



Homeland
Security

September 21, 2017

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: IB Docket Nos. 17-55 and 16-131

Dear Ms. Dortch:

This letter provides comments by the Department of Homeland Security's National Protection and Programs Directorate (NPPD) regarding the Commission's proposal to streamline or eliminate the requirements for the Circuit Capacity Reports set forth in 47 C.F.R. § 43.62(a) and (c).

NPPD leads the coordinated effort to protect and enhance the resilience of the nation's critical infrastructure by, among other responsibilities, gathering, integrating, and disseminating critical infrastructure threat, consequence, and vulnerability information. Within NPPD, the Office of Cyber and Infrastructure Analysis (OCIA) provides innovative cyber and physical analysis to inform decisions that protect the Nation's critical infrastructure. OCIA's core functions include assessing cyber and physical risks to critical infrastructure, developing analytic products for stakeholders and prioritized lists of critical infrastructure, supporting DHS incident response and information sharing, and enhancing modeling, simulation, and analytic capabilities. Undersea cables and associated critical infrastructure are a primary area of interest and concern for OCIA, NPPD, and the DHS.

As an initial matter, the Commission's recent Notice of Proposed Rulemaking (NPRM), FCC No. 17-28, addresses multiple reporting requirements contained within Section 43.62. NPPD is only providing comments addressing the Circuit Capacity Reports and takes no position regarding the Traffic and Revenue Reports or any other reporting requirement that does not implicate undersea cable equities.

Regarding the Circuit Capacity Reports, the information contained within the reports about existing and planned capacity, while only provided on an annual basis, is critical to national and homeland security functions central to NPPD's mission and OCIA's core functions. The information from the Circuit Capacity Reports, when combined with data from other sources, provides OCIA a unique and more complete overall communications network picture. DHS uses these data to protect and preserve national security and for emergency response

purposes. The resulting analysis is also relied upon in the classified setting to influence key national security decision-making.

DHS does not currently acquire circuit capacity information from commercial sources, as commercial research services are not seen as high confidence sources for this specific subset of telecommunications data. More importantly, the break out of “owned,” “IRU,” and “leased” capacity is not available by any other means, including commercially-available research services.

Given these considerations, NPPD recommends that the Commission continue to require the filing of Circuit Capacity Reports for undersea cable operations as the data are important for national security and emergency response purposes regarding this critical infrastructure. NPPD takes no position regarding other streamlining of the Circuit Capacity Reports.

Sincerely,

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Emily Early

Director (Acting)

DHS NPPD Strategy, Policy, and Plans