

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

In the Matter of	)	
	)	
	)	
International Comparison And Consumer Survey	)	GN Docket No. 09-47
Requirements in the Broadband Data Improvement	)	
Act	)	
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Inquiry Concerning the Deployment of Advanced	)	GN Docket No. 09-137
Telecommunications Capability to All Americans	)	
in a Reasonable and Timely Fashion, and Possible	)	
Steps to Accelerate Such Deployment Pursuant to	)	
Section 706 of the Telecommunications Act of	)	
1996, as Amended by the Broadband Data	)	
Improvement Act	)	

**PROTECTIVE ORDER**

**Adopted: November 16, 2009**

**Released: November 16, 2009**

By the Chief, Wireline Competition Bureau:

1. On October 7, 2009, the Wireline Competition Bureau (“Bureau”) adopted a Protective Order applicable to Confidential Documents and Highly Confidential Documents submitted in GN Docket No. 09-51.<sup>1</sup> To afford the protection of Confidential Documents and Highly Confidential Documents in relevant, related dockets, the Bureau, on its own motion, adopts the following revised Protective Order to include GN Dockets 09-47<sup>2</sup> and 09-137,<sup>3</sup> along with GN Docket 09-51.

2. *Background.* In the recently enacted American Recovery and Reinvestment Act of 2009,<sup>4</sup> Congress charged the Federal Communications Commission (the “Commission”) to create a national broadband plan that seeks to ensure that every American has access to broadband capability and

<sup>1</sup> *A National Broadband Plan for Our Future*, GN Docket No. 09-51, Protective Order, DA 09-2187 (WCB, rel. Oct. 8, 2009).

<sup>2</sup> *Comment Sought on International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act*, GN Docket No. 09-47, Public Notice, 24 FCC Rcd 3908 (2009) (*International Comparison and Consumer Survey Public Notice*).

<sup>3</sup> *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, A National Broadband Plan for Our Future*, GN Docket Nos. 09-137, 09-51, Notice of Inquiry, 24 FCC Rcd 10505 (2009) (*706 Sixth NOI*).

<sup>4</sup> American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009) (Recovery Act). The Recovery Act was signed into law on February 17, 2009.

establishes clear benchmarks for meeting that goal (“National Broadband Plan”). On April 8, 2009, the Commission issued a Notice of Inquiry seeking comment to inform the development that plan.<sup>5</sup> On March 31, 2009, the Commission released a Public Notice seeking comment on how it should implement the Broadband Data Improvement Act’s consumer survey and international comparison requirements.<sup>6</sup> On August 7, 2009, the Commission issued a Notice of Inquiry as to whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.<sup>7</sup> All three proceedings are relevant to the Commission’s analysis of broadband and have been cross-docketed.

3. The Commission anticipates that in the course of these proceedings, it may seek and receive documents or other materials that contain proprietary or confidential information, and that, in order to protect their confidentiality, such documents should be made available to the public only pursuant to a protective order. To ensure that any confidential information submitted in these proceedings are afforded adequate protection, the Wireline Competition Bureau hereby adopts this Protective Order, which is intended to facilitate and expedite the review of confidential information submitted by interested persons (individually, a “Submitting Party” and collectively, “Submitting Parties”).

4. This Protective Order provides two different levels of protection, based on whether the information is “Confidential” or “Highly Confidential,” as defined below. In the past, the Commission has recognized that information such as detailed or granular information concerning the location, type, and cost of last-mile infrastructure used by a Submitting Party to offer broadband service can be particularly sensitive because disclosure to competitors would allow those competitors to gain a significant advantage in the marketplace.<sup>8</sup> Accordingly, to facilitate the submission of such information, we will permit persons submitting such documents and information to designate those materials as Highly Confidential and, as provided below, we will limit access to such materials to Outside Counsel of Record, their employees, and Outside Consultants and experts whom they retain to assist them in these proceedings.<sup>9</sup> We find that such materials would help develop a more complete record on which to base the Commission’s decision in these proceedings. We are mindful of their highly sensitive nature, but we must also protect the right of the public to participate in a meaningful way. We stress that we will provide this more limited access only to those documents and data (or portions thereof) that we have specifically allowed Submitting Parties to designate as Highly Confidential.

5. We conclude that this Protective Order will give appropriate access to the public while protecting Submitting Parties’ competitively sensitive information and will thereby serve the public interest. This Protective Order does not, however, constitute a resolution of the merits concerning

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<sup>5</sup> *A National Broadband Plan for Our Future*, GN Docket No. 09-51, Notice of Inquiry, 24 FCC Rcd 4342 (2009) (*National Broadband Plan NOI*).

<sup>6</sup> *See International Comparison and Consumer Survey Public Notice*.

<sup>7</sup> *See 706 Sixth NOI*.

<sup>8</sup> *See, e.g., News Corporation, The DIRECTV Group, Inc, and Liberty Media Corporation, Application for Authority to Transfer Control*, MB Docket 07-18, Order, DA 07-3106 (rel. July 10, 2007) (adopting a second protective order); *Adelphia Communications Corp., Time Warner Cable Inc. and Comcast Corp., Applications for Consent to the Assignment and/or Transfer of Control*, MB Docket No. 05-192, Order, DA 05-3226 (rel. December 21, 2005) (same); *SBC Communications Inc. and AT&T Corp. Applications for Approval of Transfer of Control*, WC Docket No. 05-65, Order, DA 05-1332 (rel. May 9, 2005) (same); *News Corporation, General Motors Corporation, and Hughes Electronic Corporation*, MB Docket No. 03-124, Order, DA 03-2376 (rel. July 22, 2003) (same).

<sup>9</sup> As noted below, the submission of documents or information pursuant to this Protective Order does not constitute a formal determination that any such document or information is entitled to confidential treatment under section 0.459 of the Commission’s rules.

whether any information submitted under the Protective Order would be released publicly by the Commission upon a proper request under the Freedom of Information Act (“FOIA”) or otherwise.

6. *Definitions.* As used herein, capitalized terms, not otherwise defined herein, shall have the following meanings:

“Document” means any written, recorded, electronically stored, or graphic material, whether produced or created by the Submitting Party or another person.

“Confidential Document” means any document, or any part thereof, that bears the legend (or which otherwise shall have had the legend recorded upon it in a way that brings its attention to a reasonable examiner) “CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN GN DOCKET NOS. 09-47, 09-51, 09-137 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION,” unless the Commission determines, *sua sponte* or by request pursuant to Sections 0.459 or 0.461 of its rules, that any such document is not entitled to confidential treatment. By designating a document a “Confidential Document,” a Submitting Party signifies and represents that it contains information that the Submitting Party believes should be subject to protection under FOIA and the Commission’s implementing rules.

“Confidential Information” means information contained in Confidential Documents or derived therefrom that is not otherwise available from publicly available sources.

“Highly Confidential Document” means any document, or any part thereof, that bears the legend (or which otherwise shall have had the legend recorded upon it in a way that brings its attention to a reasonable examiner) “HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN GN DOCKET NOS. 09-47, 09-51, 09-137 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION,” unless the Commission determines, *sua sponte* or by request pursuant to Sections 0.459 or 0.461 of its rules, that any such document is not entitled to treatment as Highly Confidential. By designating a document a “Highly Confidential Document,” a Submitting Party signifies and represents that it contains Highly Confidential Information that the Submitting Party believes should be subject to protection under FOIA, the Commission’s implementing rules and this Protective Order.

“Highly Confidential Information” means information contained in Highly Confidential Documents or derived therefrom that is not otherwise available from public sources and that consists of detailed or granular information regarding the location, type, or cost of last-mile infrastructure used by a Submitting Party to offer broadband service. To the extent that a Submitting Party believes that other information should be afforded similar protection, the Submitting Party must file a letter explaining its reasoning, and the Submitting Party may designate as Highly Confidential only that information specifically authorized by the Commission.

“Counsel” means In-House Counsel and Outside Counsel of Record.

“In-House Counsel” means an attorney employed by a party to these proceedings or employed by an affiliated entity and who is actively engaged in the conduct of these proceedings, *provided that*, such counsel is not involved in competitive decision-making, *i.e.*, In-House Counsel’s activities, association, and relationship with a client are not such as to involve such counsel’s advice and participation in any or all of the client’s business decisions made in light of similar or corresponding information about a competitor.

“Outside Counsel of Record” or “Outside Counsel” means the firm(s) of attorneys, or sole practitioner(s), as the case may be, representing a party in these proceedings, provided that such persons are not involved in competitive decision-making, *i.e.*, Outside Counsel’s activities, association, and relationship with a client do not involve advice about or participation in the business decisions of the client or of any competitor of a Submitting Party nor the analysis underlying the business decisions. Outside Counsel of Record includes any attorney representing a non-commercial party in these proceedings, provided that such a person is not involved in the competitive decision-making activities of any competitor of a Submitting Party.

“Outside Consultants” means consultants or experts retained for the purpose of assisting Counsel or a party in these proceedings, provided that the Outside Consultants are not involved in competitive decision-making, *i.e.*, Outside Consultants’ activities, association, and relationship with a client do not involve advice about or participation in the business decisions of the client or any competitor of a Submitting Party nor the analysis underlying the business decisions. Outside Consultants include any expert employed by a non-commercial party in these proceedings, provided that such a person is not involved in the competitive decision-making activities of any competitor of a Submitting Party.

“Reviewing Party” means a person who has obtained access to Confidential Information or Highly Confidential Information pursuant to this Protective Order.

7. *Non-Disclosure of Confidential Information and Highly Confidential Information.* Except with the prior written consent of the Submitting Party, or as hereinafter provided under this Protective Order, no Confidential Information or Highly Confidential Information may be disclosed by a Reviewing Party to any person other than the Commission and its staff.

8. *Submission of Confidential Documents and Highly Confidential Documents.* Two copies of each Confidential Document or Highly Confidential Document must be delivered in person to Elvis Stumbergs ([elvis.stumbergs@fcc.gov](mailto:elvis.stumbergs@fcc.gov), 202-418-7878), Room 6-C325, or Simon Banyai ([simon.banyai@fcc.gov](mailto:simon.banyai@fcc.gov), 202-418-1443), Room 4-C458, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. The documents shall be accompanied by a cover letter stating “CONFIDENTIAL INFORMATION” or “HIGHLY CONFIDENTIAL INFORMATION,” as appropriate, “– SUBJECT TO PROTECTIVE ORDER IN GN DOCKET NOS. 09-47, 09-51, 09-137 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.” Each page of the document shall be stamped with this legend as well. In addition, a Submitting Party shall file with the Secretary’s Office one copy of the Confidential Document or Highly Confidential Document and two copies of the Confidential Document or Highly Confidential Document in redacted form, *i.e.*, containing no Confidential Information or Highly Confidential Information (the “Redacted Confidential Document”). Each Redacted Confidential Document shall have the same pagination as the Confidential Document or Highly Confidential from which it is derived. The two copies of the Redacted Confidential Document and the accompanying cover letter shall be stamped “REDACTED – FOR PUBLIC INSPECTION.”

9. *Prohibited Copying.* If, in the judgment of the Submitting Party, a Highly Confidential Document contains information so sensitive that it should not be copied by anyone, it shall bear the additional legend “Copying Prohibited,” and no further copies of such document, in any form, shall be made. Application for relief from this restriction against further copying may be made to the Commission, with notice to Outside Counsel of Record for the Submitting Party.

10. *Procedures for Obtaining Access to Confidential Information and Highly Confidential Information.* In all cases where access to Confidential Information or Highly Confidential Information is permitted pursuant to paragraph 14, before reviewing or having access to any Confidential Information or

Highly Confidential Information, each person seeking such access shall execute the appropriate Acknowledgment (attached in Appendices A and B) and file it with the Bureau via the Commission's Electronic Comment Filing System (ECFS) for this docket. Persons seeking access to Highly Confidential Information shall sign both Acknowledgements. All such persons (except as described below) shall serve the Acknowledgment(s) upon each Submitting Party whose documents the person seeking access wishes to review through its Outside Counsel of Record (or directly if there is no Outside Counsel of Record) so that the Acknowledgment(s) is received by each Submitting Party at least five business days prior to such person's reviewing or having access to such Submitting Party's Confidential Information or Highly Confidential Information, except that, where the person seeking access is one described in either clause 2 or 3 of paragraph 14, the Acknowledgment(s) shall be delivered promptly prior to the person obtaining access. Each Submitting Party shall have an opportunity to object to the disclosure of Confidential Information or Highly Confidential Information to any persons seeking access. Any objection must be filed at the Commission and served on Counsel representing, retaining or employing such person within three business days after receiving a copy of that person's Acknowledgment (or where the person seeking access is one described in either clause 2 or 3 of paragraph 14, such objection shall be filed and served as promptly as practicable after receipt of the relevant Acknowledgment). Until any such objection is resolved by the Commission and, if appropriate, any court of competent jurisdiction prior to any disclosure, and unless such objection is resolved in favor of the person seeking access, persons subject to an objection from a Submitting Party shall not have access to Confidential Information or Highly Confidential Information.

11. *Review of Confidential Documents and Highly Confidential Documents.* The Submitting Party shall make available for review the Confidential Documents and Highly Confidential Documents of such party at the offices of the party's Outside Counsel of Record or, if the Submitting Party does not have Outside Counsel of Record, at the offices of such party's In-House Counsel. Parties reviewing these documents will be provided the following alternatives: (1) parties will be provided adequate opportunity to inspect the documents on site; (2) parties may inspect the documents on site with the ability to request copies, at cost, of all or some of the documents; or (3) parties may request a complete set of the documents at cost, allowing two business days after the request is made for receipt of the copies. Highly Confidential Documents marked Copying Prohibited may be inspected only on site. If a complete set of documents will be requested, parties are encouraged to make such requests at the time they submit the Acknowledgment. This will allow parties the opportunity to begin reviewing the documents at the end of the five-day period referred to in paragraph 10 above. All copies of documents that are removed from the Submitting Party's office will be stamped as described above and in the following paragraph and must be returned or destroyed in accordance with the terms of this Protective Order.

12. *Information in Electronic Format.* Any person entitled to access to Confidential Information or Highly Confidential Information not designated Copying Prohibited pursuant to this Protective Order, upon request, is entitled to one searchable electronic copy of information contained, recorded, or electronically stored on a CD-ROM, DVD, flash drive, portable hard drive or other electronic storage device. The disk or other medium containing Confidential Information or Highly Confidential Information in electronic format shall be physically sent to the person requesting access; it shall not be transmitted electronically.

a. A person in receipt of Confidential Information or Highly Confidential Information in electronic format shall load the information onto a computer solely for the purpose of analysis in connection with these proceedings and for no other purpose. The original disk or other storage medium shall be stored in a secure location and a record kept of any persons who access it. Only persons who have signed the Acknowledgment to this protective order may be given access to the disk or other medium.

b. Once loaded onto a computer, the files containing Confidential Information or Highly Confidential Information shall be password protected immediately. The password shall be given only to persons who have signed the Acknowledgement. The Confidential Information or Highly Confidential Information may not be stored on a computer after being analyzed. Consequently, Confidential Information or Highly Confidential Information should not be stored in computer memory that is copied, such as to a network's back-up or archival storage. After the analysis is complete, the results of such analysis may be stored by saving the results (but not the underlying Confidential Information or Highly Confidential Information) to a mobile data storage medium. All files containing Confidential Information and Highly Confidential Information shall, as soon as practicable, be deleted from the computer and from the disk or other medium containing the Confidential Information or Highly Confidential Information in electronic format.

13. *Use of Confidential Information and Highly Confidential Information.* Persons obtaining access to Confidential Information or Highly Confidential Information under this Protective Order shall use the information solely for the preparation and conduct of these proceedings before the Commission as delimited in this Protective Order, and any judicial proceeding arising directly from these proceedings and, except as provided herein, shall not use such data or information for any other purpose, including, without limitation, business, governmental, or commercial purposes, or in other administrative, regulatory or judicial proceedings. Should the Commission rely upon or otherwise make reference to the contents of any of the Confidential Information or Highly Confidential Information in its orders or reports in these proceedings, it will do so by redacting any Confidential Information or Highly Confidential Information from the public version of the documents and by making the unredacted version available only to a court and to those persons entitled to access to Confidential Information or Highly Confidential Information under this Protective Order.

14. *Permissible Disclosure.* Subject to the requirements of paragraph 10, Confidential Information may be reviewed by Counsel, and Highly Confidential Information may be reviewed by Outside Counsel and Outside Consultants. Subject to the provisions of this Protective Order, Counsel and Outside Consultants may disclose Confidential Information and Highly Confidential Information, as the case may be, to: (1) paralegals or other employees of such Counsel or Outside Consultants not described in clause 2 of this paragraph assisting Counsel or Outside Consultants in these proceedings; (2) employees of such Counsel or Outside Consultants involved solely in one or more aspects of organizing, filing, coding, converting, storing, or retrieving data or designing programs for handling data connected with these proceedings, or performing other clerical or ministerial functions with regard to data connected with these proceedings; and (3) employees of third-party contractors performing one or more of the functions set forth in clause 2 of this paragraph. Reviewing Parties may discuss and share the contents of Confidential Information or Highly Confidential Information with any other Reviewing Party who has signed the appropriate Acknowledgement and with the Commission and its staff. A Submitting Party's Confidential Information and Highly Confidential Information may also be disclosed to employees and Counsel of the Submitting Party.

15. *Protection of Confidential Information and Highly Confidential Information.* Persons described in paragraphs 10 and 14 shall have the obligation to ensure that access to Confidential Information and Highly Confidential Information is strictly limited as prescribed in this Protective Order. Such persons shall further have the obligation to ensure that: (1) Confidential Information and Highly Confidential Information are used only as provided in this Protective Order; and (2) Confidential Information and Highly Confidential Information are not copied except as necessary for filing at the Commission as provided in paragraph 17 below.

16. *Requests for Additional Disclosure.* If any person requests disclosure of Highly Confidential Information outside the terms of this Protective Order, such a request will be treated in accordance with sections 0.442 and 0.461 of the Commission's rules.

17. *Filings with the Commission.* Persons described in paragraphs 10 and 14 may, in any documents that they file in these proceedings, reference Confidential Information or Highly Confidential Information, but only if they comply with the following procedure:

a. The cover or first page of the filing, and each page of the filing that contains or discloses Confidential Information or Highly Confidential Information pursuant to this Protective Order (the Confidential Filing) must be clearly marked: "CONFIDENTIAL INFORMATION" or "HIGHLY CONFIDENTIAL INFORMATION," as appropriate, "- SUBJECT TO PROTECTIVE ORDER IN GN DOCKET NOS. 09-47, 09-51, 09-137 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION."

b. One copy of the Confidential Filing shall be filed with the Secretary's Office. The filing shall be accompanied by a cover letter stating "CONFIDENTIAL INFORMATION" or "HIGHLY CONFIDENTIAL INFORMATION," as appropriate, "SUBJECT TO PROTECTIVE ORDER IN GN DOCKET NOS. 09-47, 09-51, 09-137 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." The filing shall be made under seal, and will not be placed in the Commission's public file.

c. Two copies of the Confidential Filing must be delivered in person to Elvis Stumbergs ([elvis.stumbergs@fcc.gov](mailto:elvis.stumbergs@fcc.gov), 202-418-7878), Room 6-C325, or Simon Banyai ([simon.banyai@fcc.gov](mailto:simon.banyai@fcc.gov), 202-418-1443), Room 4-C458, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. In addition, a person making a Confidential Filing shall serve a copy on the relevant Submitting Party.

d. Those portions of the filing that constitute Confidential Information or Highly Confidential Information shall be clearly identifiable as such based on an examination of the filing.

e. Two redacted copies of the Confidential Filing (the "Redacted Filing") shall also be filed with the Secretary's Office. Each Redacted Filing shall have the same pagination as the Confidential Filing from which it is derived. The two copies of the Redacted Filing and their accompanying cover letter shall be stamped "REDACTED – FOR PUBLIC INSPECTION." The cover letter accompanying the Redacted Filing shall state that the Submitting Party is filing a redacted version of the Confidential or Highly Confidential Filing.

f. Parties should not provide courtesy copies of Confidential Filings to Commission staff unless the Bureau so requests.

18. *Client Consultation.* Nothing in this Protective Order shall prevent or otherwise restrict In-House Counsel or Outside Counsel from rendering advice to their clients relating to the conduct of these proceedings and any subsequent judicial proceeding arising therefrom and, in the course thereof, relying generally on examination of Confidential Information or Highly Confidential Information, as provided in this Protective Order; *provided, however*, that in rendering such advice and otherwise communicating with such client, In-House Counsel shall not disclose Confidential Information and Outside Counsel shall not disclose Confidential Information or Highly Confidential Information.

19. *No Waiver of Confidentiality.* Disclosure of Confidential Information or Highly Confidential Information as provided herein by any person shall not be deemed a waiver by any

Submitting Party of any privilege or entitlement to confidential treatment of such Confidential Information or Highly Confidential Information. Reviewing parties, by viewing this material agree: (1) not to assert any such waiver; (2) not to use Confidential Information or Highly Confidential Information to seek disclosure in any other proceeding; and (3) that accidental disclosure of Confidential Information or Highly Confidential Information by a Submitting Party shall not be deemed a waiver of any privilege or entitlement as long as the Submitting Party takes prompt remedial action.

20. *Subpoena by Courts, Departments or Agencies.* If a court, or a federal or state department or agency issues a subpoena or orders production of Confidential Information or Highly Confidential Information that a party has obtained under terms of this Protective Order, such party shall promptly notify each relevant Submitting Party of the pendency of such subpoena or order. Consistent with the independent authority of any court, department or agency, such notification must be accomplished such that the Submitting Party has a full opportunity to oppose such production prior to the production or disclosure of any Confidential Information or Highly Confidential Information.

21. *Violations of Protective Order.* Should a person that has properly obtained access to Confidential Information or Highly Confidential Information under this Protective Order violate any of its terms, that person shall immediately convey that fact to the Commission and to the Submitting Party. Further, should such violation consist of improper disclosure of Highly Confidential Information, the violating person shall take all necessary steps to remedy the improper disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of Counsel from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential Information or Highly Confidential Information in this or any other Commission proceeding. Nothing in this Protective Order shall limit any other rights and remedies available to the Submitting Party at law or in equity against any person using Confidential Information or Highly Confidential Information in a manner not authorized by this Protective Order.

22. *Termination of Proceedings.* The provisions of this Protective Order shall not terminate at the conclusion of these proceedings. Within two weeks after conclusion of these proceedings and any administrative or judicial review, persons described by paragraphs 10 and 14 shall destroy or return to the Submitting Party Confidential Information and Highly Confidential Information and all copies of the same. No material whatsoever derived from Confidential Information or Highly Confidential Information may be retained by any person having access thereto, except Outside Counsel (as described in paragraph 10) may retain, under the continuing strictures of this Protective Order, two copies of pleadings (one of which may be in electronic format) containing Confidential Information or Highly Confidential Information prepared (in whole or in part) by that party and one copy of orders issued by the Commission or Bureau containing Confidential Information or Highly Confidential Information. All Outside Counsel shall make certification of compliance herewith and shall deliver the same to Outside Counsel for the Submitting Party not more than three weeks after conclusion of these proceedings and any administrative or judicial review. The provisions of this paragraph regarding retention of Confidential Information and Highly Confidential Information and copies of same shall not be construed to apply to the Commission or its staff.



23. Accordingly, IT IS ORDERED that pursuant to sections 4(i), 4(j), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 403, and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291<sup>10</sup>, this Protective Order IS ADOPTED, effective upon its release.

## FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett  
Chief  
Wireline Competition Bureau

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<sup>10</sup> See 47 U.S.C. § 155(c).

## APPENDIX A

**Acknowledgment of Confidentiality  
for Confidential Documents and Information****GN Docket Nos. 09-47, 09-51, 09-137**

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceedings, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or consultant to a party or other person described in the foregoing Protective Order and that I will not use such information in any other capacity, nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in “competitive decision-making” as that term is used in the definition of In-House Counsel in the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Confidential Documents and Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
[Name]  
[Position]  
[Address]  
[Telephone]  
[Email]

**APPENDIX B****Acknowledgment of Confidentiality  
for Highly Confidential Documents and Information****GN Docket Nos. 09-47, 09-51, 09-137**

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceedings, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Highly Confidential Information except as allowed by this Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Outside Counsel of Record or Outside Consultant to a party or other person described in the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Highly Confidential Information are used only as provided in the Protective Order; and (2) Highly Confidential Information is not duplicated except as specifically permitted by the terms of the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Highly Confidential Documents and Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at \_\_\_\_\_ this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
[Name]  
[Position]  
[Employer]  
[Representing]  
[Address]  
[Telephone]  
[Email]