



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU NOW RECEIVING ACKNOWLEDGEMENTS OF CONFIDENTIALITY PURSUANT TO SPECIAL ACCESS DATA COLLECTION PROTECTIVE ORDER

**WC Docket No. 05-25; RM-10593**

The Wireline Competition Bureau (Bureau) will now receive executed Acknowledgements of Confidentiality (Acknowledgements) pursuant to the protective order governing the data collection in the special access proceeding.<sup>1</sup> We encourage parties to file their Acknowledgements by July 2, 2015, to help ensure timely access to the data.

The Commission initiated a data collection for a comprehensive analysis of the special access market, and delegated authority to the Bureau to implement the collection.<sup>2</sup> The Bureau adopted the *Protective Order* on October 1, 2014 governing the process for designating, submitting and accessing highly sensitive information and data submitted in response to the collection. The Bureau limited access to confidential and highly confidential information to outside counsel and consultants, and their employees, not involved in competitive decision-making activities.<sup>3</sup> The Bureau also established a Secure Data Enclave (SDE) for authorized parties to access and analyze sensitive information and data submitted in response to the collection.<sup>4</sup> The Commission contracted with NORC at the University of Chicago to provide access to the SDE via the NORC Data Enclave® in a physical location in Bethesda, Maryland and remotely via thin client laptops.<sup>5</sup> The Bureau will outline the process for authorized parties to gain

<sup>1</sup> See *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Data Collection Protective Order, 29 FCC Rcd 11657, 11665, para. 23 (Wireline Comp. Bur. 2014) (*Protective Order*).

<sup>2</sup> See *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318, 16340, para. 52 (2012); Report and Order, 28 FCC Rcd 13189 (Wireline Comp. Bur. 2013); Order on Reconsideration, 29 FCC Rcd 10899 (Wireline Comp. Bur. 2014); Order, 29 FCC Rcd 14346 (Wireline Comp. Bur. 2014).

<sup>3</sup> *Protective Order*, 29 FCC Rcd at 11657, para. 1, 11670-71, Appx. A. The *Protective Order* provides a process for parties that submitted confidential or highly confidential data and information in response to the collection to object to disclosure of this information to any requesting party. See *id.* at 11665, para. 23, 11673, Appx. A at para. 5, 11680, Appx. C.

<sup>4</sup> *Id.* at 11657, para. 1.

<sup>5</sup> A thin client is a desktop or laptop computer, without a hard drive, which accesses applications and data remotely from a central server where all data processing and file storage are performed. See *id.* at 11661-62, para. 12 n.34; see also NORC at the University of Chicago, <http://www.norc.org/Research/Capabilities/Pages/data-enclave.aspx> (last visited June 23, 2015).

access to the NORC Data Enclave®, including the physical location and thin client laptops, in a forthcoming Public Notice.

In order to gain access to confidential and highly confidential data and information filed in response to the collection as well as the NORC Data Enclave®, parties must execute Acknowledgements certifying they are not involved in competitive decision-making activities and agree to be bound by the terms and conditions of the *Protective Order*.<sup>6</sup> Support staff employed by outside counsel or consultants, who do not substantively examine confidential or highly confidential information, are not required to execute separate Acknowledgements.<sup>7</sup> Parties executing the Acknowledgement may select either a “Confidential and Highly Confidential” option, which requests access to the NORC Data Enclave® and information and data contained therein, or a “Confidential Information” option which limits access to confidential information, prohibiting access to highly confidential data and information as well as the NORC Data Enclave®.<sup>8</sup> Authorized parties that have confidential-only access may request from the Bureau electronic copies of documents containing confidential information, as well as documents where highly confidential information and data is redacted.

Requesting parties shall file their Acknowledgments electronically through the Commission’s Electronic Comment Filing System (ECFS), or by hand delivery to the Commission, in WC Docket No. 05-25, and send a copy to [SpecialAccess@fcc.gov](mailto:SpecialAccess@fcc.gov). The Acknowledgment does not need to be served on the Submitting Parties. We will periodically release public notices identifying those parties that have filed a signed Acknowledgement with the Commission, and post copies of all Acknowledgements filed on the following webpage: <http://www.fcc.gov/encyclopedia/acknowledgement-confidential-special-access-data-collection>.

Parties that submitted confidential or highly confidential information in response to the collection will have an opportunity to object to disclosure of their data and information to any requesting party filing an Acknowledgement. A submitting party must file such objection through ECFS or by hand delivery to the Commission in WC Docket No. 05-25, and serve a copy on counsel representing, retaining, or employing the requesting party, or on the requesting parties themselves within five (5) business days of release of the public notice identifying parties filing Acknowledgements. Absent the filing of an objection, the requesting party will have access to confidential and highly confidential data and information as well as the NORC Data Enclave®, as appropriate and set forth in the *Protective Order*.<sup>9</sup>

We encourage parties seeking access to confidential and highly confidential information submitted in response to the collection to file their Acknowledgements by July 2, 2015, in order to be in position to analyze that information and comment in the special access proceeding in a timely manner.<sup>10</sup>

Acknowledgements and oppositions to Acknowledgements may be filed by paper copies or by using ECFS. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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<sup>6</sup> *Protective Order*, 29 FCC Rcd at 11657, para. 1, 11670-71, Appx. A at para. 1.

<sup>7</sup> *Id.* at 11666, para. 24.

<sup>8</sup> *Id.* at 11662, para. 13.

<sup>9</sup> *Id.* at 11665, para. 23, 11673, Appx. A at para. 5, 11680, Appx. C.

<sup>10</sup> Parties may, of course, continue to file Acknowledgements with the Commission after July 1, 2015. For Acknowledgements filed after July 2, 2015, the Bureau will continue to periodically release the public notices identifying those parties that have filed a signed Acknowledgement with the Commission, consistent with the procedures outlined above.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <http://apps.fcc.gov/ecfs>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Because more than one docket and rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for the additional 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, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
  - 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, 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

For further information, please contact Christopher S. Koves, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-8209 or via email at [Christopher.Koves@fcc.gov](mailto:Christopher.Koves@fcc.gov).

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