



PUBLIC NOTICE

Federal Communications Commission
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DA 10-1189
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PLEADING CYCLE ESTABLISHED FOR COMMENTS ON REVIEW OF WIRELINE COMPETITION BUREAU DATA PRACTICES

WC Docket No. 10-132

COMMENTS DUE: August 13, 2010
REPLY COMMENTS DUE: September 13, 2010

As part of the agency's reform agenda to improve its fact-based, data-driven decision making, the Wireline Competition Bureau (Bureau) is initiating an examination of its data practices to improve the way the Commission collects, uses and disseminates data. By this Public Notice, and concurrent with similar assessments initiated by the Wireless Telecommunications Bureau and the Media Bureau, the Bureau seeks public comment, proposals and recommendations relating to its collection, use and dissemination of data. Specifically, the Bureau seeks recommendations on:

- (A) The utility and rationale for each of its existing data collections.¹ Specifically:
 - (i) which data collections it should continue collecting;
 - (ii) what alterations should be made to specific data items collected; and
 - (iii) which data collections the Bureau can eliminate without reducing the effectiveness of its decision making.

To facilitate comment, a working inventory of the Bureau's data collections is available at <http://reboot.fcc.gov/data/review/>.² The working inventory is sorted by responsible division and by

¹ For the purposes of this Public Notice, we define "data collection" in the broadest manner possible, to include all information collections approved by the Office of Management and Budget under the Paperwork Reduction Act, including data that the Commission formally requires to be submitted and all information that must be retained by parties or disclosed to others. In addition to the working inventory of the Bureau's data collections available at <http://reboot.fcc.gov/data/review/>, further information on the Bureau's OMB-approved information collections is available at <http://www.reginfo.gov/public/do/PRASearch>. Also included in the scope of the review are all non-mandatory submissions to the Commission, including tariffs, contracts and reports and all data purchased by the Commission.

² We also seek comment on any data collections not identified in the working inventory.

ascending OMB PRA number, where applicable. We encourage parties commenting on the continuation, alteration, or elimination of data collections to use this organizational structure in their comments.

(B) The Bureau also seeks comment on additional data that commenters believe the Bureau needs to inform Commission policymaking activities. The Bureau requests that commenters focus their efforts on identifying data that the Commission has not previously recognized it must obtain, rather than reiterating the need for collections that already are under consideration (*e.g.*, the need to collect data relevant to broadband availability, adoption and competition).³ Commenters should identify and explain in detail the rationale for:

- (i) additional data that should be collected;
- (ii) the purpose[s] for which the Bureau should collect the data;
- (iii) the method[s] through which the Bureau should collect the data (*e.g.*, via purchase from third parties, primary research, new forms, and so forth);
- (iv) expected costs and burdens to the Bureau, industry and the public; and
- (v) any confidentiality or other issues that would impact the Bureau's collection or reporting of the data.

(C) The Bureau also seeks comment on how it may improve collection and analysis processes for existing collections. In particular, the Bureau seeks recommendations on how it can reduce production burdens by use of technology or improved practices. Commenters should identify and explain in detail the rationale for:

- (i) data collections that could be improved (including OMB PRA number, if applicable);
- (ii) proposed improvements and how they could be implemented;
- (iii) expected reduction in burdens or cost savings to the Bureau, industry or the public;
- (iv) data analysis and practices that the Bureau should undertake, the capabilities required to do so, and the anticipated benefits each proposed improvement provides to the Bureau's data collection, use and analysis; and
- (v) any confidentiality or other issues that would impact the Bureau's implementation of the proposed improvements.

(D) Finally, the Bureau seeks recommendations on how it may improve dissemination of reports and analyses it produces. In this regard, the Bureau also seeks comment on how it should implement the National Broadband Plan recommendations that (1) the Commission have a "general policy of making the data it collects available to the public, including via the Internet in a broadband data depository, except in certain circumstances such as when the data are competitively sensitive or protected by copyright," and (2) "the FCC should implement a process to make additional data that is not accessible by the public

³ Omnibus Broadband Initiative, Federal Communications Commission, *Connecting America: The National Broadband Plan* (2010) (National Broadband Plan) at 43-44.

available to academic researchers and others, subject to appropriate restrictions to protect confidentiality of competitively sensitive materials.”⁴ Commenters should identify and explain in detail the rationale for:

- (i) Bureau reports or data for which access or dissemination could be improved;
- (ii) proposals for improving access or dissemination, (*e.g.*, for data which is claimed to be proprietary in nature);
- (iii) expected burdens, costs, or cost savings to the Bureau, industry or the public; and
- (iv) any confidentiality or other issues that would impact the Bureau’s implementation of the improvements.

Interested parties may file comments on or before **August 13, 2010**, and reply comments on or before **September 13, 2010**. Filings in this proceeding should be captioned “WCB Data Review,” and filed in **WC Docket No. 10-1189**.

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. A courtesy copy should be e-mailed to steven.rosenberg@fcc.gov. One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. **Parties are strongly encouraged to file comments electronically using the Commission’s ECFS.**

⁴ *Id.* at 44.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpweb.com.

This Public Notice establishes certain procedural requirements relating to this data review. This matter raises issues upon which the public has a demonstrable concern. Accordingly, this review shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁶ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁷

For further information, contact Steven Rosenberg of the Wireline Competition Bureau at (202) 418-1500, or via e-mail at steven.rosenberg@fcc.gov.

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⁵ See 47 C.F.R. §§ 1.1200, 1.1206.

⁶ See 47 C.F.R. § 1.1206(b).

⁷ See *id.*