



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 10-466**  
**Released: March 19, 2010**

## **COMMENT SOUGHT ON FREE PRESS REQUEST TO REVIEW FORM 477 DATA AND REQUEST FOR PROTECTIVE ORDER**

**WC Docket No. 10-75**

**COMMENTS DUE: April 19, 2010**  
**REPLY COMMENTS DUE: May 4, 2010**

Free Press on February 22, 2010, filed a request to “review data collected by the Federal Communications Commission in connection with its periodic inquiry into the deployment of advanced telecommunications capability to all Americans.”<sup>1</sup> In particular, it requests that “the public be granted the opportunity to examine and analyze the data collected by the FCC on Form 477.”<sup>2</sup> Free Press states that its request is “limited to the data reflecting subscribership as of December 31, 2008.”<sup>3</sup> Free Press further states that it “understand[s] that some of the companies that provided this information may believe their submissions are competitively sensitive,” and therefore requests “a protective order and ask[s] that the Commission institute appropriate procedures for the public to review the Form 477 data.”<sup>4</sup> Free Press asserts that grant of its requests will allow it “to conduct a more comprehensive analysis of subscribership to high-speed Internet access services” that will “assist the Commission in making well-informed, data-driven policy choices.”<sup>5</sup>

Interested parties may file **comments on or before April 19, 2010**, and **reply comments on or before May 4, 2010**. Filings in this proceeding should be captioned “Free Press Form 477 Data Access Request,” and filed in **WC Docket No. 10-75**. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>6</sup>

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<sup>1</sup> Letter from Ben Scott *et al.*, Free Press, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 09-137, 09-51, 09-191, WC Docket Nos. 07-52, 07-38 (Feb. 22, 2010) at 1 (Free Press Request).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 8, 9.

<sup>6</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- 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.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, 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, S.W., Room TW-A325, Washington, D.C. 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 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 must be addressed to 445 12th Street, S.W., Washington D.C. 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563; and
- (2) Jeremy Miller, Industry Analysis and Technology Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B145, Washington, D.C. 20554; e-mail: [jeremy.miller@fcc.gov](mailto:jeremy.miller@fcc.gov).

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, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpweb.com](http://www.bcpweb.com).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>7</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation 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.<sup>8</sup> 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.<sup>9</sup>

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<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*

<sup>8</sup> *See* 47 C.F.R. § 1.1206(b)(2).

<sup>9</sup> 47 C.F.R. § 1.1206(b).

For further information, contact Jeremy Miller of the Industry Analysis and Technology Division, Wireline Competition Bureau at (202) 418-1507, or via e-mail at [jeremy.miller@fcc.gov](mailto:jeremy.miller@fcc.gov).

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