



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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WIRELINE COMPETITION BUREAU ANNOUNCES REVISED PROCEDURES FOR STATE PUBLIC UTILITY COMMISSIONS TO ACCESS NON-PUBLIC FCC FORM 477 DATA FOR THEIR RESPECTIVE STATES

WC Docket No. 11-10

The Wireline Competition Bureau (“Bureau”) announces modified procedures for state public utility commissions (“commissions”) to access non-public FCC Form 477 subscription data for their respective states (“shared data”). Each commission wishing to access, or to continue to access, shared data for its state must execute an updated data-sharing letter of agreement. A copy of the letter of agreement is attached to this Notice, and the procedures for submitting the agreement are available at <https://www.fcc.gov/general/process-state-regulatory-commissions-obtain-state-specific-fcc-form-477-data>. The new letter of agreement and procedures result from the Bureau’s modernization of the secure online repository for the shared data.

The Commission authorized the sharing of subscription data with state commissions in the Report and Order adopted in 2000.¹ To facilitate data sharing while ensuring appropriate confidentiality protection, the Bureau developed a data-sharing letter of agreement that must be reviewed and executed by the state commission prior to any data being made available. Data from Form 477 collections from 2014 onward will be available at the new data repository. As the Commission has previously determined,² state-specific, disaggregated broadband deployment data collected on Form 477 are made publicly available on the Commission’s website at <https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477>.

For further information, please contact 477sharing@fcc.gov, or Ellen Burton, Chelsea Fallon, or Suzanne Yelen, Industry Analysis and Technology Division, Wireline Competition Bureau, at (202) 418-0940 or TTY (202) 418-0484.

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¹ *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 926 (WCB 2000).

² *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Report and Order, 28 FCC Rcd 9887 (2013).

ATTACHMENT

[title]
[name of state commission]
[address]
[address]

Dear [name of commission official]:

You have requested an opportunity to review entity-specific subscription data for [name of state] filed pursuant to the Local Telephone Competition and Broadband Reporting program (FCC Form 477) (*see* C.F.R. §§ 1.7001, 43.11). Providers submitting this data have requested confidentiality in accordance with the Commission's rules.¹ Pursuant to Sections 0.291, 1.7001(d)(4)(i) and 43.11(c)(4)(i) of this Commission's rules, we grant [name of state commission] access to FCC Form 477 subscription data and filer identification information for [name of state] subject to, and in reliance upon, your agreement, on behalf of [name of state commission], to treat this information in accordance with procedural and substantive protections that are equivalent to or greater than those afforded under Federal confidentiality statutes and rules, including the Freedom of Information Act (*see* 5 U.S.C. § 552(b)), the Trade Secrets Act (*see* 18 U.S.C. § 1905), and Sections 0.457, 0.459, and 0.461 of the Commission's rules (*see* 47 C.F.R. §§ 0.457, 0.459, 0.461), specifically including Section 0.461(d)(3). To the extent that Federal confidentiality statutes and rules impose a higher standard of confidentiality than state law, the [name of state commission] represents that it is legally able to, and will, adhere to the higher Federal standard. The [name of state commission] will notify the Commission when a request under the [name of state] records access statute is filed that includes the FCC Form 477 data.

In accepting the terms of this letter, you represent that you are authorized to act on behalf of the [name of state commission] and that, as such, you and [name of state commission] are willing and able to be bound by the conditions and requirements stated herein. We make no determinations about any provisions of [name of state] law or your statements about such provisions.

We may terminate access at any time by giving notice to [name of state commission]. If access is terminated, [name of state commission] will, upon our request, cause to be returned or destroyed any and all data received pursuant to this grant. The terms and conditions of this grant of access will remain in effect for future filings of FCC Form 477 from entities that report data for [name of state] and will apply to any Form 477 data disclosed under this grant of access while the data are in the possession of [name of state commission], even after a termination of this grant of access. We reserve the right to require that you reconfirm that you are the designated representative of the [name of state commission] at regular intervals.

¹ The Commission and federal courts have recognized the potential sensitivity of some of the data collected on Form 477. *See, e.g., Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Report and Order, 28 FCC Rcd 9887, 9921-22 (2013); *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 7717, 7757-62 (2000); *Local Telephone Competition and Broadband Reporting*, WC Docket No. 04-141, Report and Order, 19 FCC Rcd 22340, 22352-53 (2004); *Center for Public Integrity v. FCC*, 505 F. Supp. 2d 106 (D.D.C.2007).

Sincerely,

Rodger A. Woock
Chief, Industry Analysis and Technology Division
Wireline Competition Bureau

Affirmed: _____ Date: _____

[name of commission official], on behalf of
[name of state commission]