



Federal Communications Commission
Washington, D.C. 20554

May 2, 2011

DA 11-805

Via First-Class Mail and E-Mail

Mr. Paul Margie, Esq.
Wiltshire & Grannis LLP
1200 18th Street, NW
Suite 1200
Washington, DC 20036

Re: Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593

Dear Mr. Margie:

By your letter of April 26, 2010, pursuant to the terms of the *Second Protective Order*,¹ you request enhanced confidential treatment for certain data that your client will be filing in response to an oral request for data from Commission staff on April 8, 2011. Subject to the limitations set forth below, we grant this request.

You generally represent that the data for which you seek protection are “confidential, that the data at issue are not available from public sources, and that the data would, if released to competitors, allow those competitors to gain a significant advantage in the marketplace.” Accordingly, you request that we designate such data as Highly Confidential.

As we stated in the *Second Protective Order*, consistent with past practice, the Commission will in this proceeding grant more limited access to those materials which, if released to competitors, would allow those competitors to gain a significant advantage in the marketplace. We will permit persons submitting such documents and information to designate those materials as Highly Confidential and, as specified in the *Second Protective Order*, 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 this proceeding. We find that such materials are necessary to develop a more complete record on which to base the Commission’s decision in this proceeding and therefore require their production. We are mindful of the highly sensitive nature of all information, documents, and data described in this letter, but we must also protect the right of the public to participate in this proceeding in a meaningful way. We conclude that the protections adopted in the *Second Protective Order* give appropriate access to the public while protecting a Submitting Party’s competitively sensitive information, and thereby will serve the public interest.

¹ See *Special Access Rates for Price Cap Local Exchange Carriers*, Second Protective Order, WC Docket No. 05-25, RM-1093, DA 10-2419 (rel. Dec. 27, 2010) (*Second Protective Order*).

We agree that the information that you describe in your letter qualifies as “Highly Confidential” under the Commission’s protective orders issued in this proceeding. Accordingly, to the extent that the information, data or documents (or portions thereof) fall within the categories of information listed below and contain Highly Confidential Information, as defined in the *Second Protective Order*,² then such information and documents (or portions thereof) may be designated and submitted as “Highly Confidential” under the *Second Protective Order*.³ To the extent that portions of the responses, including data or documents that do not contain Highly Confidential Information, they are to be produced in unredacted format or submitted as “Confidential” under the *Modified First Protective Order*,⁴ as appropriate.

Categories Eligible for Highly Confidential Treatment:

Data, information, a document, or a portion of a document that contains highly detailed or granular customer or geographic information regarding:

- A. The rates or charges associated with channel terminations or transport facilities, and information from which, whether alone or in combination with other confidential or non-confidential information, such rates or charges could be inferred;
- B. The circuit identifiers, tariff or contract identifiers, or other information associating channel terminations or transport facilities with a particular tariff or contract;
- C. The CLLI codes for the end office nearest to channel terminations or transport facilities.

Sincerely,

Sharon E. Gillett
Chief, Wireline Competition Bureau

² “Highly Confidential Information” means information contained in Stamped Highly Confidential Documents or derived there from that is not otherwise available from public sources and that the Submitting Party has kept strictly confidential, and that, the Submitting Party claims, constitutes some of its most sensitive business data which, if released to competitors, would allow those competitors to gain a significant advantage in the marketplace. *See Second Protective Order* at paras. 2, 5.

³ In addition to Sprint, all parties in this proceeding may submit data, information, a document, or a portion of a document that contain highly detailed or granular customer or geographic information regarding the categories of information listed in this letter and obtain enhanced confidential treatment. In other words, this letter adds the above-listed three categories to paragraph 6 of the *Second Protective Order*. *See id.* at para. 6.

⁴ *See Special Access Rates for Price Cap Local Exchange Carriers*, Modified Protective Order, WC Docket No. 05-25, RM-1093, DA 10-2075 (rel. Oct. 28, 2010) (*Modified First Protective Order*).