

Before the
 Federal Communications Commission
 Washington, D.C. 20554

In the Matter of)	
)	
Special Access for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services)	RM-10593
)	

ORDER

Adopted: January 13, 2016

Released: January 13, 2016

By the Associate Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) denies a sixth filing by TransWorld Network, Corp. (TransWorld) objecting to the release of its Confidential and Highly Confidential data and information submitted in response to the data collection in the business data services (special access) proceeding.¹

2. As part of the rulemaking considering business data services, the Commission adopted the *Data Collection Order* on December 11, 2012, initiating a data collection for a comprehensive analysis of the market, and delegating authority to the Bureau to implement the collection.² The data collection sought data and information as a critical piece of the evidentiary record necessary for reforming the Commission’s business data services rules.³ The last group of data submissions was due February 27, 2015.⁴

3. The Bureau issued a *Protective Order*, pursuant to delegated authority, establishing a process for designating, submitting and accessing the data and information submitted.⁵ The process includes requiring parties seeking access to Confidential and Highly Confidential data and information to file executed Acknowledgements of Confidentiality (Acknowledgements) agreeing to be bound by the

¹ The TransWorld filing includes objections to multiple parties seeking access to its Confidential and Highly Confidential data and information. See TransWorld Objection, WC Docket No. 05-25, RM-10593, at 1 (filed Nov. 25, 2015) (*TransWorld November Objection*); *Special Access for Price Cap Local Exchange Carriers*; *AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05- 25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012) (*Data Collection Order*); 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) (*Extension Order*).

² See *Data Collection Order*, 27 FCC Rcd at 16319, para. 1.

³ *Id.* at 16345-49, paras. 66-71.

⁴ See *Extension Order*, 29 FCC Rcd at 14346, para. 1.

⁵ See *Special Access for Price Cap Local Exchange Carriers*, *AT&T Corp. 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, 29 FCC Rcd 11657 (Wireline Comp. Bur. 2014) (*Protective Order*).

terms of the *Protective Order*, and an opportunity for Submitting Parties to object to potential Reviewing Parties' access within five business days from when the Bureau announces the filing of Acknowledgements by public notice.⁶

4. TransWorld, a competitive provider of business data services, submitted data and information in response to the Commission's data collection. In response to the initial public notice released by the Bureau on July 10, 2015, announcing the filing of Acknowledgements by potential Reviewing Parties seeking access to the collected data, TransWorld filed its first objection.⁷ TransWorld generally objected to the release of its Confidential and Highly Confidential data and information until all the potential Reviewing Parties disclosed both the clients they represented and their intended purpose for accessing the data and information.⁸ The Bureau denied TransWorld's objection while "clarif[ing] that requesting parties seeking access to the special access data must disclose the clients represented."⁹ The Bureau also denied the TransWorld objection based on potential Reviewing Parties failing to disclose their intended purpose for accessing the data, because "by virtue of executing the Acknowledgement, each potential Reviewing Party certifies it is seeking access to the data solely to participate in the special access proceeding."¹⁰

5. TransWorld subsequently filed objections raising variations of the same arguments, i.e., generally objecting to the release of its submission to all potential Reviewing Parties until they identify their intended purpose for accessing its submission and indicate whether they specifically seeks to access to TransWorld's submission.¹¹ On November 24, 2015, the Bureau released an order denying the objections.¹² The Bureau explained that TransWorld's argument to require potential Reviewing Parties to disclose their intended purpose for accessing its submission was rejected in the *Modified Protective Order*, and noted again that by executing an Acknowledgement potential Reviewing Parties certify that they seek access to the data and information solely for the purpose of participating in the proceeding.¹³ The Bureau also rejected TransWorld's objection to Reviewing Parties accessing its submission as part of the larger data set unless each potential Reviewing Party disclosed whether or not they specifically seek access to TransWorld's submission,¹⁴ and highlighted the importance of access to the complete data set to

⁶ *Protective Order*, 29 FCC Rcd at 11665, para. 23, 11673, Appx. A at para. 5; *Special Access for Price Cap Local Exchange Carriers; AT&T Corp. 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 Modified Data Collection Protective Order, 30 FCC Rcd 10027, 10035-36, paras. 18-20 (Wireline Comp. Bur. 2015) (*Modified Protective Order*).

⁷ *Seeking Access to Data and Information Filed in Response to the Special Access Data Collection*, WC Docket No. 05-25, RM-10593, Public Notice, 30 FCC Rcd 7260, Attach. (Wireline Comp. Bur. 2015); TransWorld Objection, WC Docket No. 05-25, RM-10593, at 2-3 (filed July 16, 2015) (*TransWorld July Objection*).

⁸ *TransWorld July Objection* at 2-3.

⁹ *Modified Protective Order*, 30 FCC Rcd at 10035-36 para. 19 (citing *Protective Order*, 29 FCC Rcd at 11665, para. 23 n.57). The Bureau also granted TransWorld an additional five business days to file objections for those potential Reviewing Parties that had not initially disclosed the client represented but had subsequently supplemented their filings to include this information. *Id.* at 10036, para. 19.

¹⁰ *Id.* at 10036, para. 20.

¹¹ See TransWorld Objection, WC Docket No. 05-25, RM-10593 (filed Sept. 23, 2015); TransWorld Objection, WC Docket No. 05-25, RM-10593 (filed Oct. 5, 2015); TransWorld Objection, WC Docket No. 05-25, RM-10593 (filed Oct. 13, 2015); TransWorld Objection, WC Docket No. 05-25, RM-10593 (filed Nov. 14, 2015).

¹² See *Special Access for Price Cap Local Exchange Carriers; AT&T Corp. 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, DA 15-1336 (Wireline Comp. Bur. rel. Nov. 24, 2015) (*November TransWorld Order*).

¹³ *Id.* at para. 5 (citing *Modified Protective Order*, 30 FCC Rcd at 10035-36, paras. 18-20).

¹⁴ *Id.* at paras. 6-7.

conduct a full analysis as furthering the Commission's goal of facilitating a robust and comprehensive market analysis by participants in the business data services proceeding.¹⁵ The Bureau explained that the *Protective Order* contains no requirement that potential Reviewing Parties identify specifically which companies' submission is sought or a mechanism to request an omission of any specific submission, and such a challenge to the *Protective Order* adopted over a year ago would be untimely.¹⁶

6. On November 25, 2015, TransWorld, in response to a public notice announcing additional potential Reviewing Parties seeking access to data and information, filed the *TransWorld November Objection*.¹⁷ The substance of this filing does not differ from the substance of the prior objections denied by the Bureau. TransWorld objects to potential Reviewing Parties not disclosing their intended purpose for accessing data and objects to the release of its Confidential and Highly Confidential data and information until potential Reviewing Parties disclose whether or not they specifically seek access to TransWorld's submission.¹⁸

7. TransWorld does not raise new arguments on any issue not previously addressed by the Bureau. For the same reasons we rejected TransWorld objections in our earlier orders, we reject the *TransWorld November Objection*.¹⁹

8. Accordingly, IT IS ORDERED, pursuant to paragraph 5 of the *Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5, sections 1, 4(i), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), sections 0.91, and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, and 0.291, and the authority delegated to the Bureau in the *Data Collection Order*, 27 FCC Rcd at 16340, para. 52, that the *TransWorld November Objection* IS DENIED.

9. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Deena M. Shetler
Associate Chief
Wireline Competition Bureau

¹⁵ *Id.* at para. 6 (citing *Protective Order*, 29 FCC Rcd at 11661, para. 9; *Data Collection Order*, 27 FCC Rcd at 16327, para. 20, 16328, para. 23, 16331-32, para. 31; *Special Access for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05- 25, RM-10593, Report and Order, 27 FCC Rcd 10557, 10561, para. 7, 10604-13, paras. 85-103 (2012)).

¹⁶ *November TransWorld Order* at para. 7.

¹⁷ *TransWorld November Objection* at 3.

¹⁸ *Id.* at 3.

¹⁹ *Modified Protective Order*, 30 FCC Rcd at 10035-36, paras. 18-20, 10039, para. 30; *November TransWorld Order* at paras. 5, 7.