

FCC Sets Information-Collection Deadline for International Section 214 Authorization Holders

All international Section 214 authorization holders should begin preparing the information required for disclosure as early as possible.

On December 13, 2023, the Federal Communications Commission's (FCC's) Office of International Affairs (OIA) issued a [public notice](#) (December 13 Notice) announcing the details regarding the onetime information-collection process for international Section 214 authorization holders to update the FCC's records regarding foreign ownership.

All current international Section 214 authorization holders must file a response by **January 22, 2024, at 11:59 p.m. Eastern time** in the FCC's [online filing portal](#).

This public notice follows the FCC's April 23, 2023, Order (April 23 Order), which adopted this requirement. For more information about the April 23 Order, see this Latham [Client Alert](#).

Background

To provide telecommunications services between the United States and any foreign point, an entity must first secure an international Section 214 authorization from the FCC. Initial applications to obtain international Section 214 authorization, as well as any subsequent transfer of control or assignment applications, must disclose the individuals and entities that own a 10% or greater direct and indirect interest in the applicant, including the citizenship or jurisdiction of formation of such owners.

The information-collection process, as established in the April 23 Order and further clarified by the December 13 Notice, imposes a new disclosure and reporting obligation on international Section 214 authorization holders — and in turn, their existing owners and investors. Prior to this information collection, international Section 214 authorization holders generally were not required to update the FCC regarding ownership changes that did not rise to the level of a transfer of control.

Reporting Requirement

Each entity holding an international 214 authorization must file a response either (1) disclosing to the FCC the identity of all 10% or greater direct or indirect foreign interest holders, along with the citizenship or place of organization, and voting and equity ownership percentages held, or (2) certifying that no such reportable foreign ownership interests exist.

Certain international Section 214 authorization holders may be exempt from the requirement to provide details regarding owners and specific ownership percentages if their ownership was disclosed and approved within three years prior to the information-collection deadline. To qualify, an authorization holder must have filed and received approval for international Section 214 authority — whether in connection with an initial authorization, a modification, or a substantial assignment or transfer of control (excluding pro forma filings) — subject to Executive Branch review and granted by the FCC on or after January 22, 2021.

Additionally, to qualify for the exemption, as of December 23, 2023, there must be no previously undisclosed 10% or greater foreign interest holders, no changes in the citizenship or place of organization, no removals from the chain of ownership, and no alterations in ownership interests that would reduce a stake to below 10% equity and/or voting interests or relinquish a controlling interest. Authorization holders qualifying for this exemption must provide the file number of their most recent application that meets these criteria and certify to the accuracy of the response.

The FCC has launched a dedicated [webpage](#) designed to guide international Section 214 authorization holders through the information-collection process, including supplementary resources and contact information for support from the FCC. As a practical matter, all international section 214 authorization holders must submit the responses in the online filing system using the FCC Registration Number (FRN) that is associated with the current international Section 214 authorization file number. Therefore, authorization holders should confirm their FRN number; if they do not have an FRN number, then an authorization holder must obtain one through the Commission Registration System (CORES) [webpage](#).

Compliance Considerations

The FCC has not yet determined the consequences for failure to file a timely response. However, in its notice of proposed rulemaking accompanying the April 23 Order, the FCC suggested it might cancel international section 214 authorizations and impose forfeitures if an authorization holder fails to respond in a timely or complete manner. Consequently, all international Section 214 authorization holders should begin preparing the information required for disclosure as early as possible.

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