

SUPPORTING STATEMENT

A. Justification

The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) approve revisions to OMB Control No. 3060-0944 to incorporate the new requirements adopted by the Commission in the *Executive Branch Review Order*¹ and in the *Executive Branch Standard Questions Order*.² The Commission also seeks approval for online electronic forms that are currently under development as part of the Commission's modernization of its International Communications Filing System (ICFS). To improve the Commission's collection of information related to submarine cable applications and to incorporate the new requirements, the Commission revised its submarine cable application forms and added new forms.

First, the *Executive Branch Review Order* and the *Executive Branch Standard Questions Order* created new requirements associated with certain applications, including submarine cable applications with reportable foreign ownership, that will be reviewed by the 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.³ The Commission also established firm time frames for the Executive Branch agencies to complete their review consistent with the Executive Order 13913, which was released on April 4, 2020 and established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the Committee, also known as Team Telecom).⁴ 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.⁵ The Commission also adopted and codified five

¹ *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 (OMB/IB 2020).

² *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*).

³ *Executive Branch Review Order*, 35 FCC Rcd at 10927, para. 1. The agencies include the Department of Defense (DOD), Department of Homeland Security (DHS), Department of Justice (DOJ), Department of State (State Department), U.S. Trade Representative, and National Telecommunications & Information Administration, Department of Commerce (NTIA) (collectively, the "Executive Branch agencies").

⁴ *Executive Branch Review Order*, 35 FCC Rcd at 10927, para. 1; Executive Order No. 13913 of April 4, 2020, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643, 19643-44 (Apr. 8, 2020) (Executive Order 13913).

⁵ Executive Order No. 13913, 85 Fed. Reg. at 19645; 47 CFR § 1.40004(b), (c).

categories of information for which applicants must provide detailed and comprehensive information to the Committee.

In the *Executive Branch Standard 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, commonly known as “triage questions.” The Standard Questions consist of six separate questionnaires (based on subject matter) and a supplement for the provision of personally identifiable information (PII).

Cable landings license applicants will be required to answer Standard Questions specific to submarine cables as well as a general PII supplement applicable to all respondents to the Standard Questions.⁶ The Standard Questions are set out in appendices in the *Executive Branch Standard Questions Order*: Attachment A (Standard Questions for a Submarine Cable Landing License Application), Attachment D (Standard Questions for an Application for Assignment or Transfer of Control of a Submarine Cable Landing License) and Attachment G (PII supplement).

Second, the Commission is in the process of modernizing its online, web-based ICFS for all applications (ICFS Modernization), including developing revised submarine cable application forms to improve the Commission’s information collection and comply with the new requirements.⁷ Until the electronic forms are approved, submarine cable applicants are required to provide the information required by *Executive Branch Review Order* and the *Executive Branch Standard Questions Order* by submitting current applications and related documents into ICFS to comply with the rules. We estimate that the projected completion date for the modernized ICFS, including all cable landing license application forms will be in July 2024.

These new requirements account for an increase in the annual number of responses from 99 to 118 (an increase of 19 responses), annual burden hours from 413 to 960 hours (an increase of 547 hours), and an increase in annual costs from \$106,860⁸ to \$340,255 (an increase of \$233,395). The new

⁶ *Executive Branch Standard Questions Order*, 36 FCC Rcd 14848, Appendixes.

⁷ 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) (*Mandatory Electronic Filing Order*).

⁸ The Commission’s November 2022 PRA Extension request erroneously stated that the annual cost burden of this collection was \$123,360. That figure included respondents’ in-house costs of \$16,520, which should not have been included. Removing in-house costs from total annual cost burden results in an annual cost burden of \$106,840. See Supporting statement OMB 3060-0944 (2022), Cable Landing License Act, 47 CFR 1.767; 1.768; Executive Order 10530, November 2022, <https://omb.report/icr/202211-3060-007/doc/126372201>.

requirements result in 1,440 burden hours. 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 change accounts for 1,452 burden hours. This replaces the burden applicants currently have by providing national security and law enforcement information to the Committee on an individualized basis. The changes are also associated with revisions to current forms and new forms for purposes of ICFS Modernization 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.⁹ The Commission has also reevaluated and raised the estimate of how many hours outside counsel spend assisting respondents to prepare and submit submarine cable applications and filings.

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 it needs 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 that will be collected in the Standard Questions is necessary as it is used by Commission staff in carrying out its duties under the Cable Landing License Act of 1921 (Cable Landing License Act).¹⁰ Additionally, pursuant to Executive Order No. 10530, the Commission has been delegated the President's authority under the Cable Landing License Act to grant cable landing licenses, provided that the Commission obtain the approval of the State Department and seek advice from other government agencies as appropriate.¹¹ The information collections pertaining to Part 1 of the rules are necessary to determine whether and under what conditions the Commission should grant a license for proposed submarine cables landing in the United States. The information obtained from submarine cable landing

⁹ *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*).

¹⁰ Pub. Law No. 8, 67th Congress, 42 Stat. 8 (1921); 47 U.S.C. §§ 34-39 (Cable Landing License Act).

¹¹ Executive Order No. 10530 § 5(a) (May 10, 1954), reprinted as amended in 3 U.S.C. § 301 (Executive Order 10530).

applicants in the Standard Questions will also be used by Committee staff to carry out its duties under Executive Order 13913.

ICFS Modernization of Submarine Cable Application Electronic Forms. The Commission seeks OMB approval of revisions to its submarine cable application forms and additional 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) submarine cable applications with foreign ownership that will be referred to the Committee for national security and law enforcement review or (2) to all submarine cable applications.

- **Responses to Standard Questions (47 CFR § 1.40003).**¹² Under section 1.40003(a)(1) and (c), if an applicant has a 10% or greater foreign owner, 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 for the Committee to prepare and 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 will assist the Committee in its review and may eliminate the need for the Committee to prepare and send Tailored Questions.
- **National Security/Law Enforcement Certifications (47 CFR §§ 1.767(a)(8)(i), 63.18(q)).** Section 1.767(a)(8)(i) requires submarine cable applicants to provide the

¹² See also 47 CFR § 1.40003; see 1.767(a)(8)(i), 47 CFR § 63.18(p), 47 CFR § 1.40001(a)(2), (3).

information required in section 63.18(q), which 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 §§ 1.767(a)(8)(i), 1.767(a)(11)(i), 63.18(h)).** Section 1.767(a)(8) now directs applicants to provide the ownership information required in section 63.18(h) to include voting interests as well as equity interests. Section 1.767(a)(11)(i) requires an applicant for a new submarine cable landing license to now provide a diagram depicting the applicant's ownership, showing the 10% or greater direct or indirect equity and voting interests in the applicant.¹³ Finally, section 1.767(a)(11)(i) requires applicants for assignment or transfer of a submarine cable license to include pre-transaction and post-transaction ownership diagrams of the licensee. The new rules will assist the Commission to process applications more expeditiously and ensure that the Commission has the required ownership information and clear information to review the application.
- **Application to Executive Branch Agencies (47 CFR § 1.767(j)).** All applicants must now send a complete copy of their applications to the State Department, NTIA, and the Defense Information Systems Agency, U.S. Department of Defense, on the same date that the application is filed at the Commission and to certify that they have done so.
- **Revised Requirement to Demonstrate Qualification for Streamlined Processing (47 CFR § 1.767(k)(5)).** 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 held by U.S. citizens or entities organized in the United States, which will assist the Commission in its review.
- **Quarterly Reporting Requirements (47 CFR § 1.767(l)).** The quarterly reporting requirement in section 1.767(l) now applies to all markets where the submarine cable lands. Previously, the rule requirement only applied to markets in World Trade Organization (WTO) Member countries and this rule change corrects an error.

ICFS Modernization of Submarine Cable Application Electronic Forms. As part of the Commission's modernization of ICFS, we are making substantive changes to the electronic submarine cable application forms, and once OMB approves the new forms, applicants will be required to file their applications in ICFS. The information will be used to ensure compliance with the Commission's rules, and includes the new requirements adopted in the *Executive Branch Review Order* and the *Executive Branch Standard Questions Order*. A complete list of the cable landing license application forms under

¹³ 47 CFR §§ 1.767(a)(8)(i), 63.18(h)(2).

development is in Appendix A. In Appendix B, we provide a summary of substantive revisions to current forms.

- 1) SCL-LIC - Submarine Cable Landing Application;
- 2) SCL-AMD - Submarine Cable Landing License Amendment;
- 3) SCL-LPN - Submarine Cable Landing Point Notification;
- 4) SCL-MOD - Submarine Cable Landing License Modification;
- 5) SCL-STA - Submarine Cable Landing License Special Temporary Authority;
 - For applications #1 to #5 above, OMB approved the submarine cable landing license forms.¹⁴ On May 11, 2005, the Commission made electronic filing mandatory for international telecommunications services and other international filings, including for applications #1 to #5, subject to the availability of electronic forms.¹⁵ Under the modernization of ICFS, revisions to the forms #1 to #5 have been made.
- 6) SCL-FCN - Submarine Cable Landing License Foreign Carrier Notification;
- 7) SCL-ASG/TC - Submarine Cable Landing License Transfer of Control of License – On May 11, 2005, OMB approved the form. Under ICFS modernization, the form will be combined with Assignments;
- 8) SCL-RPT - Submarine Cable Landing License Quarterly Report – New form;¹⁶
- 9) SCL-RWL - Submarine Cable Landing License Renewal – New form; and

¹⁴ *Mandatory Electronic Filing Order; see Review of Commission Consideration of Applications Under the Cable Landing License Act*, ICR Reference No. 200601-3060-026, March 7, 2006, <https://omb.report/icr/200601-3060-026> (OMB stated that “as applications contained within the supporting statement are developed, a change worksheet should be submitted to OMB. The change worksheet should include the information elements that are to be collected, as well as a copy of the proposed form. This should be submitted before the application goes ‘live’ and OMB reserves the right to make modifications to the forms and information collected as necessary.”).

¹⁵ On September 30, 2008, the Commission launched an e-filing module in the International Bureau Filing System (IBFS), now known as ICFS, to provide applicants and other interested parties the option of electronic filing for certain filings for which forms are not available in lieu of filing through the Commission’s Office of the Secretary. *International Bureau Announces New Filing Modules within the MYIBFS Electronic Filing System: Ability to File Additional Applications and Pleadings Electronically*, Public Notice, 23 FCC Rcd 13973 (IB 2008).

¹⁶ The Commission has previously received approval for this collection and the Commission would only be changing the report submission mechanism and not the content of the reports. See Cable Landing License Act, 47 CFR 1.767; 1.768; Executive Order 10530, ICR 202211-3060-007, OMB: 3060-0944, <https://omb.report/icr/202211-3060-007>. While this request for approval would normally be submitted as a non-substantive change, we seek to obtain approval for all

10) SCL-WAV - Submarine Cable Landing License Waiver Request – New form.

The statutory authority for this information collection is contained in the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34-39, Executive Order 10530, Executive Order 13913, section 5(a), and the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)-(j), 155, 303(r), 309, and 403.

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 submarine cable applications through ICFS, its current electronic filing system. ICFS allows respondents to submit their applications 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, 100% of forms will be filed electronically in the current ICFS.

ICFS Modernization of Submarine Cable Application Electronic Forms. Once OMB approves the new electronic submarine cable application forms, applicants will be required to e-file their applications and information in ICFS in accordance with the rules. Until that time, filers must submit the current application forms in ICFS and provide additional information required by the rules 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 submarine cable 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 submarine cable applications and information necessary for the Committee to conduct its review of applications.

ICFS Modernization of Submarine Cable 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 rules and would not require information provided in other Commission collections. Certain ICFS forms will require applicants to provide some information both in

mandatory forms at the same time.

the electronic form and in a narrative attachment to the form. The information in an electronic format will allow the information to be searchable and allows the Commission 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 Submarine Cable Application Electronic Forms. The Commission's ICFS modernization of submarine cable 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, submarine cable applicants will not obtain the authorizations necessary to provide telecommunications services and facilities, and the Commission will be unable to carry out its mandate under the Cable Landing License Act of 1921 and Executive Order 10530.¹⁷ 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.¹⁸

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.

¹⁷ See Cable Landing License Act and Executive Order 10530; see *Review of Commission Consideration of Applications Under the Cable Landing License Act*, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167 (2001).

¹⁸ *Executive Branch Review Order*, 35 FCC Rcd 10927.

On March 16, 2023, the Commission published a 60-day notice in the Federal Register seeking comments from the public.¹⁹ One party – Edge Cable Holdings USA, LLC (Edge USA) – filed comments concerning the Standard Questions adopted by the Commission in the *Executive Branch Standards Questions Order*.²⁰ We respond to Edge USA’s comments below and do not take any actions.

For over 20 years, the Commission has referred certain applications that have reportable foreign ownership, including submarine cable applications, to the Executive Branch agencies for their review for any national security, law enforcement, foreign policy or trade policy concerns. After the Commission refers an application with reportable foreign ownership, the Committee sends a questionnaire to an FCC applicant, commonly known as “triage questions,” to gather the information that it needs to assess national security and law enforcement concerns. The triage questions request information from the applicant regarding its (1) corporate structure and shareholder information; (2) relationships with foreign entities; (3) financial condition and circumstances; (4) compliance with applicable laws and regulations; and (5) business and operational information, including services to be provided and network infrastructure. Executive Order 13913 was released on April 4, 2020 and formalized the review process for national security and law enforcement concerns and established the Committee to conduct that review.²¹ Under Executive Order 13913, the Committee’s initial 120-day review period starts once the Chair determines that the applicant’s responses to any questions and information requests from the Committee are complete.

In the *Executive Branch Review Order*, the Commission adopted rules to streamline the Executive Branch review process to improve its timeliness and transparency. Among the changes adopted by the Commission are the development of the Standard Questions that will replace the Committee’s “triage questions.” The Commission acknowledged the evolving nature of national security and law enforcement risks and that the information needed by the Committee to conduct its review will change over time. In that regard, in the *Executive Branch Review Order*, the Commission delegated authority to its staff to revise and update the Standard Questions, after notice and comment, as needed.

The Commission, in the *Executive Branch Standard Questions Order*, adopted the Standard Questions. To expedite the Committee’s review, an applicant is required to provide to the Committee its responses to the Standard Questions within three days of when it files its application with the Commission pursuant to revised sections 1.767(a)(8)(i) and 63.18(p)(2) of the Commission’s rules. This allows the Committee to start its review sooner than the current process where the Committee sends its triage questions to the applicant after referral from the Commission. If the Committee needs additional

¹⁹ 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).

²⁰ Comments of Edge Cable Holdings US, LLC, OMB Control Number 300-0944 (Edge USA Comments).

²¹ Executive Order 13913, 85 Fed. Reg. at 19643-44.

information beyond what is provided in response to the Standard Questions, it will send follow-up or tailored questions to the applicant.²² Once the rules are in effect, responses to the Standard Questions will be required to be filed by all applicants and the Standard Questions will be available on the FCC’s website.

Edge USA requests that the Commission “withdraw its request for approval of the 2021 Standard Questions and seek approval of the current Standard Questions used by Team Telecom, or else finalize and require Team Telecom to use 2021 Standard Questions.”²³ Edge USA states that the Committee “currently collects information for submarine cable landing license applications using materially similar (but constantly expanding) set “triage” questions”²⁴ Edge USA adds that, based on its own recent experience with the Committee, the questions sent by the Committee “are substantially different in form and include a significant number of new common questions compared to the 2021 Standard Questions” adopted by Commission.²⁵ Edge USA states that “PRA approval of the 2021 Standard Questions would result in duplicative and unduly burdensome efforts with little to no utility, because applicants would be required to first submit responses to the 2021 Standard Questions, before submitting responses to whatever questionnaires are currently in use by the Committee.”²⁶ Edge USA also states that the Commission’s PRA Notice “fails to recognize that the Standard Questions approved in 2021 are substantially different in form and inconsistent in scope with the standard questionnaires currently in use by the Committee” and it “does not indicate what, if anything, the Commission intends to do regarding the updated Standard Questions.”²⁷

We decline Edge USA’s request to withdraw our request for OMB approval of the 2021 Standard Questions²⁸ and to further delay the effectiveness of the Standard Questions adopted in the *Executive Branch Standard Questions Order*. Contrary to Edge USA’s claims, the applicants will not have to

²² 47 CFR §§ 1.40002, 1.40004.

²³ Edge USA comments at 2.

²⁴ *Id.* at 1.

²⁵ *Id.* at 4.

²⁶ *Id.* at 8.

²⁷ *Id.* at 8, 10.

²⁸ Edge USA also says that though its “comments focus on the 2021 Standard Questions for cable landing license applications, the issues raised by Edge USA similarly affect the other Standard Questions included within the scope of the *PRA Notice*.” *Id.* at 2, fn. 4. The PRA Notice addressed three separate collections (OMB 3060–0686 (International Section 214 Authorizations), OMB 3060–0944 (submarine cables) and OMB 3060–1163 (petitions for declaratory ruling under Section 310(b) of the Communications Act of 1934, as amended), each of which includes its own distinct set of Standard Questions. We decline to make any changes to the other collections covered in the PRA Notice.

answer a series of duplicative questions. Once the Standard Questions are in effect, an applicant will be required to provide its responses to the Standard Questions directly to the Committee when it files its application, pursuant to revised sections 1.767(a)(8)(i) and 63.18(p)(1) of the Commission's rules. The Committee will then have an opportunity to review those responses and determine if it needs clarification of the responses or requires further information based on the responses. The Executive Branch agencies proposed this approach as a way to improve the ability of the Executive Branch agencies to expeditiously and efficiently review referred applications,²⁹ and this approach was supported and adopted by the Commission in the *Executive Branch Review Order*.³⁰

To the extent that the evolving nature of national security and law enforcement risks requires the Committee to ask questions that go beyond those that are currently included in the Standard Questions, in the *Executive Branch Review Order*, the Commission recognized that the Standard Questions would change over time.³¹ To accommodate such changes, the Commission has delegated authority to Commission staff to update the Standard Questions after notice and comment and OMB approval.³² We do not think it is in the public interest, however, to delay the effectiveness of the Standard Questions. As noted above, if the Committee may need additional information beyond what is provided in response to the Standard Questions and if so, it will send follow-up or tailored questions to the applicant. We acknowledge Edge USA's view that current questions may no longer be the same and may need to be updated. However, the current set of Standard Questions should go into effect so that applicants, the Executive Branch agencies, and the public could follow current requirements and, in the future, provide valuable input to the Commission on any improvements and changes to the Standard Questions. The Commission at that time could then follow proper notice and comment necessary for any changes to the Standard Questions.

Edge USA also argues that the "[t]he Commission should seek PRA approval for, and publish, standard Team Telecom mitigation conditions in order to ensure fairness, transparency, and consistency across applicants and submarine cable systems subject to standard mitigation and should also seek comment on the burden of paperwork resulting from standard Team Telecom mitigation conditions."³³ Edge USA's request is misplaced. The Commission's rules do not require an applicant to enter into a mitigation agreement with the Executive Branch agencies, but merely acknowledge that a request to condition grant of the application based on compliance with a mitigation agreement may be one of the recommendations of the Committee after its review of the application for national security and law

²⁹ *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Notice of Proposed Rulemaking, 31 FCC Rcd 7456, 7456-57, 7462-64, paras. 2, 16-20 (2016) (*Executive Branch Review NPRM*).

³⁰ *See Executive Branch Review Order*, 35 FCC Rcd at 10942, para. 40.

³¹ *Id.* at para. 45.

³² *Id.*

³³ *Id.* at 14-15.

enforcement concerns.³⁴ Any mitigation agreement is negotiated between the applicant and the Executive Branch agencies, and the Commission is not a party to a mitigation agreement nor is it involved in the negotiation of the agreement. Consequently, we do not make any amendments to the collection concerning mitigation agreements, which are outside the scope of the current information collection.

We have adjusted the numbers to reflect the average number of filings for 2021 to 2023 and for the 2024 Federal Government Staff salary per hour.

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.

With respect to the responses to the Standard Questions, applicants will submit their responses to the Standard Questions directly to the Committee. The Commission will not receive or review Standard Questions responses. All of the responses to the Standard Questions are submitted by applicants directly to the Committee and will be treated as business confidential. Applicants will not have to specifically identify information for such treatment. The information will be protected according to the provisions of Executive Order 13913, section 8.

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

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. As a result of our ICFS modernization, there will be a total of 10 submarine cable application forms. There is a total of 118 responses for this collection.

³⁴ See 47 CFR §1.40004(b)(2), (c)(2)(ii).

Information Collection Requirements	Estimated Annual # of Respondents	Estimated Annual # of Responses	Total # of Annual Burden Hours
	41	118	1,919 ³⁵

Cumulative Total Number of Respondents (annualized basis (2020-2022)) = 41 respondents

Cumulative Total Annual Responses = 118 responses

Cumulative Total Annual Burden Hours: = 1,919 hours

Therefore, the respondents' burden hours are: 960 (rounded)

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 – 1,919 hours X 50% X
\$40 per hour = \$38,380**

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 respondents will require outside legal and engineering assistance for 50% of the burden hours.³⁶ 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.

1,919 hours X 50% X \$300 = \$ 287,850

³⁵ This chart shows the total number of responses and the combined burden hours for in-house staff and outside counsel to provide responses. We estimate that 50% of the burden hours are incurred in-house and 50% by outside counsel.

³⁶ The rules and requirements in this collection will not require respondents to maintain any special equipment.

Application Filing Fees: The Commission adopted a new schedule of application fees in 2020 and updated it in 2022.³⁷ The current fees are shown in the table below.

The total of application filing fees = **\$52,405**.³⁸

Submarine Cable Application Filing Fees	Number of Applicants Per Year	Application Fees	Cost
Submarine Cable Landing License	4	\$4,280	\$17,120
Special Temporary Authority	7	\$755	\$5,285
Prior Consent to Assignments and Transfers of Control	9	\$1,375	\$12,375
Pro Forma Assignment/Transfer of Control	15	\$445	\$6,675
Foreign Carrier Affiliation Notification (prior to consummation)	0	\$550	\$0
Foreign Carrier Affiliation Notification (post-consummation)	0	\$550	\$0
Modification	4	\$1,375	\$5,500
Renewal	2	\$2,725	\$5,450
Waiver	0	\$375	0
Totals	41		\$52,405

(c) Total Annual Cost Burden = **\$287,850 + \$52,405 = \$340,255**

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

³⁷ 2020 Application Fees Report and Order; 2022 Application Fees Order.

³⁸ The Commission changed its application fees for Cable Landing 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) renewals, and (5) waivers. The Commission adjusted the fees for cable landing licenses, prior consent to assignments and transfers of control and special temporary authority.

We make the following estimates for the total annual cost to the Federal Government to review and process the submarine cable applications that applicants file annually, in accordance with OMB guidance.³⁹ 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 have aggregated only 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 varies based on the complexity of the application and whether the application is referred to the Committee.⁴⁰ The Commission's application fees are based on government costs for processing applications up through first line supervisor review.⁴¹ The 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 Commission staff review of the estimated annual 81 submarine cable applications is below.

³⁹ 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.").

⁴⁰ *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).

⁴¹ *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 estimate of the number of hours needed for each task, up through first-level supervisory tasks required to process the application. . . .").

Federal Government Staff	Number of Staff	Salary Per Hour	Hourly Cost	Annual Burden Hours	Annual Costs
GS-15/Step 5 Attorney	2	\$89.04	\$178.08	275	\$48,972
GS-14/Step 5 Attorney	1	\$75.70	\$75.70	250	\$18,925
GS-11/Step 5 Industry Analyst	1	\$44.94	\$ 44.94	180	\$8,089
	4				\$75,986

The estimated annualized cost to the Commission is the sum of the costs for staff review of all submarine cable applications, both with and without application fees:⁴² **\$75,986.**

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 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:

⁴² 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.

Technical Costs	Cost⁴³
Fixed Start Up, Implementation and Hosting Cost for Public Portal ⁴⁴	\$792,754
Annual Labor Costs	
Attorney Review Cost (10 Hours Per Matter x \$109.82 Per GS-15 Attorney x 12 Matters)	\$13,178
Support Staff Cost (14 Hours Per Matter x \$157.90 Per Hour x 12 Matters)	\$26,527
Total Annual Labor Cost	\$39,705

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

⁴³ 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.

⁴⁴ The Committee's portal is designed to process and store all Standard Questions responses, not only those for submarine cable applications. Three types of Commission applications (and consequently three different Commission information collections) are associated with the Standard Questions: submarine cable applications (OMB Control No. 3060-0944), international Section 214 authorization applications (OMB Control No. 3060-0686), 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 32.8% of all Commission applications referred to the Committee will be submarine cable applications and the proportionate amount of portal technical costs that can be attributed to submarine cable applications is \$792,754 (i.e., 32.8% of \$2,416,934). The Committee similarly estimated and we report below the proportional amount of labor costs associated with the Committee's review of Standard Questions in connection with submarine cable applications.

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:

$$\$75,986 + \$792,754 + \$39,705 = \textbf{\$908,445}$$

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*, submarine cable 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 for submarine cable 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 assisting respondents prepare and submit submarine cable applications and filings. Therefore, the Commission's program changes for the collection are as follows: -17 to the number of respondents, +19 to the annual number of responses, +547 to the annual burden hours and +\$233,395 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 exception to the certification statement. The 60-day notice published on March 16, 2023 (88 FR 16253-01) listed the application forms that are part of this collection. One application form, the SCL amendment form (SCL-AMD) was unintentionally omitted from the list of forms provided in the 60-day notice. However, the burden hours reported in the 60-day notice (855 hours) did include the burden associated with the SCL-AMD form. This supporting statement, in Appendix C, provides the burdens associated with all SCL forms. We also have adjusted the numbers that were published in the 60-day Federal Register Notice to reflect the average number of filings for 2021 to 2023. Therefore, the number of respondents changed from 46 to 41, the annual number of responses changed from 146 to 118, the annual burden hours changed from 855 to 960 hours and the annual cost changed from \$307,355 to \$340,255. 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 Submarine Cable Forms

Name of Form	Brief Description	Rule Section
1. SCL-LIC - Submarine Cable Landing License Application	Revised form for application for a new submarine cable landing license.	47 CFR §1.767(a), (j), (k)
2. SCL-TC/ASG - Transfer of Control/Assignment of Submarine Cable Landing License	Application to (1) assign a license, or a portion of it, from one entity to another or (2) transfer control of a license (substantive and pro forma assignments/transfers of control).	47 CFR §1.767(a)(11), (g)(7)
3. SCL-AMD - Submarine Cable Landing License Application Amendment	Application to request amendment of a pending application.	47 CFR §1.767(m)(1)
4. SCL-MOD - Submarine Cable Landing License Modification	Form to request a modification of a submarine cable landing license.	47 CFR §1.767(m)(1)
5. SCL-STA –Submarine Cable Landing License Special Temporary Authority	Form requesting special temporary authority for testing and/or operational authority.	47 CFR § 1.767
6. SCL-RPT - Submarine Cable Quarterly Report	Form for Quarterly Section 1.767(l) Report for licensees affiliated with a carrier with market power in a cable's destination market.	47 CFR §1.767(l)
7. SCL-RWL - Submarine Cable Landing License	Application for renewal or extension of a submarine cable	47 CFR §1.767(e)

Renewal/Extension	landing license with a term that is expiring.	
8. SCL-FCN - Submarine Cable Foreign Carrier Notification	Notification of foreign carrier affiliation.	47 CFR §1.768
9. SCL-LPN - Submarine Cable Landing Point Notification	Form for notifying the Commission of final coordinates.	47 CFR §1.767(a)(5), (g)(8)
10. SCL-WAV - Rule Waiver Request	Application for waiver of a submarine cable license rule.	47 CFR § 1.3

APPENDIX B

Revisions to ICFS Modernization of Submarine Cable Forms

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

Form	New Collection	Explanation
SCL-LIC	Question 20	These questions now require the applicant to enter descriptive information about the cable directly into boxes in the forms as well as providing that information in the narrative..
SCL-LIC	Questions 22, 23	These questions now require the applicant to enter detailed ownership information directly into tables in the form as well as providing that information in the narrative.
SCL-RWL	Question R4	This question now asks for a narrative statement explaining any proposed changes to the cable license.
SCL-TCSAG and Supplements A-D	Questions 13, 14	Question 13 asks whether the transaction is voluntary or involuntary. Question 14 asks the applicants to disclose other related applications and dockets.
SCL-TCSAG and Supplements A-D	Supplements A and B: Questions 21, 22. Supplements C and D: Questions 20, 21	These questions now require the applicant to enter detailed ownership information in tables in the online form as well as providing that information in the narrative..
SCL-FCN	Questions 12, 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.
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APPENDIX C

Chart of Respondents, Responses and Annual Burden Hours

Information Collection	Number of Responses	Average Hours Per Response	Total Annual Hour Burden
Applications for Cable Landing License ⁴⁵	4	21	84
Responses to Standard Questions for New License ^{46*}	4	120	480
Market Power Demonstration ⁴⁷	1	2-8	8
Applications for Substantive Assignments and Transfers of Control ⁴⁸	9	13	117
Responses to Standard Questions for Assignments and Transfers of Control*	5	120	600
Third Party Disclosure ⁴⁹	0	0	0
Notification of Pro Forma Assignments and Transfers of Control Applications. ⁵⁰	15	3	45
Landing Point Notification ⁵¹	0	1	0

⁴⁵ 47 CFR §§ 1.767(a)(1)-(a)(3); 1.767(a)(4); 1.767(a)(5); 1.767(a)(6); 1.767(a)(7); 1.767(a)(8)(i)-(iii); 1.767(a)(9); 1.767(a)(10).

⁴⁶ 47 CFR § 1.767(a)(8)(1).

⁴⁷ 47 CFR § 1.767(a)(8)(iv). We estimate approximately 2 hours if no comments are filed and 8 hours if comments are filed.

⁴⁸ 47 CFR §§ 1.767(a)(11)(i)-(iii); 1.767(a)(8)-(9) (including a pre- and post-transaction licensee ownership diagram).

⁴⁹ 47 CFR § 1.767(f). The Commission is not aware of any requests being made to Applicants/Licensees.

⁵⁰ 47 CFR § 1.767(g)(7).

⁵¹ 47 CFR § 1.767(g)(8). The Commission has not received such an application since 2007. This burden is accounted for in the requirement under section 1.767(a)(5).

Information Collection	Number of Responses	Average Hours Per Response	Total Annual Hour Burden
Environmental Assessment ⁵²	0	10	0
Notification of Operation ⁵³	3	1	3
Renewal or Extension of License ⁵⁴	2	19	38
Responses to Standard Questions for Renewal or Extension of License*	1	120	120
Submission of Application to Committee ⁵⁵	12	1	12
Request for Streamlined Processing ⁵⁶	8	1	8
Coastal Zone Management Act Certification ⁵⁷	4	1	4
Reporting Requirements for Licensees Affiliated with a Carrier with Market Power in a Cable's Destination Market ⁵⁸	28	4	112
Amendments and Modifications ⁵⁹	6	2	12

⁵² 47 CFR § 1.767(g)(9). The Commission has not required an environmental assessment.

⁵³ 47 CFR § 1.767(g)(15).

⁵⁴ 47 CFR § 1.767(g)(15).

⁵⁵ 47 CFR § 1.40003(a)(2).

⁵⁶ 47 CFR § 1.767(k)(1)-(5). The *Executive Branch Review Order* added a new category of applications that are not qualified for streamlined processing (those with reportable foreign ownership).

⁵⁷ 47 CFR § 1.767(k)(4).

⁵⁸ 47 CFR § 1.767(l). These reports are filed on a quarterly basis. The annual number of responses of 28 is based on the following calculation: 7 respondents x 4 responses (1 response per quarter x 4 quarters).

⁵⁹ 47 CFR § 1.767(m)(1). Based on our 2021-2023 data, we anticipate that of these six filings, four will be amendments and two will be modifications.

Information Collection	Number of Responses	Average Hours Per Response	Total Annual Hour Burden
Responses to Standard Questions for Amendments and Modifications ^{60*}	1	120	120
Modification Application to Relinquish Interest ⁶¹	1	2	2
Special Temporary Authority ⁶²	7	2	14
Notification by and Prior Approval for Licensees That are or Propose to Become Affiliated with a Foreign Carrier ⁶³	0	11	0
Post-Consummation Notifications by Licensees That Have Acquired an Affiliation with a Foreign Carrier ⁶⁴	0	11	0
Notification Requirements under Section 1.768(d) ⁶⁵	1	1	1
Notification Requirements under Section 1.768(f) ⁶⁶	1	2	2
Prior Notification under Section 1.768(a) ⁶⁷	1	2 – 8	8

⁶⁰ Of the six amendments and modifications filed each year, we anticipate that one of them will be referred to the Executive Branch for review for national security, law enforcement, foreign policy, and/or trade policy concerns.

⁶¹ 47 CFR § 1.767(m)(2).

⁶² 47 CFR § 1.767(a).

⁶³ 47 CFR §1.768(a), (e).

⁶⁴ 47 CFR § 1.768(b)-(c), (e)).

⁶⁵ 47 CFR § 1.768(d) (if the transaction requiring the notification involves a transfer of control or assignment application under 1.767(a)(11), the notification shall reference the transfer/assignment application and the filing date).

⁶⁶ 47 CFR § 1.768(f).

⁶⁷ 47 CFR § 1.768(g)(2). We estimate approximately 2 hours. (if no comments are filed) and 8 hours (if comments are filed).

Information Collection	Number of Responses	Average Hours Per Response	Total Annual Hour Burden
Accuracy of Contents of Notification ⁶⁸	1	1	1
Request for Confidential Treatment ⁶⁹	1	6	6
Request for Exclusion to Referral to the Executive Branch ^{70*}	1	2	2
Response to Standard Questions Due to Discretionary Referral to the Executive Branch ^{71*}	1	120	120
Request for Waiver of Rules ⁷²	0	2	0
Totals	118	1 to 120	1,919
An “*” indicates a new information collection pertaining to the <i>executive Branch Review Order</i> and <i>Executive Branch Standard Questions Order</i> .			

⁶⁸ 47 CFR § 1.768(h).

⁶⁹ 47 CFR § 1.768(i).

⁷⁰ 47 CFR § 1.40001(a)(2).

⁷¹ 47 CFR § 1.40001(a)(3).

⁷² 47 CFR § 1.3. To date the Commission has not received a stand-alone request to waive the cable landing license rules. Waivers are typically filed as part of another application, such as a new landing license application.