Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Section 43.62 Reporting Requirements for U.S. Providers of International Services	)	IB Docket No. 17-55
	)	
2016 Biennial Review of Telecommunications Regulations	)	IB Docket No. 16-131

ORDER

Adopted: May 1, 2017 **Released: May 1, 2017**

By the Acting Chief, International Bureau:

1. On March 23, 2017, the Federal Communications Commission (Commission) adopted a Notice of Proposed Rulemaking (NPRM) proposing to eliminate the international Traffic and Revenue Reports.[1] In this Order, the International Bureau grants, on its own motion, a temporary waiver of the traffic and revenue reporting requirements until 60 days after release of a Commission Order in this proceeding regarding these reporting requirements.

2. As described in the NPRM, the Traffic and Revenue Reports require providers of international telecommunications services to report annually their traffic and revenue for international voice services, international miscellaneous services, and international common carrier private lines.[2] In the NPRM, the Commission stated that, after reviewing the record in the biennial review proceeding[3] and based on the Commission's understanding of the competitive nature of the international services sector, it believed the international traffic and revenue data collection is no longer necessary, and proposed to eliminate the reporting requirement.[4] The Commission also observed that the preparation of the Traffic and Revenue Reports appears to place a significant burden on the filing entities and the Commission, and questioned the accuracy of such reports in providing insight into the competitiveness of the international markets.[5] This rulemaking proceeding remains pending.

3. To prevent the providers of international telecommunications services from incurring potentially unnecessary expenses, we grant, on our own motion, a temporary waiver of the traffic and revenue reporting requirements, set out in section 43.62(b) of the Commission's rules,[6] until 60 days after release of a Commission Order in this proceeding regarding these reporting requirements. Section 1.3 of

[1] *Section 43.62 Reporting Requirements for U.S. Providers of International Services; 2016 Biennial Review of Telecommunications Regulations*, IB Docket Nos. 17-55 and 16-131, Notice of Proposed Rulemaking, 32 FCC Rcd 2606, 2606, para. 1 (2017) (*Section 43.62 NPRM*). The Commission also sought comment on how to further streamline the annual international Circuit Capacity Reports. *Id.*

[2] *Id.* at 2607, para. 3. *See also* 47 CFR § 43.62(b).

[3] *Commission Seeks Public Comment in 2016 Biennial Review of Telecommunications Regulations*, IB Docket No. 16-131 *et al.*, Public Notice, 31 FCC Rcd 12166 (2016); *see Section 43.62 NPRM*, 32 FCC Rcd at 2609, para 9.

[4] *Id.* at 2610, para. 13.

[5] *Id.* at 2610-11, paras. 16-18.

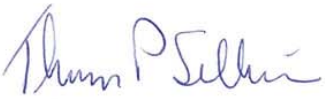
[6] 47 CFR § 43.62(b).

our rules authorizes the Commission to suspend, revoke, amend, or waive a Commission rule for good cause shown.[7] We find good cause temporarily to waive this rule, as it will allow the filing entities to avoid incurring the expense of preparing these reports in the event the Commission adopts its proposal to eliminate these reports. Although we do not intend to prejudge the outcome of this rulemaking proceeding, we note that the NPRM states that the Commission believes that the benefits of the current reports have so diminished that they no longer outweigh the costs.[8] Under the waiver, filing entities will still maintain the data in case the Commission determines there is a need for some form of a reporting requirement. We therefore find that temporarily waiving the reporting requirements until 60 days after release of a Commission Order addressing the proposed elimination of the Traffic and Revenue Reports will preserve the resources of the filing entities and the Commission, and thus will serve the public interest. This temporary waiver applies to all entities subject to the Traffic and Revenue Reports.

4. Accordingly, IT IS ORDERED that, pursuant to Sections 1, 4(i), 4(j), 11, 201-205, 214, 219-220, 303(r), 309, and 403 of the Communications Act as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 161, 201-205, 214, 219-220, 303(r), 309, and 403, and section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, the traffic and revenue reporting requirements in section 43.62(b) of the Commission's rules, 47 C.F.R. § 43.62(b), ARE WAIVED to the extent herein described.

5. This Order is issued pursuant to authority delegated by sections 0.51 and 0.261 of the Commission's rules, 47 CFR §§ 0.51, 0.261.

FEDERAL COMMUNICATIONS COMMISSION



Thomas Sullivan
Acting Chief
International Bureau

[7] *See* 47 CFR § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown."); *see also Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*citing WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (waivers must show special circumstances warranting a deviation from the general rule, and show such a deviation will serve the public interest)).

[8] *See Section 43.62 NPRM*, 32 FCC Rcd at 2610-11, paras. 13, 15-17.