

## Annual Circuit Capacity Reports

April 2026

## SUPPORTING STATEMENT

## A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Federal Communications Commission (Commission) seeks approval from the Office of Management and Budget (OMB) for the revised information collection for the annual submarine cable circuit capacity reports required pursuant to the Cable Landing License Act of 1921 and section 43.82 of the Commission's rules.<sup>1</sup> On August 7, 2025, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*Submarine Report and Order*) that modernized the Commission's submarine cable rules, including adopting new rules regarding the annual circuit capacity reports.<sup>2</sup> With respect to the annual submarine cable circuit capacity data collection, the Commission modified the circuit capacity reporting requirements to enhance the quality and usefulness of the data for national security and other purposes, provide greater clarity to licensees and common carriers (Filing Entities) on the reporting requirements for Filing Entities, and eliminated duplicative burdens.

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<sup>1</sup> Cable Landing License Act of May 27, 1921, Pub. L. No. 8, 67th Cong., ch. 12, § 1, 42 Stat. 8 (1921) (codified as amended at 47 U.S.C. §§ 34-39) (Cable Landing License Act); Exec. Order No. 10,530, 19 Fed. Reg. 2709, § 5(a) (May 12, 1954), *reprinted as amended in* 3 U.S.C. § 301 (Executive Order 10530); 47 CFR § 43.82.

<sup>2</sup> See generally *Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks; Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, OI Docket No. 24-523 and MD Docket No. 24-524, FCC 25-49, Report and Order and Further Notice of Proposed Rulemaking, 40 FCC Rcd 6481 (2025) (*Submarine Cable Report and Order*); corrected by Erratum, <https://docs.fcc.gov/public/attachments/DOC-414544A1.pdf> (OIA and OMD, rel. Sep. 16, 2025); corrected by Second Erratum, <https://docs.fcc.gov/public/attachments/DOC-415107A1.pdf> (OIA and OMD, rel. Oct. 24, 2025).

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Specifically, in the *Submarine Report and Order*, the Commission:

- Streamlined the rules and eliminated the requirement for licensees to file a Cable Operator Report about the capacity on a cable and instead required Filing Entities to file one report, the Capacity Holder Report, on an individual basis;<sup>3</sup>
- Retained important information from the Cable Operator Report by integrating and clarifying information about available, planned, and design capacity<sup>4</sup> that was previously reported in the Cable Operator Report;
- Required Filing Entities to report their capacity on domestic cables, as the lack of this information created a critical gap regarding the ownership and use of capacity on submarine cables regulated by the Commission;<sup>5</sup>
- Required Filing Entities to identify, with respect to each sale, lease, or purchase of a fiber pair and/or spectrum, the submarine cable, the U.S. and foreign landing points of the fiber pair and/or spectrum, and the entity that manages the fiber pair and/or spectrum, if different from the entity that owns it;<sup>6</sup>
- Required Filing Entities to provide certain information about their submarine line terminal equipment (SLTEs) in the Capacity Holder Report as SLTEs are among the most important equipment associated with the submarine cable system for national security and law enforcement purposes;<sup>7</sup>
- Allowed any subsidiary, parent entity, or affiliate to file the Capacity Holder Report on behalf of a licensee(s) or common carrier(s), so long as the legal name of the licensee or common carrier is identified in the report and an officer of the licensee or common carrier certifies that the information in the report is accurate and complete;<sup>8</sup>
- Codified a compliance provision in section 43.82 of the rules;<sup>9</sup>
- Modified section 43.82 of the rules to allow the Commission to share with the Committee

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<sup>3</sup> On August 28, 2025, the Commission requested approval from OMB for this *de minimis*, non-substantive change to the information collection. FCC, Non-Substantive Change Request Justification, OMB Control No. 3060-1156 (Aug. 28, 2025), [https://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=202508-3060-008](https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-3060-008). On August 28, 2025, OMB approved the non-substantive change approval request. Office of Management and Budget, Notice of Office of Management and Budget Action, OMB Control No. 3060-1156 (Aug. 28, 2025), [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202508-3060-008#](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202508-3060-008#).

<sup>4</sup> *Submarine Cable Report and Order*, 40 FCC Rcd at 6575-76, paras. 196-99.

<sup>5</sup> *Id.* at 6574, para. 193.

<sup>6</sup> *Id.* at 6577, para. 202.

<sup>7</sup> *Id.* at 6577-78, para. 203.

<sup>8</sup> *Id.* at 6578, para. 206.

<sup>9</sup> *Id.* at 6579, para. 208.

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- for the Assessment of Foreign Participation in the U.S. Telecommunications Services Sector (Committee),<sup>10</sup> Department of Homeland Security (DHS), and the State Department the capacity data filed on a confidential basis without the pre-notification requirements of 47 CFR § 0.442(d);<sup>11</sup> and
- Directed the Commission's Office of International Affairs (OIA) to revise the Filing Manual to conform with the changes adopted in the *Submarine Cable Report and Order*.<sup>12</sup>

*Authority for the Information Collection:* The Commission has statutory authority for this information collection under sections 1, 4(i), 4(j), 201-255, 303(r), 403, 413 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201-255, 303(r), 403, 413, and the Cable Landing License Act of 1921, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, section 5(a) (May 12, 1954) reprinted as amended in 3 U.S.C. § 301.<sup>13</sup>

**2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The Commission has found that the data from the annual circuit capacity reports are necessary for the Commission to fulfill its statutory obligations.<sup>14</sup> Specifically, submarine cables are critical

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<sup>10</sup> Exec. Order No. 13,913, 85 Fed. Reg. 19643 (Apr. 8, 2020).

<sup>11</sup> *Submarine Cable Report and Order*, 40 FCC Rcd at 6580, para. 209.

<sup>12</sup> *Id.* at 6573, para. 189.

<sup>13</sup> *Id.* at 6624, para. 334; 47 U.S.C. §§ 151, 154(i), 154(j), 201-255, 303(r), 403, 413; 47 U.S.C. §§ 34-39; Exec. Order No. 10,530, 19 Fed. Reg. 2709, § 5(a) (May 12, 1954), reprinted as amended in 3 U.S.C. § 301.

<sup>14</sup> *Submarine Cable Report and Order*, 40 FCC Rcd at 6572, para. 189.

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infrastructure and the Commission relies on circuit capacity data which are essential for the Commission's responsibilities to the national security and defense of the United States, and public safety responsibilities. The Commission uses the data, for example, to have a complete understanding of the ownership and use of submarine cable capacity and to assist in the protection, restoration, and resiliency of the infrastructure during national security or public safety emergencies, such as hurricanes. The circuit capacity data are also used for such purposes as analyzing international transport markets in merger reviews. Importantly, pursuant to the *Submarine Cable Report and Order*, the Commission will now receive circuit capacity information on domestic cables and require the reporting of information about SLTEs.<sup>15</sup> For example, the Commission found that identifying which entities own or control an SLTE on Commission-licensed submarine cables will, among other things, enable the Committee and Commission to identify licensees that "have increased exposure to foreign adversary entities."<sup>16</sup>

The Commission has found that the data from the circuit capacity reports also serve a vital role by sharing this information with other federal agencies.<sup>17</sup> The Committee regularly requests these data for its work on national security and law enforcement issues, as has DHS for its national security and homeland security functions.<sup>18</sup> DHS stated that it also finds this information to be critical to its national and homeland security functions, and that this information, when combined with other data sources, is used to protect and preserve national security and for its emergency response purposes.<sup>19</sup> In the *Submarine Cable Report and Order*, the new rules will make it easier for the Commission to share with the Committee, DHS, and the State Department the capacity data filed on a confidential basis without the pre-notification requirements of section 0.442(d).<sup>20</sup>

**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, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The Commission has a web-based system for Filing Entities to submit their annual circuit

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<sup>15</sup> *Id.* at 6574, 6577-78, paras. 193-195, 203, 205.

<sup>16</sup> *Id.* at 6578, para. 203.

<sup>17</sup> *Id.* at 6572, para. 189.

<sup>18</sup> *See id.* at 6580, para. 210.

<sup>19</sup> *Id.* at 6581-82, para. 213.

<sup>20</sup> *See id.* at 6580, para. 209.

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capacity reports.<sup>21</sup> The Filing Entities access the filing system via a portal on the FCC website. The specific data are reported using a spreadsheet or spreadsheets that the Filing Entity downloads, fills-in off-line, and then submits via the portal. All of the information is filed with the Commission electronically.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.**

The new rules ensure that applicants and licensees will not provide duplicate information and will enable the Commission to conduct its review of circuit capacity data to assess national security risks. This information collection requirement is not duplicated elsewhere in the Commission's rules.

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

To reduce the costs and burdens on carriers, including small entities, the reporting requirements are limited to only those collections necessary to serve the public interest, emergency planning, and national security. Pursuant to the *Submarine Cable Report and Order*, the Commission has streamlined its rules and will require Filing Entities to file one report, the Capacity Holder Report, on an individual basis that will enable the Commission to continue collecting accurate and important data for national security and public safety purposes.<sup>22</sup> This will decrease burdens on all entities, including small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the information collection were not conducted or were conducted less frequently, the Commission would not be able to support its national security and public safety responsibilities in regulating communications submarine cables. Circuit capacity data are important for the Commission's contributions to the national security and defense of the United States. The data are also useful for federal agencies in fulfilling their other duties and responsibilities.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the criteria listed in the supporting statement question.**

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<sup>21</sup> FCC, *Part 43 Data Collection*, <https://apps2.fcc.gov/section4362/login.xhtml>.

<sup>22</sup> *Submarine Cable Report and Order*, 40 FCC Rcd at 6573, paras. 190-192.

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

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information prior to submission to OMB. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection,**

**the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

On February 10, 2026, a 60-day notice was published in the Federal Register to solicit comments from the public with regard to this information collection. [91 FR 5948]

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

The Commission will not provide any payment or gift to respondents.

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

The Commission has an abbreviated means for the submitter of the data to seek confidential treatment under section 0.459 of the Commission's rules. Specifically, in the Registration Form, a checkbox is provided enabling the Filing Entity to indicate that the data are confidential and deferring the need to provide justification for confidential treatment until another party requests access to the data. The Commission's rules currently contemplate allowing parties seeking confidential treatment to defer providing justification for such treatment until another party seeks access to the data. Upon receipt of a request for inspection of the data, the Commission will notify the Filing Entity of the request and the Filing Entity will be required to justify continued confidential treatment pursuant to the Commission's rules.

In the *Submarine Cable Report and Order*, the Commission modified section 43.82 of the rules to allow the Commission to share with the Committee, DHS, and the State Department the capacity

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data filed on a confidential basis without the pre-notification requirements of section 0.442(d).<sup>23</sup> Industry commenters did not object to the sharing of the data with federal agencies

provided that licensees' requests for confidential treatment are honored and such information remains confidential.<sup>24</sup> The rule adopted by the Commission makes clear that sharing of the confidential circuit capacity data with other federal government agencies is subject to the requirements of the confidentiality protections contained in the Commission's regulations and 44 U.S.C. § 3510, and, in the case of the Committee, section 8 of Executive Order 13913 that require the Committee to keep the information confidential.<sup>25</sup>

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

There are no questions of a sensitive nature involved with this collection of information.

**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 following represents the estimated hour burden of the annual circuit capacity collection. Each Filing Entity must file a Registration Form with its Capacity Holder Report. The Commission streamlined the reporting and thus decreased burdens by eliminating the Cable Operator Report. The Commission now requires licensees and common carriers to report their capacity on domestic cables. Additionally, with the new requirements, Filing Entities will be required to provide SLTE information and also identify, with respect to each sale, lease, or purchase of a fiber pair and/or spectrum, the submarine cable, the U.S. and foreign landing points of the fiber pair and/or spectrum, and the entity that manages the fiber pair and/or spectrum, if different from the entity that owns it. We base the estimate on the number of Filing Entities in the 2024 data collection (102 respondents) and add an additional 21 respondents to account for licensees of currently licensed and/or operating domestic cables (21 respondents) and another ten respondents to account for common carriers (10 respondents) (Total 133 respondents).<sup>26</sup> The estimate below best

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<sup>23</sup> *Id.* at 6580, para. 209.

<sup>24</sup> *Id.* at 6581, para. 211.

<sup>25</sup> *Id.* at para. 212.

<sup>26</sup> *FCC Releases Circuit Capacity Data for U.S.-International Submarine Cables as of December 31, 2024*, Public Notice, DA 25-1072, Tbl. 1 (OIA Dec. 17, 2025); FCC, *Circuit Capacity Data for U.S.-International Submarine Cables*, <https://www.fcc.gov/international/circuit-capacity-data-us-international-submarine-cables> (last visited Jan. 27, 2026). There are 21 entities that hold a cable landing license on domestic cables or until recently held a license on a domestic cable prior to the expiration of the license. For purposes of this estimate, we include any domestic cable for which the license expired and has not been

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reflects these changes.

Estimate of Burden Hours				
Explanation of Burden Estimate	Number of Responses	Frequency of Responses	Time Per Response	Annual Burden Hours
Section 43.82(a) Annual Circuit Capacity Holder Report	133	Annual	20 hours	2,660 Hours
47 CFR 43.82(b) Registration Form	133	Annual	1 Hour	133 Hours
<b>Total</b>	<b>266</b>			<b>2,793 Hours</b>

**In-House Costs:** We estimate that in-house staff is paid at an estimated rate of \$31.98 /hour. Therefore, the in-house costs are estimated as follows: 2,793 hours x \$31.98/hour = \$89,320.14.<sup>27</sup>

**Total Number of Respondents:** 133

**Total Number of Annual Responses:** 266

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renewed or extended, including where an application is pending before the Commission to renew or extend the license. We derive this estimate of 21 unique entities by removing duplicate counts where a licensee holds cable landing licenses on multiple domestic cables. We add an additional ten Filing Entities to our count of total respondents to account for common carriers that will now be required to file.

<sup>27</sup> While the annual data collection indicates that the Circuit Capacity Reports are prepared by varied in-house staff, for purposes of computing costs, we use an estimated median hourly wage associated with paralegals and legal assistants. See Bureau of Labor Statistics, Occupational Employment and Wages, *Occupational Employment and Wage Statistics (OEWS) Profiles—May 2024 OEWS Profiles*, 23-2011 Paralegals and Legal Assistants, <https://data.bls.gov/oesprofile/> (“Mean Hourly Wage”).

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**Total Annual Burden Hours:** 2,793 hours

**13. Provide estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14).**

**Estimated Annual Cost Burden to Respondents to Comply with Information Collection is as follows:**

(a) Total Capital and Start-up Costs: **Zero**

(b) Total Operation and Maintenance and Purchase of Services: **\$12,000**

Compliance with the Circuit Capacity Report will not require respondents to maintain any special equipment. Compliance may require approximately 40 respondents to hire outside attorneys, calculated as follows:

Description	Annual Responses	Costs per Hour	Hourly Processing per Response	Total
Outside Legal Counsel	40	\$300 per Hour  (Based on industry survey)	1 Hour/  Response	<b>\$12,000</b>  (O&M)

(c) Total Annual Costs: **\$12,000**

**14. Provide estimates of annualized costs to the Federal government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information.**

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The Commission reviews the Circuit Capacity Holding Reports and publishes the results annually. Below are the estimated Annual Costs to the Federal Government for the information collection requirements:

Government Staff	Annual Burden Hours	Total Costs
<b>Section 43.82(a) Annual Circuit Capacity Reports</b>	133 reports for submarine cable capacity X 3 hours of work per response received = 399 hours for staff (399)  GS-15/Step 5, Attorney Hourly Rate @ \$91.93  Calculation: $399 * 91.93 = 36,680.07$	<b>\$ 36,680.07</b>
<b>Section 43.82(c) Registration Form and Annual Circuit Capacity Reports Review</b>	Review and Process 100% of the filings = 133 filings (@ 1 hour/filing) = 133 hours for staff (133)  GS-14/Step 5, Telecommunications Analyst Hourly Rate: \$78.15  Calculation: $133 * 78.15 = 10,393.95$	<b>\$ 10,393.95</b>
<b>Total</b>		<b>\$ 47,074.02</b>

**15. Explain the reasons for any program changes or adjustments to this information collection.**

The Commission modified the circuit capacity reporting requirements to enhance the quality and usefulness of the data for national security and other purposes, provide greater clarity on the reporting requirements to Filing Entities, and eliminate duplicative burdens.

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As noted above, these new requirements account for an increase in the annual number of respondents from 90 to 133 (an increase of 43 respondents); an increase in the annual number of responses from 213 to 266 (an increase of 53 responses); an increase in annual burden hours from 1,368 to 2,793 hours (an increase of 1,425 hours); and an increase in annual costs from \$10,200 to \$12,000 (an increase of \$1,800).<sup>28</sup>

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

The Commission will maintain the circuit capacity reports and publicly release aggregated data.

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

The Commission is requesting a waiver to not display the OMB control number and expiration date on the Filing Manual that filing entities will use in submitting their circuit capacity data. This will relieve the Commission from having to update the OMB expiration date on the section 43.82 Filing Manual whenever it is resubmitted to OMB. The Commission will use an edition date in lieu of the OMB expiration date. Finally, all OMB-approved information collections (including this one) will be published on OMB's website.

**18. Explain any exceptions to the Certification Statement.**

There are no exceptions to the certification statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

There are no statistical methods employed with this collection of information.

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<sup>28</sup> FCC, Supporting Statement, OMB Control No. 3060-1156 (Oct. 3, 2023), [https://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=202310-3060-001](https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202310-3060-001).