



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU RELEASES PEER REVIEW MATERIALS IN BUSINESS DATA SERVICES (SPECIAL ACCESS) RULEMAKING PROCEEDING

WC Docket Nos. 16-143, 15-247, and 05-25; RM-10593

On May 2, 2016, the Federal Communications Commission (Commission) released a Tariff Investigation Order and Further Notice of Proposed Rulemaking in the business data services (special access) rulemaking proceeding.¹ The item included a white paper prepared by an outside econometrician hired by the Commission, Dr. Marc Rysman, entitled “Empirics of Business Data Services” (Rysman Paper).² The Rysman Paper “studied the market for business data services in the United States,” analyzing data collected by the Commission from providers and purchasers of business data services.³

Consistent with Office of Management and Budget peer review guidelines,⁴ the Commission initiated an external peer review of the Rysman Paper, seeking the analysis of qualified and impartial outside experts to peer review the Rysman Paper.⁵ The peer review charge memoranda directing the peer reviewers to conduct their analysis, the peer review reports that were received by the Commission, the revised Rysman Paper addressing the peer review reports, and a Commission staff memorandum separately addressing additional comments received from the peer reviewers are publically available on the Commission’s Peer Review Agenda webpage: <http://www.fcc.gov/encyclopedia/peer-review-agenda>. In addition to addressing feedback received from peer reviewers, the revised Rysman Paper and the Commission staff memorandum address and analyze the impact of the supplemented data submissions by certain large cable companies on the results from Professor Rysman’s prior analysis. The Wireline

¹ See *Business Data Services in an Internet Protocol Environment Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans; 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 Nos. 16-143, 15-247, 05-25, RM-10593, Tariff Investigation Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 4723 (2016) (*Business Data Services Order* or *Business Data Services FNPRM*).

² *Id.* at 4919, Appx. B, Dr. Marc Rysman, *Empirics of Business Data Services* (Apr. 2016) (Rysman Paper).

³ The data collected in 2015 is primarily from 2013. *Id.* at 4740, paras. 36-37.

⁴ Final Information Quality Bulletin for Peer Review, Office of Management and Budget, Executive Office of the President, 70 Fed. Reg. 2664 (Jan. 14, 2005) (requiring that influential scientific information on which a federal agency relies in a rulemaking proceeding be subject to peer review to enhance the quality and credibility of the government’s scientific information).

⁵ See *Business Data Services FNPRM*, 31 FCC Rcd at 4792-95, para. 164.

Competition Bureau has incorporated these materials into the relevant dockets in the business data services proceeding.⁶

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

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⁶ See Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs>.