



PUBLIC NOTICE

Federal Communications Commission
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ADDITIONAL PARTY SEEKS ACCESS TO CONFIDENTIAL BUSINESS DATA SERVICES (SPECIAL ACCESS) DATA

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

Objections Due by: January 9, 2019

By this Public Notice, the Wireline Competition Bureau (Bureau) announces that an additional party seeks access to highly confidential data filed in the price cap business data services (BDS) proceedings, and that interested parties have until **January 9, 2019** to object to disclosure of their data to the party seeking access.¹

On November 29, 2018, the Bureau released a *Public Notice* announcing that the secure data enclave containing highly confidential data filed in the price cap BDS proceedings reopened, and that parties that were not previously authorized to access the secure data enclave and now seek access must file signed Acknowledgments of Confidentiality (Acknowledgements) pursuant to the protective orders in these proceedings.² Consistent with past practice, the Attachment lists an additional party that has filed an Acknowledgement seeking access to the highly confidential data.³ By executing an Acknowledgement, the individual certifies that their purpose for accessing the data is “solely for preparation and conduct” in the price cap BDS rulemaking proceedings.⁴

Pursuant to the *Data Collection Protective Order*, parties that submitted confidential or highly confidential data and information have until **January 9, 2019** to object to the disclosure of their data and information to the party listed in the Attachment.⁵ To file an objection with the Commission, an objecting party should use one of the methods described below and serve a copy on the requesting party or, if

¹ See *Business Data Services et al.*, WC Docket No. 16-143 et al., Tariff Investigation Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 4723, 4737-43, paras. 29-37, 39-43 (2016), *agency's request for voluntary remand granted sub nom., AT&T, Inc., et al. v. FCC*, Nos. 16-1145, 16-1166, 16-1177 (D.C. Cir. Aug. 29, 2017) (in-depth discussion on the 2015 data collection).

² *Wireline Competition Bureau Announces Comment Deadlines on Second Further Notice and Further Notice in the Business Data Services Proceedings and Reopening of Secure Data Enclave*, WC Docket Nos. 17-144, 16-143, 05-25, RM-10593, Public Notice, DA 18-1212 (WCB Nov. 29, 2018) (*Public Notice*).

³ See *Wireline Competition Bureau Now Receiving Acknowledgements of Confidentiality Pursuant to Special Access Data Collection Protective Order*, WC Docket No. 05-25, RM-10593, Public Notice, 30 FCC Rcd 6421 (WCB 2015).

⁴ By the terms of the *Data Collection Protective Order*, Reviewing Parties assist Participants, which “means any person or entity that has filed, or has a good faith intention to file, material comments in this proceeding.” See *Special Access for Price Cap Local Exchange Carriers et al.*, WC Docket No. 05-25, RM-10593, Order and Data Collection Protective Order, 29 FCC Rcd 11657, 11671, 11676, Appx. A at paras. 1, 8 (WCB 2014) (*Data Collection Protective Order*) (defining Participant and discussing restrictions on use).

⁵ See *Data Collection Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5.

applicable, their counsel, and email a copy of their objection to the Bureau at SpecialAccess@fcc.gov.⁶ Absent the filing of an objection, the requesting party will have access to confidential and highly confidential data and information.⁷ For additional information regarding the access authorization and objection process, see the *Data Collection Protective Order*.

- Electronic Filers: Objections may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Because more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & 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.

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⁶ See *id.*

⁷ We will not allow access to data covered by the scope of an objection until the ten business day window for filing challenges to a ruling on the objection has expired without the filing of a challenge. See *Applications of Charter Communications, Inc., Time Warner Cable Inc., and Advance/Newhouse Partnership for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 15-149, Order, 30 FCC Rcd 10360, 10374, para. 26 (2015).

ATTACHMENT
Parties Filing Acknowledgements Seeking Access to
Confidential and/or Highly Confidential Information

(As of December 31, 2018)

Party Filing Acknowledgement Date(s) Filed	Name, Position, Firm	Highly Confidential	Confidential
John T. Nakahata Harris, Wiltshire & Grannis LLP (Outside Counsel for INCOMPAS) 12/28/18	Mengyu Huang Associate Harris, Wiltshire & Grannis LLP (Outside Counsel for INCOMPAS)	X	X