021) FR 86 FR 54396 (Oct. 1 2021) (*Mandatory Electronic Filing Order*).

<sup>2</sup> *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927 (2020) (*Executive Branch Review Order*); *Erratum* (Appendix B – Final Rules), 35 FCC Rcd 13164 (OMD/IB 2020).

<sup>3</sup> *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Second Report and Order, 36 FCC Rcd 14848(2021) (*Executive Branch Standard Questions Order*).

<sup>4</sup> See Federal Communications Commission, International Communications Filing System (ICFS), <http://licensing.fcc.gov/myibfs/>.

<sup>5</sup> *Mandatory Electronic Filing Order*, 36 FCC Rcd at 12042, para. 10.

relevant Executive Branch agencies for national security, law enforcement, foreign policy and trade policy issues as well as other changes.

In the *Executive Branch Review Order*, the Commission adopted rules and procedures to facilitate a more streamlined and transparent review process for coordinating applications with the Executive Branch agencies.<sup>6</sup> The Commission also established firm time frames for the Executive Branch agencies to complete their review consistent with Executive Order 13913, which established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the Committee).<sup>7</sup> Specifically, under the new rules, the Committee has 120 days for initial review, plus an additional 90 days for secondary assessment if the Committee determines that the risk to national security or law enforcement interests cannot be mitigated with standard mitigation measures.<sup>8</sup> The Commission also adopted and codified five categories of information for which applicants must provide detailed and comprehensive information to the Committee.

In the *Executive Branch Standards Questions Order*, the Commission adopted the Standard Questions – a baseline set of national security and law enforcement questions covering the five categories of information described above. The responses to the Standard Questions will replace the information that applicants currently provide to the Committee on an individualized basis. The Standard Questions consist of six separate questionnaires (based on subject matter) and a supplement for the provision of personally identifiable information (PII). Applicants will be required to submit their responses to the Standard Questions and a copy of the application directly with the Committee. International section 214 applicants will be required to answer Standard Questions specific to international telecommunications services as well as a general PII supplement applicable to all respondents to the Standard Questions.<sup>9</sup> The Standard Questions are set out in appendices in the *Executive Branch Standard Questions Order*: Attachment A (Standard Questions for an International Section 214 Authorization Application, Attachment B (Standard Questions for an Application for Assignment or Transfer of Control of an International Section 214 Authorization) and Attachment G (PII supplement).

Finally, the Commission is in the process of modernizing ICFS<sup>10</sup> (ICFS Modernization). This includes developing revised international 214 application forms to improve the

---

<sup>6</sup> *Executive Branch Review Order*, 35 FCC Rcd at 10927, para. 1. The Executive Branch agencies include the Departments of Justice, Homeland Security, Defense, State, and Commerce, as well as the United States Trade Representative.

<sup>7</sup> *Executive Branch Review Order*, 35 FCC Rcd at 10927, para. 1.

<sup>8</sup> Executive Order No. 13913 (Executive Order 13913), Sec. 5(b), (c); 47 CFR § 1.40004(b), (c).

<sup>9</sup> *Executive Branch Standard Questions Order*, 36 FCC Rcd 14848, Appendixes.

<sup>10</sup> ICFS was previously called the International Bureau Filing System (IBFS).

Commission's information collection and comply with the new requirements.<sup>11</sup> Until the electronic forms are approved, international 214 applicants are required to provide the information required by *Executive Branch Review Order* and the *Executive Branch Standard Questions Order* by filing current applications and filing separate documents into ICFS to comply with the rules. We estimate that the projected completion date for the modernized ICFS, including all international 214 application forms, will be July 2024.

These new requirements account for an increase in the annual number of responses from 455 to 614 (an increase of 159), annual burden hours from 1,677 to 2,393 hours (an increase of 716 hours) and an increase in annual costs to applicants from \$419,390 to \$874,045 (an increase of \$454,655). The vast majority of this increase is a result of the rules adopted in the *Executive Branch Review Order* and *Executive Branch Standard Questions Order*, which required applicants to submit additional information to the Commission and Committee, including providing significant detailed responses to the Standard Questions that will be filed directly with the Committee. This replaces the burden applicants currently have by providing national security and law enforcement information to the Committee on an individualized basis. The increase is also associated with revisions to current forms and new forms that increase the burden hour estimates for this collection. The increase in the annual cost is also due to a recent Commission order that increased the application fees.<sup>12</sup> The Commission has also reevaluated and raised the estimate of how many hours outside counsel spend assisting respondents prepare and submit international 214 applications and filings.

**1. Explain the circumstances that make the collection of information necessary.**

***Executive Branch Review Order and Executive Branch Standard Questions Order.***

The Commission adopted the *Executive Branch Review Order* and *Executive Branch Standard Questions Order* to provide greater regulatory certainty for applicants and facilitate foreign investment in, and the provision of new services and infrastructure by, U.S. authorization holders and licensees in a more timely manner, while continuing to ensure that the Committee receives the information needed for its review and the Commission receives the benefit of the agencies' views as part of its public interest review of an application. The information is necessary is it will

---

<sup>11</sup> See, e.g., *Mandatory Electronic Filing For International Telecommunications Services and Other International Filings*, IB Docket No. 04-226, Report and Order, 20 FCC Rcd 9292 (2005).

<sup>12</sup> *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Report and Order, 35 FCC Rcd 15089 (2020); Erratum, 36 FCC Rcd 14848 (2021) (*2020 Application Fees Report and Order*). The Commission updates the application fees every even-numbered year, and most recently in 2022. See *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Order, 37 FCC Rcd 14994 (2022) (*2022 Application Fees Order*).

be used by the Commission staff in carrying out its duties under the Communications Act of 1934, as amended (the Act). The information collections pertaining to Part 63 of the rules are necessary to determine whether and under what conditions the Commission should grant an international 214 applications. The information obtained from international 214 applicants in the Standard Questions will be used by Committee staff in carrying out its duties under Executive Order No. 13913.

***ICFS Modernization of International Section 214 Authorization Application Electronic Forms.*** The Commission seeks OMB approval of revisions to its international 214 application forms and the addition of new forms that will be electronically filed through ICFS. The new online forms will ensure the Commission and the Committee collect the information required by the Commission's rules. The use of such online forms will reduce costs and administrative burdens on applicants, resulting in greater efficiencies, and improve transparency to the public. Once the Commission receives approval for the new forms from OMB, as required by section 1.10006 of the Commission's rules, we will announce the availability of mandated e-forms and their effective dates.

2. **Indicate how, by whom, and for what purpose the information is to be used.**

***Executive Branch Review Order and Executive Branch Standard Questions Order.*** As described below, the new information collections from these orders apply to either (1) international 214 application with foreign ownership that will be referred to the Committee for national security and law enforcement review or (2) to all international 214 applications.

- **Responses to Standard Questions (47 CFR § 1.40003).**<sup>13</sup> Under section 1.40003(a)(1) and (c), if an applicant has 10% or greater foreign ownership, the applicant must submit responses to the Standard Questions directly to the Committee prior to or at the same time the application is filed at the Commission. Under section 1.40003(a)(2), the applicant must also send a copy of the application to the Committee within 3 business days after filing the application with the Commission. These rules will allow the Committee to begin their review earlier in the process than is now the case and may eliminate the need to send a specifically tailored questionnaire (Tailored Questions) to each applicant.
- **Exclusion to the Referral to the Committee (47 CFR § 1.40001(a)(2)).** Under section 1.40001(a)(2), an application may be excluded from referral to the Committee if it meets certain requirements. Under section 1.40001(a)(3), if the Commission determines that the application does not qualify for an exclusion from referral or otherwise decides in its discretion to refer the applicant, the Commission will notify the applicant who will then be required to submit responses to the Standard Questions directly to the Committee. The responses

---

<sup>13</sup> See also 47 CFR § 63.18(p), 47 CFR § 1.40001(a)(2), (3).

will assist the Committee in its review and may eliminate the need to send Tailored Questions.

- **National Security/Law Enforcement Certifications (47 CFR § 63.18(q)).** Section 63.18(q) requires all applicants to attest to five certifications. One of the requirements is that all applicants must designate a point of contact who is located in the United States and is a U.S. citizen or lawful U.S. permanent resident, for the execution of lawful requests and as an agent for legal service of process. These certifications should facilitate faster reviews, make mitigation unnecessary for a number of applications reviewed by the Committee, strengthen compliance, and assist the Commission in its ongoing regulatory obligations.
- **Ownership Disclosure Requirements (47 CFR § 63.18(h), 63.24(e)(2), (f)(2)(i)).** Section 63.18(h) now directs applicants to provide ownership information that includes voting interests as well as equity interests. In addition, an applicant must now provide a diagram depicting the applicant's ownership, showing the 10% or greater direct or indirect equity and voting interests in the applicant.<sup>14</sup> Finally, sections 63.24(e)(2) and 63.24(f)(2)(i) require applicants for assignment or transfer of an international 214s to include a pre-transaction and post-transaction ownership diagrams of the licensee. The new rules will assist the Commission process applications more expeditiously and ensure that the Commission has the required ownership information and clear information to review the application.
- **Revised Requirement to Demonstrate Qualification for Streamlined Processing (47 CFR § 63.12(c)(3)).** To qualify for streamlined processing of their application, applicants must now certify that all 10% or greater direct or indirect equity and/or voting interests, or a controlling interest, in the applicant are U.S. citizens or entities organized in the United States, which will assist the Commission in its review.
- **Electronic Filing of Dominant Carrier Reports (47 CFR § 63.10(d)).** Carriers classified as dominant on a U.S.-international route must file their quarterly dominant carrier reports<sup>15</sup> electronically once electronic forms become available.

***ICFS Modernization of International Section 214 Authorization Application Electronic Forms.*** As part of the Commission's modernization of ICFS, we are making substantive changes to the electronic international 214 application forms and once OMB approves the new forms, applicants will be required to file their application in ICFS. The information will be used to ensure compliance with the Commission's rules, and include the new requirements adopted in *Executive Branch Review Order* and the *Executive Branch Standard Questions Order*. A

---

<sup>14</sup> 47 CFR §§ 63.18(h)(2), 63.24(e)(2), (f)(2)(i).

<sup>15</sup> The required reports are set out in 47 CFR § 63.10(c)(2)-(4).

complete list of the international 214 application forms under development is in Appendix A. In Appendix B, we provide a summary of substantive revisions to current forms.

- 1) ITC-214 – International Section 214 Authorization Application (revising form);
- 2) ITC-ASG/TC - International Section 214 Authorization Assignment or Transfer of Control of Authorization (revising form);
- 3) ITC-FCN - International Section 214 Authorization Foreign Carrier Notification (revising form);
- 4) ITC-STA – International Section 214 Authorization Special Temporary Authority (revising form);
- 5) ITC-AMD - International Section 214 Authorization Amendment (new form);
- 6) ITC-MOD - International Section 214 Authorization Modification (new form);
- 7) ITC-RPT - International Section 214 Authorization Dominant Carrier Quarterly Reports (new form);
- 8) ITC-WAV - International Section 214 Authorization Waiver Request (new form);
- 9) ITC-DSC - International Section 214 Authorization Discontinuance of Service (new form).
- 10) RTL-NEW – List of routes on which the carrier has direct termination arrangements (new form);
- 11) RTL-MOD – Modification to route list (addition to or removal from an existing list of routes) (new form); and,
- 12) RTL-WAV – International Route List Waiver Request (new form).

The statutory authority for Part 1 of this information collection is contained in 47 U.S.C §§ 151, 154(i), 154(j), 155, 225, 303(r), 309, and 325(e). The statutory authority for Part 63 of this information collection is contained in Sections 1, 4(j), 10, 11, 201-205, 214, 218, 403, and 651 of the Communications Act of 1934, as amended.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.**

***Executive Branch Review Order and Executive Branch Standard Questions Order.***

The Commission offers electronic filing for filing certain international 214 applications through ICFS, its current electronic filing system. ICFS allows respondents to submit its application and upload responsive documents to comply with the Commission’s rules. ICFS is a secure system that also ensures the confidentiality of information, if requested. To assist applicants, the Commission will post the Standard Questions and instructions for submitting the responses to the Committee on the FCC’s website. Additionally, for purposes of its compliance with the *Executive Branch Review Order* and *Executive Branch Standard Questions Order*, the Committee is developing an electronic portal to allow filing and storage of responses to the Standard Questions.

After approval of this collection, one hundred percent of forms will be filed electronically in the current ICFS.

***ICFS Modernization of International Section 214 Authorization Application Electronic Forms.*** Once OMB approves the new electronic international 214 application forms, applicants will be required to e-file their applications and information required by the rules in ICFS. Until that time, filers must submit the current application forms in ICFS and provide additional rule requirements in an attachment. The modernized ICFS will allow filers to work more efficiently, which will reduce the time and effort spent on the filing of international 214 applications.

**4. Describe efforts to identify duplication.**

***Executive Branch Review Order and Executive Branch Standard Questions Order.*** The Commission's rules ensured that applicants would not be providing duplicate information and to provide only necessary information to assess international 214 applications and information necessary for the Committee to conduct its review of applications.

***ICFS Modernization of International Section 214 Authorization Application Electronic Forms.*** The Commission's revisions to current forms and the new forms were reviewed to ensure that applicants would only provide information required by the Commission's rules for international section 214 authorizations and would not require information provided in other Commission collections. An international 214 applicant will be required to provide service of process contact information in both the ICFS forms and on Form 499 (OMB Control No. 3060-0855), however. The applicant will be required to provide contact information for both an agent for service of process as well as point of contact for lawful requests, which may differ, in the ICFS forms. This duplication should impose only a minimal burden on the international 214 applicant, but having the information for both types of contacts in ICFS will provide more efficient access to the information by the Commission and the Committee than needing to check two different databases. In addition, the ICFS forms will require applicants to provide some information both in the electronic form and in a narrative attachment to the form. Having the information in an electronic format will allow the information to be searchable and for the Commission to be able to run reports and generate statistical information while the narrative will provide context to the information. This duplication should only impose a minimal burden on the applicant.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

***Executive Branch Review Order and Executive Branch Standard Questions Order.*** The Commission certifies that the requirements of the *Executive Branch Review Order* and the *Executive Branch Standard Questions Order* will not have a significant economic impact on a substantial number of small entities.

***ICFS Modernization of International Section 214 Authorization Application Electronic Forms.*** The Commission's ICFS modernization of international 214 application forms will reduce burdens on small entities as the new online forms will take less time to file and reduce costs on applicants.

6. **Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If the collection is not conducted or is conducted less frequently, international section 214 authorization applicants will not obtain the authorizations necessary to provide telecommunications services and facilities. The collection is also necessary to preserve the Executive Branch agencies' and the Commission's ability to review foreign investments for national security, law enforcement, foreign policy, and/or trade policy concerns.<sup>16</sup>

7. **Describe if there are special circumstances associated with this request.**

There are no special circumstances associated with this collection of information.

8. **Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the Agency in response to those comments.**

On March 16, 2023, the Commission published a 60-day notice in the Federal Register seeking comments on the information collection requirements contained in this collection.<sup>17</sup> No comments were received from the public.

9. **Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

Respondents will not receive any payments or gifts.

10. **Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or Agency policy.**

Any applicants may request that any information supplied be withheld from public inspection, pursuant to 47 CFR § 0.459 of the FCC's rules. This request must be justified pursuant to 47 CFR § 0.457.

11. **Provide additional justification for any questions of a sensitive nature.**

<sup>16</sup> See *id.*; *Executive Branch Review Order*, 35 FCC Rcd 10927.

<sup>17</sup> Federal Communications Commission, OMB 3060-0686, OMB 3060-0944 and OMB 3060-1163; FR ID 131013, Notice and Request for Comments, 88 Fed. Reg. 16253 (PRA Notice).



The collection of information does not include any questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should: indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance.**

The information collection requirements are summarized below and described in detail in Appendix C. The new filing requirements adopted in the *Executive Branch Review Order and Executive Branch Standard Questions Order* do not have an effect on the projected number of respondents. With ICFS Modernization, there will be a total of 12 international 214 application forms. There is a total of 192 responses for this collection.

<b>Information Collection Requirements</b>	<b>Estimated Annual # of Respondents</b>	<b>Estimated Annual # of Responses</b>	<b>Total # of Annual Burden Hours</b>
	192	614	4,786 <sup>18</sup>

**Cumulative Total Number of Respondents (annualized basis (2021-2023)) = 192** respondents.

**Cumulative Total Annual Responses = 614** responses

**Cumulative Total Annual Burden Hours: = 4,786** hours

**Therefore, the respondent’s burden hours are: 2,393**

**In-House Costs**

We estimate that 50% of the burden hours are incurred by in-house staff. We estimate that in-house staff is paid at an estimated rate of \$40 per hour.

**Cumulative Total In-House Cost to Respondent – 4,786 hours X 50% X \$40 per hour = \$95,720.**

---

<sup>18</sup> This chart shows the total number of responses and the combined burden hours for in-house and outside counsel to provide the responses. We estimate that 50% of the burden hours are incurred in-house and 50% by outside counsel.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).**

Annual Burden Cost:

(a) Capital and Start-up Costs: 0

(b) Operation and Maintenance Costs

Outside Legal/Engineering Assistance: We estimate that the respondent will require outside legal and engineering assistance for 50% of the burden hours.<sup>19</sup> The cost of outside legal and engineering assistance is estimated at \$300 per hour. The figure is based on a small survey of local firms in the D.C. area and is considered a conservative estimate.

4,786 hours X 50% X \$ 300 = \$717,900 Total Outside Legal/Engineering  
Costs

Application Filing Fees:

As shown on the chart below, the total of application filing fees is \$156,145.<sup>20</sup>

---

<sup>19</sup> The rules and requirements in this collection will not require respondents to maintain any special equipment.

<sup>20</sup> The Commission changed its application fees for ITC 214 License application in 2021. The Commission adopted fees for (1) pro forma assignment/transfer of control notifications, (2) foreign carrier affiliation notifications, (3) modification, (4) discontinuances, and (5) waivers. The Commission adjusted the existing fees for international 214 authorizations, applications for prior consent to assignments and transfers of control, and special temporary authorizations. The Commission does not charge fees for amendments or

<b>ITC Section 214 Application Filing Fees</b>	<b>Number of Applicants</b>	<b>Application Fees</b>	<b>Total Costs</b>
ITC 214 Authorization	44	\$875	\$38,500
Prior Consent to Assignments and Transfers of Control	56	\$1,375	\$77,000
Pro forma assignment/Transfer of Control	67	\$445	\$29,815
Foreign Carrier Affiliation Notification	6	\$550	\$3,300
Modification	1	\$755	\$755
Special Temporary Authority	5	\$755	\$3,775
Discontinuance of services	8	375	\$3,000
Waiver <sup>21</sup>	0	\$375	\$0
<b>Totals:</b>	<b>187</b>		<b>\$156,145</b>

(c) Total Annual Cost Burden

<b>Description of Estimated Costs to Respondents</b>	<b>Total Costs</b>

filings related to the route lists.

<sup>21</sup> The Commission did not receive any waiver applications during the reporting period (2021-2023).

Outside Legal/Engineering Assistance	\$717,900
Application Filing Fees	\$156,145
<b>Total Cost to Respondents</b>	<b>\$874,045</b>

**14. Provide estimates of annualized cost to the Federal government.**

We make the following estimates for the total annual cost to the Federal Government to review and process the international 214 applications that applicants file annually, in accordance with OMB guidance.<sup>22</sup> Below, we address Commission and Committee annualized costs separately. While we are utilizing the best available cost information, there are certain limitations to our data. For example, we only have aggregated total costs for ICFS that are not broken down by incremental costs due to the difficulty in identifying with any more precision what those incremental costs are. We utilized the lowest cost collection and analysis methodology consistent with the ultimate purpose and goals of mandatory electronic filing, which are to simplify and reduce filing burdens for applicants and review burdens for the Federal Government.

**Federal Communications Commission Cost.** As the Commission stated in the 2020 *Application Fees Notice* and adopted in the 2020 *Application Fees Report and Order*, the review of all cable applications includes industry analyst processing and review, staff attorney review, and supervisory review and vary based on the complexity of the application, and whether the application is referred to the Committee.<sup>23</sup> The Commission’s application fees are based on government costs for processing applications up through first line supervisor review.<sup>24</sup> The

<sup>22</sup> 5 CFR § 1320.5(d)(iii) (“The agency shall also seek to minimize the cost to itself of collecting, processing, and using the information, but shall not do so by means of shifting disproportionate costs or burdens onto the public.”).

<sup>23</sup> 2020 *Application Fees Report and Order; Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 Through 1.1109 of the Commission’s Rules*, MD Docket No. 20-270, Notice of Proposed Rulemaking, 36 FCC Rcd 1618, paras. 140-145 (2020).

<sup>24</sup> 2020 *Application Fees Report and Order*, 35 FCC Rcd. at 15093, para. 12 (“We estimated the direct labor costs to process a particular application by multiplying an

Commission’s costs for review of applications up through the point of grant could, and in most instances will, exceed the costs through first line review. For example, these costs might include staff time for follow-up inquiries with applicants for additional information, higher-level supervisory review, and ICFS administrative work related to granting and tracking applications. The estimated Commission costs described below reflect these additional costs for complete processing and grant of submarine cable applications.

The estimated annual cost to the government for staff review of the estimated annual 145 International 214 Authorization applications is below.

<b>Federal Government Staff</b>	<b>Number of Staff</b>	<b>Salary Per Hour</b>	<b>Hourly Cost</b>	<b>Annual Burden Hours</b>	<b>Annual Costs</b>
GS-15/Step 5 Attorney	2	\$89.04	\$178.08	646	\$115,040
GS-14/Step 5 Attorney	1	\$75.70	\$75.70	570	\$43,149
GS-11/Step 5 Industry Analyst	1	\$44.94	\$44.94	380	\$17,077
	<b>4</b>				<b>\$175,266</b>

The estimated annualized cost to the Commission is the sum of the costs for staff review of 192 international 214 Authorization applications:<sup>25</sup> **\$175,266**

*Committee Cost.* The Commission coordinated with the Committee on its costs for reviewing the petitions for national security and law enforcement concerns. The Committee provided the information included here. The Committee anticipates that it will incur costs for development and maintenance of an online portal for the filing and retention of Standard Question responses. A portion of the technical cost for the Committee’s portal is attributable to one-time start-up costs. According to the Committee, current budgetary estimates prevent the Committee from determining precisely how much of technical cost can be attributed to start-up

estimate of the number of hours needed for each task, up through first-level supervisory tasks required to process the application. . . .”).

<sup>25</sup> The estimate is an increase of \$25,301.67 from the estimated government cost reported in our last supporting statement in 2022 of \$41,808.51. The increase in government cost estimates is based on the Commission’s reevaluation and assessment in the Application Fees proceeding.

costs. The Committee also anticipates that it will incur staff costs for review of the responses. The costs provided by the Committee costs are summarized below:

<b>Technical Costs</b>	<b>Cost<sup>26</sup></b>
Fixed Start Up, Implementation and Hosting Cost for Public Portal <sup>27</sup>	<b>\$1,392,154</b>
<b>Annual Labor Costs</b>	
Attorney Review Cost (10 Hours Per Matter x \$109.82 Per GS-15 Attorney x 16 Matters)	\$17,571
Support Staff Cost (14 Hours Per Matter x \$157.90 Per Hour x 16 Matters)	\$35,370
<b>Total Annual Labor Cost</b>	<b>\$52,941</b>

<sup>26</sup> The costs shown in this table are based on cost information provided to the Commission by the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector.

<sup>27</sup> The Committee’s portal is designed to process and store all Standard Questions responses, not only those for international 214 applications. Three types of Commission applications (and consequently three different Commission information collections) are associated with the Standard Questions: international Section 214 authorization applications (OMB Control No. 3060-0686), submarine cable applications (OMB Control No. 3060-0944), and Section 310 foreign ownership petitions for declaratory ruling (OMB Control No. 3060-1163). The overall total technical cost that the Committee estimated for its portal is \$2,416,934. The Committee estimates that 57.6% of all Commission applications referred to the Committee will be international 214 applications and the proportionate amount of portal technical costs that can be attributed to submarine cable applications is \$1,392,154 (i.e., 32.8% of \$2,416,934). The Committee similarly estimate and report below the proportional amount of labor costs associated with the Committee’s review of Standard Questions in connection with submarine cable applications.

- 1) Estimate of Total Annualized Cost to the Federal Government (Commission and Committee Cost)

The estimated total annualized cost to the Federal Government for this collection is the sum of the Commission costs and the Committee's annual costs:

$$\$175,266 + \$1,392,154 + \$52,941 = \mathbf{\$1,620,361}$$

**15. Explain the reasons for any program changes or adjustments.**

The Commission is reporting program changes to this information collection. As a result of the rules adopted in the *Executive Branch Review Order* and *Executive Branch Standard Questions Order*, international 214 applicants will be required to submit additional information to the Commission and Committee, including providing significant detailed responses to the Standard Questions that will be filed directly with the Committee. The changes are also associated with revisions to current forms and new forms required by international 214 applicants that increase the burden hour estimates for this collection. The Commission has also reevaluated and raised the estimate of how many hours outside counsel spend helping respondents prepare and submit international section 214 applications and filings. Therefore, the Commission's program changes for the collection are as follows: -76 to the number of respondents, +159 to the annual number of responses, +716 to the annual burden hours and +\$454,655 to the annual cost.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The Commission does not plan to publish the information for statistical use.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

A waiver of the OMB expiration date is necessary.

**18. Exceptions to "Certification for Paperwork Reduction Submissions."**

There are exceptions to the certification statement. The notice inadvertently did not list the new forms related to the international route list (RTL-NEW, RTL-MOD and RTL-WAV), but the burden hours for responding to those forms was included in the calculation of the burden hours. We have adjusted the numbers to reflect the average number of filings for 2021 to 2023. Therefore, the number of respondents changed from 228 to 192, the annual number of responses changed from 648 to 614, the annual burden hours changed from 2,709 to 2,393 hours and the annual cost changed from \$992,830 to \$874,045. There are no other exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods**

This collection of information does not anticipate the use of statistical methods.



**APPENDIX A**

**ICFS Modernization of International 214 Forms**

A complete list of the ITC related application forms in development is as follows:

Name of Form	Brief Description	Rule Section
1. ITC-214: Section 214 Authorization Application	Revised form for application for international section 214 authorization.	47 CFR §63.18 OMB Control No. 3060-0686 March 2024
2. ITC-ASG/TC: Assignment/Transfer of Control of International Section 214 Authorization	Revised application to (1) assign a 214 authorization, or a portion of it, from one entity to another or (2) transfer control of a authorization (substantive and pro forma assignments/transfers of control).	47 CFR §63.24(a), (e)(1), (e)(2), (f)(1), (f)(2)
3. ITC-FCN: Section 214 Foreign Carrier Affiliation Notification	Revised notification of foreign carrier affiliation.	47 CFR §63.11(a), (b)-(c), (e)
4. ITC-STA: Special Temporary Authority	Revised form requesting special temporary authority for emergency service and/or operational authority by international carriers.	47 CFR §63.25
5. ITC-WAV: Rule Waiver Request	Application for waiver of an ITC rule.	47 CFR § 1.3
6. ITC-AMD: Amendments	Form requesting amendment of a pending ITC application.	47 CFR § 63.50
7. ITC-MOD: Modifications	Application to request a modification of an international section 214 authorization including a reclassification from dominant carrier status to non-dominant carrier status.	47 CFR § 63.13
8. ITC-DSC: Discontinuance	Application for authority for discontinuance, reduction, or impairment of service	47 CFR § 63.19
9. ITC-RPT: Quarterly Section 63.10(c) Reports	Form for dominant carrier safeguard quarterly reports.	47 CFR §§ 63.10(c)(2), 63.10(c)(3), 63.10(c)(4)
10. RTL-NEW	Form to provide list of routes on which the carrier has direct termination arrangements	47 CFR §63.22(h)
11. RTL-MOD	Form to notify the Commission of changes to the route list	47 CFR §63.22(h)

**APPENDIX B**

**Revisions to ICFS Modernization of International Telecommunications Forms**

In the table below, we identify the substantive changes made in the current approved international 214 forms for purposes of the ICFS modernization of the electronic forms. These changes have an effect on the overall applicant burden.

<b>Form</b>	<b>New Collection</b>	<b>Explanation</b>
ITC-214	Supplement A Q. 9, Q. 11, Q. 19; Q. 28, Supplement A Q. 18; Q. 10.b.; Q. 10.a. , Q. 24.	(1) All applicants will be required to provide detailed ownership information directly into tables in the form as well as providing that information in the narrative. (2) All applicants will need to make national security/law enforcement certifications. (3) Applicants with reportable foreign ownership will need certify that they have sent responses to the Standard Questions and a copy of the application to the Committee. (4) Applicants with reportable foreign ownership that seek to not have their applications referred to the Executive Branch will need to demonstrate that the application comes within one of the exclusions from referral. (5) All Applicants will need to provide information on other related

		applications.
ITC-ASG/TC	<p>Supplement A, Q. 25, Q. 31;                  Supplement B, Q. 24, Q. 33;                  Supplement C, Q. 21, Q. 29;                  Supplement D, Q. 21, Q. 30.</p> <p>Supplement A, Q. 38;                  Supplement B, Q. 40;                  Supplement C, Q. 36;                  Supplement D, Q. 37;</p> <p>Supplement A, Q. 23, Q. 24;                  Supplement B, Q. 23;                  Supplement C, Q. 20.b.;                  Supplement C, Q. 20.a.;                  Supplement D, Q. 20.b.;                  Supplement D, Q. 20.a.</p> <p>Supplement A, Q. 16;                  Supplement B, Q. 16;                  Supplement C, Q. 16;                  Supplement D, Q. 16.</p>	<p>(1) All applicants will be required to provide detailed ownership information directly into tables in the form as well as providing that information in the narrative. (2) All applicants will need to make national security/law enforcement certifications. (3) Applicants with reportable foreign ownership will need certify that they have sent responses to the Standard Questions and a copy of the application to the Committee. (4) Applicants with reportable foreign ownership that seek to not have their applications referred to the Executive Branch will need to demonstrate that the application comes within one of the exclusions from referral. (5) All Applicants will need to provide information on other related applications. (6) Applicants will need to indicate whether the transaction is voluntary or involuntary.</p>
ITC-FCN	Q. 13	All applicants will be required to provide detailed ownership information directly into tables in the form as well as providing that information in the narrative.

**APPENDIX C**

**Chart of Responses and Annual Burden Hours<sup>28</sup>**

<b>Information Collection</b>	<b>Number of Responses</b>	<b>Average Hours Per Respondent</b>	<b>Total Annual Hour Burden</b>
Applications for Global Facilities-based or Resale International Section 214 Authority <sup>29</sup>	44	9	396
Applications for Other International Section 214 Authority <sup>30</sup>	1	9	9
Environmental Assessment <sup>31</sup>	0	10	0
Responses to Standard Questions for International Section 214 Authorization <sup>32*</sup>	7	120	840
Applications for Substantive Assignments and Transfers of Control <sup>33</sup>	56	9	504
Responses to Standard Questions for Assignments and Transfers of Control <sup>34*</sup>	15	120	1,800
Modifications of International Section 214 Authority <sup>35</sup>	1	9	9

<sup>28</sup> This chart shows the total number of responses and the combined burden hours for in-house and outside counsel to provide the responses. We estimate that 50% of the burden hours are incurred in-house and 50% by outside counsel.

<sup>29</sup> 47 CFR §§ 63.18(a)-(d), (e)(1)-(2), (f), (h)-(j), (m)-(o), (q)-(t). The certifications under 47 CFR § 63.18(p) are a new information collection pertaining to the *Executive Branch Review Order*.

<sup>30</sup> 47 CFR §§ 63.18(a)-(d), (e)(3), (f), (h)-(j), (m)-(o), (q)-(t). The certifications under 47 CFR § 63.18(o) are a new information collection pertaining to the *Executive Branch Review Order*.

<sup>31</sup> 47 CFR § 63.18(g). The Commission has not required an environmental assessment.

<sup>32</sup> 47 CFR §§ 63.18(p), 1.40003(a)(1).

<sup>33</sup> 47 CFR § 63.18(k).

<sup>34</sup> 47 CFR § 63.18(p), 63.24(e)(2), 1.40003(a)(1).

<sup>35</sup> 47 CFR §§ 63.18 (modifications to international section 214 authority such as removal of a condition); 47 CFR §§ 63.13 (modification to regulatory status). The Commission averages one request to modify the regulatory classification of an international section

<b>Information Collection</b>	<b>Number of Responses</b>	<b>Average Hours Per Respondent</b>	<b>Total Annual Hour Burden</b>
Responses to Standard Questions for Modifications of International Section 214 Authority <sup>36*</sup>	0 <sup>37</sup>	120	0
Request for Exclusion from Referral to Executive Branch <sup>38*</sup>	6	1	6
Responses to Standard Questions Due to Discretionary Referral to Executive Branch <sup>39*</sup>	1	120	120
Submission of Application to Committee <sup>40*</sup>	23	1	23
Amendment of Application <sup>41</sup>	2	1	2
Request for Additional Information From an Applicant <sup>42</sup>	94	2	188
Special Temporary Authority <sup>43</sup>	5	2	10
Market Power Demonstration	1 <sup>44</sup>	2-8 <sup>45</sup>	8
Showing for Non-dominant Carrier	19	2	38

214 authorization holder every five years.

<sup>36</sup> 47 CFR § 6318..

<sup>37</sup> To date the Commission has not received a modification application that was referred to the Executive Branch.

<sup>38</sup> 47 CFR § 1.40001(a)(2)

<sup>39</sup> 47 CFR § 1.40003(a)(1).

<sup>40</sup> 47 CFR § 1.4001(a)(2).

<sup>41</sup> 47 CFR § 63.50.

<sup>42</sup> 47 CFR § 63.53.

<sup>43</sup> 47 CFR § 63.25.

<sup>44</sup> The Commission averages one response every five years.

<b>Information Collection</b>	<b>Number of Responses</b>	<b>Average Hours Per Respondent</b>	<b>Total Annual Hour Burden</b>
Classification <sup>46</sup>			
Request for Streamlined Processing <sup>47</sup>	79	1	79
Notification of Pro Forma Assignments and Transfers of Control Applications. <sup>48</sup>	67	3	201
Reporting Requirements for International Section 214 Authorization Holders Classified as Dominant <sup>49</sup>	156 <sup>50</sup>	3	468
Notification of Service Through an Affiliated U.S. Facilities-Based Switched Services <sup>51</sup>	1	1	1
Foreign Carrier Affiliation Notification for Prior Approval to Become Affiliated with a Foreign Carrier <sup>52</sup>	0 <sup>53</sup>	7	0

<sup>45</sup> We estimate approximately 2 hours if no comments are filed and 8 hours if comments are filed.

<sup>46</sup> 47 CFR § 63.18(m).

<sup>47</sup> 47 CFR § 63.12. The *Executive Branch Review Order* added a new category of applications that are not qualified for streamlined processing (those with reportable foreign ownership).

<sup>48</sup> 47 CFR § 63.24(f)(1)-(2).

<sup>49</sup> 47 CFR § 63.10(c)(2)-(4). The *Mandatory Electronic Filing Order* requires these reports to be filed electronically once an electronic form is available.

<sup>50</sup> These reports are filed on a quarterly basis. The annual number of responses of 156 is based on the following calculation: 13 respondents x 4 responses (3 responses per quarter x 4 quarters).

<sup>51</sup> 47 CFR § 63.10(a)(4).

<sup>52</sup> 47 CFR § 63.11(a), (e), (h).

<sup>53</sup> The Commission averages one response every five years.

<b>Information Collection</b>	<b>Number of Responses</b>	<b>Average Hours Per Respondent</b>	<b>Total Annual Hour Burden</b>
Demonstration Regarding Operation on Non-World Trade Organization (WTO) routes <sup>54</sup>	0 <sup>55</sup>	2-8 <sup>56</sup>	0
Foreign Carrier Affiliation Notification <sup>57</sup>	6	7	42
Foreign Carrier Affiliation Notification: Showing of Eligibility to be Classified as Non-Dominant <sup>58</sup>	6	1	6
Discontinuance Notification <sup>59</sup>	8	2	16
Discontinuance Notification from Carrier With Market Power on U.S.-end of route <sup>60</sup>	0 <sup>61</sup>	4	0
Change in Substance of Certification in Application <sup>62</sup>	1	1	1

<sup>54</sup> 47 CFR § 63.11(g)(2).

<sup>55</sup> The Commission averages one response every five years.

<sup>56</sup> We estimate approximately 2 hours if no comments are filed and 8 hours if comments are filed.

<sup>57</sup> 47 CFR § 63.11(b)-(c), (e), (h).

<sup>58</sup> 47 CFR § 63.11(f).

<sup>59</sup> 47 CFR § 63.19(a).

<sup>60</sup> 47 CFR § 63.19(b).

<sup>61</sup> At this time there are no carriers that have been found to have market power on the U.S.-end of an international route.

<sup>62</sup> 47 CFR § 63.21(a).



<b>Information Collection</b>	<b>Number of Responses</b>	<b>Average Hours Per Respondent</b>	<b>Total Annual Hour Burden</b>
Third Party Disclosure Requirement <sup>63</sup>	0 <sup>64</sup>	1	0
Notification of Service Being Provided by Wholly Owned Subsidiaries <sup>65</sup>	7	1	7
Notification on Name Change <sup>66</sup>	4	1	4
Filing of International Route List <sup>67</sup>	3	2	6
Response to Commission Request for Information on Traffic and Revenue on an International Route	0 <sup>68</sup>	20	0
Request for Waiver of Rules <sup>69</sup>	1	2	2
<b>Totals</b>	<b>614</b>	<b>1 to 120</b>	<b>4,786</b>
An “*” indicates a new information collection pertaining to the <i>Executive Branch Review Order</i> and <i>Executive Branch Standard Questions Order</i> .			

<sup>63</sup> 47 CFR § 63.21(e).

<sup>64</sup> The Commission is not aware of any requests being made to applicants or authorization holders.

<sup>65</sup> 47 CFR § 63.21(h).

<sup>66</sup> 47 CFR § 63.21(i).

<sup>67</sup> 47 CFR § 63.22(h).

<sup>68</sup> To date the Commission has not such a request.

<sup>69</sup> 47 CFR § 1.3. The Commission averages less than one waiver request per year.











