



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES PROCESS TO REQUEST UNREDACTED VERSION OF BUSINESS DATA SERVICES REPORT AND ORDER

WC Docket Nos. 16-143, 05-25; GN Docket No. 13-5; RM-10593

In this Public Notice, the Wireline Competition Bureau (Bureau) announces the process for authorized individuals to request one (1) hard copy of the unredacted Highly Confidential version of the Business Data Services Report and Order (Order) adopted by the Commission on April 20, 2017.¹ Because the Order contains information that parties have designated as competitively-sensitive Highly Confidential Information, that information is subject to protective orders in this proceeding that govern the process for accessing such information and is thus redacted from the publicly-released version of the Order.²

In this proceeding, access to information designated as Highly Confidential Information is limited to Outside Counsel and Consultants, and their employees, not involved in Competitive Decision-Making, as those terms are defined in the protective orders.³ In order to receive access to information designated as Highly Confidential Information, an individual must have filed Acknowledgments of Confidentiality

¹ *Business Data Services in an Internet Protocol Environment, Technology Transitions, 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. 16-143, GN Docket No. 13-5, WC Docket No. 05-25, RM-10593, Report and Order, FCC 17-43 (rel. April 28, 2017) (*Business Data Services Order*).

² *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, Order, 31 FCC Rcd 7104 (WCB 2016); *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 (WCB 2015) (*Modified Data Collection Protective Order*); Order and Data Collection Protective Order, 29 FCC Rcd 11657, 11677-79, Appx. B (WCB 2014) (*Data Collection Protective Order*); Second Protective Order, 25 FCC Rcd 17725, 17727-28, para. 6 (*Second Protective Order*); Modified Protective Order, 25 FCC Rcd 15168 (WCB 2010) (*Modified Protective Order*).

³ *See Data Collection Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5; *Second Protective Order*, 25 FCC Rcd at 17727, para. 5; *see also Modified Protective Order*, 25 FCC Rcd at 15170, para. 4.

(Acknowledgments) pursuant to the *Data Collection Protective Order*,⁴ *Second Protective Order*,⁵ and *Modified Protective Order*.⁶ Access is only granted after any objection is resolved by the Commission in favor of the party seeking access.⁷ Thus, in order to access an unredacted version of the Order, an individual must have filed all three Acknowledgments, and the time for objection must have run or any objection must have been resolved in favor of the party seeking access to the information.

Process for Requesting Unredacted Highly Confidential Version of the Order:

- Individuals may request one (1) hard copy of the unredacted Highly Confidential version of the Order by emailing a signed copy of the attached Recipient Acknowledgment to Bureau staff at SpecialAccess@fcc.gov and filing a copy in the Commission's Electronic Comment Filing System (ECFS), <https://www.fcc.gov/ecfs/filings>, in WC Docket Nos. 16-143 and 05-25; and
 - Individuals who requested and received an unredacted Highly Confidential version of the *Business Data Services Further Notice of Proposed Rulemaking (Further Notice)* are pre-approved for accessing the unredacted Order and do not need to resubmit via email copies of the three requisite Acknowledgments previously submitted to Bureau staff.⁸
 - Individuals who did not request or receive an unredacted Highly Confidential version of the *Further Notice* must attach to their email to Bureau staff signed copies of the three requisite Acknowledgments filed pursuant to the *Data Collection Protective Order*, *Second Protective Order*, and *Modified Protective Order*.⁹ Requesting parties do not need to refile these Acknowledgments in the dockets if they filed them in the past. Requesting parties that have not previously filed all three Acknowledgments in the dockets must do so and the time for objection must have run or any objection must have been resolved in favor of the party before access may be granted.¹⁰

⁴ *Data Collection Protective Order*, 29 FCC Rcd at 11680, Appx. C, Acknowledgment of Confidentiality; *see also Parties Authorized to Review Special Access Data*, FCC, <https://www.fcc.gov/general/parties-authorized-review-special-access-data>.

⁵ *Second Protective Order*, 25 FCC Rcd at 17733, Appx. A, Acknowledgment of Confidentiality.

⁶ *Modified Protective Order*, 25 FCC Rcd at 15175, Appx. A, Acknowledgment of Confidentiality.

⁷ *See Data Collection Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5; *Second Protective Order*, 25 FCC Rcd at 17729, para. 12; *Modified Protective Order*, 25 FCC Rcd at 15171, para. 7. Further, access will not be provided until an objecting party has an opportunity to seek a judicial stay of the Commission's decision.

⁸ *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) (*Further Notice*).

⁹ *See Data Collection Protective Order*, 29 FCC Rcd at 11680, Appx. C; *Second Protective Order*, 25 FCC Rcd at 17733, Appx. A; *Modified Protective Order*, 25 FCC Rcd at 15175, Appx. A.

¹⁰ *See Data Collection Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5 (five business day objection period from release of public notice listing party filing Acknowledgment); *Second Protective Order*, 25 FCC Rcd at 17729, para. 5 (three business day objection period after service of Acknowledgment on Submitting Party); *Modified Protective Order*, 25 FCC Rcd at 15170-71, para. 7 (same).

- Upon receipt of each email request, Bureau staff will verify that the requesting party is authorized to receive access to information designated as Highly Confidential Information.
- Parties may request for their hard copy to be delivered by certified mail or they may pick-up their copy in person at Commission Headquarters, 445 12th Street, SW, Washington, D.C. 20554, weekdays between the hours of 10:00 a.m. and 5:00 p.m. (ET). Employees of Outside Counsel or Consultants may pick-up copies of the Order on their behalf consistent with the protective orders.¹¹

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), please send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

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, or Joseph Price, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-1423 or via email at Joseph.Price@fcc.gov.

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¹¹ *Data Collection Protective Order*, 29 FCC Rcd at 11674, Appx. A at para. 9; *Second Protective Order*, 25 FCC Rcd at 17728, para. 9; *Modified Protective Order*, 25 FCC Rcd at 15171, para. 10.



RECIPIENT ACKNOWLEDGMENT

**Highly Confidential Version of
Business Data Services Report and Order
WC Docket Nos. 16-143, 05-25; GN Docket No. 13-5; RM-10593**

By signing below, you certify that you are Outside Counsel or Outside Consultant (as such terms are defined in the protective orders in WC Docket Nos. 16-143 and 05-25).¹ You agree that you will not make any photocopies of the unredacted Highly Confidential version of the Report and Order in this proceeding adopted on April 20, 2017² and that, as required by the protective orders, you will not share any Highly Confidential or Confidential Information (howsoever designated in the Report and Order) except as provided for in the protective orders. You acknowledge the provisions of the protective orders do not terminate at the conclusion of this proceeding. You further acknowledge that any use of the Highly Confidential or Confidential Information contained in the unredacted version of the Report and Order that violates any term or condition found in the protective orders constitutes a violation of an order of the Federal Communications Commission.

I acknowledge that I have read the above paragraph and agree to its terms. I provided Commission staff with a copy of my signed Acknowledgments of Confidentiality (Acknowledgments) pursuant to the protective orders.³ I confirm that any challenge to such Acknowledgment has been resolved in my favor and the Acknowledgment remains in full force and effect.

By: _____
Name:
Title:
Organization:
Party representing:

Date: _____

¹ 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 Nos. 16-143, 15-247, 05-25, RM-10593, Order, 31 FCC Rcd 7104 (WCB 2016); Order and Modified Data Collection Protective Order, 30 FCC Rcd 10027 (WCB 2015); Order and Data Collection Protective Order, 29 FCC Rcd 11657 (WCB 2014) (*Data Collection Protective Order*); Second Protective Order, 25 FCC Rcd 17725 (WCB 2010) (*Second Protective Order*); Modified Protective Order, 25 FCC Rcd 15168 (WCB 2010) (*Modified Protective Order*).

² *Business Data Services in an Internet Protocol Environment, Technology Transitions, 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. 16-143, GN Docket No. 13-5, WC Docket No. 05-25, RM-10593, Report and Order, FCC 17-43 (rel. April 28, 2017).

³ See *Data Collection Protective Order*, 29 FCC Rcd at 11680, Appx. C; *Second Protective Order*, 25 FCC Rcd at 17733, Appx. A; *Modified Protective Order*, 25 FCC Rcd at 15175, Appx. A.