



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU PUBLICLY RELEASES LISTS OF COUNTIES WHERE LOWER SPEED TDM-BASED BUSINESS DATA SERVICES ARE DEEMED COMPETITIVE, NON-COMPETITIVE, OR GRANDFATHERED

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

By this Public Notice, the Wireline Competition Bureau (Bureau) announces the public release of lists of those counties where lower speed DS1 and DS3 end user channel terminations and certain other lower speed TDM-based business data services are deemed competitive, non-competitive, or grandfathered pursuant to the *Business Data Services Order*.¹ This information is available on the Commission's Internet website at <https://www.fcc.gov/bds-county-lists>.

On April 28, 2017, the Bureau issued a public notice proposing to release these lists and providing affected parties an opportunity to object.² As the Bureau explained, the identification of a county as competitive, non-competitive, or grandfathered will in some instances indirectly reveal the approximate number of locations a competitive provider is capable of serving, information which is competitively sensitive and which is derived from information that has been designated as highly confidential.³ No objections were submitted to the Commission. Indeed, prior to the issuance of the public notice, some parties sought public release of the information.⁴

The absence of objection supports public release of the county lists, which is necessary for implementation of the competitive market test mandated by the *Business Data Services Order*. We find that the benefits of public release of the county lists outweigh any slight competitive harm that might result and that release of this information is in the public interest.

This action is taken pursuant to sections 4(i), 5, 201-205, 211, 215, 218, 219, 303(r), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155, 201-205, 211, 215, 218, 219,

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, Part IV.C. (rel. April 28, 2017) (*Business Data Services Order*).

² *Wireline Competition Bureau Proposes to Publicly Release the Lists of Those Counties Where Lower Speed Business Data Services Will Be Deemed Competitive, Non-Competitive, or Grandfathered*, WC Docket Nos. 16-143, 05-25; RM-10593, Public Notice, DA 17-404 (WCB Apr. 28, 2017) (Notice) (setting May 11, 2017 deadline for filing objections).

³ Notice at 1-2.

⁴ See Letter from Chip Pickering, CEO, INCOMPAS, to Chairman Ajit Pai, FCC, WC Docket No. 16-143 et al. (filed Apr. 3, 2017).

303(r), and 332, Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.291 of the Commission's rules, 47 CFR § 0.291.

For further information, please contact Marvin Sacks, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-2017 or via email at marvin.sacks@fcc.gov.

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