**DA 19-304**

**Released: April 18, 2019**

**PARTIES IN USTELECOM FORBEARANCE PETITION PROCEEDING SEEK ACCESS TO 2015 data COllection in business data services proceedings**

**WC Docket Nos. 18-141, 16-143, 05-25**

**RM-10593**

**Objections Due by: April 25, 2019**

By this Public Notice, the Wireline Competition Bureau (Bureau) announces that parties in the USTelecom Forbearance Petition proceeding[[1]](#footnote-3) seek access to confidential and highly confidential information and data submitted in the Commission’s data collection (*2015 Data Collection*) in the price cap business data services (BDS) proceedings,[[2]](#footnote-4) and that parties that submitted that data in the *2015 Data Collection* (Submitting Parties) and Third-Party Interest Holders have until **April 25, 2019** to object to disclosure of their data to the individual or individuals listed in the Attachment.

On April 16, 2019, the Bureau adopted a *Data Collection Protective Order* incorporating the *2015 Data Collection*, including the *April Data Tables*, into the record of the USTelecom Forbearance Petition proceeding and adopted protections to permit parties in that proceeding to access and analyze the *2015 Data Collection*.[[3]](#footnote-5) Pursuant to the *Data Collection Protective Order*, parties that seek access to the *2015 Data Collection* must file signed Acknowledgments of Confidentiality (Acknowledgements) with the Commission.[[4]](#footnote-6) The Attachment identifies individuals that have filed an Acknowledgement seeking access to data and information submitted in the *2015 Data Collection* and the level of access requested (Confidential-only, or Confidential and Highly Confidential). By executing an Acknowledgement, the individual certifies that their purpose for accessing the *2015 Data Collection* is “for the preparation and conduct of the USTelecom Forbearance Petition.”[[5]](#footnote-7)

Pursuant to the *Data Collection Protective Order*, Submitting Parties or Third-Party Interest Holders have until **April 25, 2019** to object to the disclosure of their data and information to the individual or individuals listed in the Attachment. To file an objection with the Commission, an objecting party must file their objection with the Commission in WC Docket No. 18-141, using one of the methods described below, and serve it on Counsel for the person seeking access, and email a copy of their objection to the Bureau at [SpecialAccess@fcc.gov](mailto:SpecialAccess@fcc.gov).[[6]](#footnote-8) Absent the filing of an objection, the individuals listed in the Attachment will have access to confidential and highly confidential data and information submitted in the *2015 Data Collection*, including the *April Data Tables*.[[7]](#footnote-9) 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](mailto: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 Michele Levy Berlove, Competition Policy Division, Wireline Competition Bureau, [Michele.Berlove@fcc.gov](mailto:Michele.Berlove@fcc.gov), (202) 418-1477; or Christopher Koves, Pricing Policy Division, Wireline Competition Bureau, (202) 418-8209, [Christopher.Koves@fcc.gov](mailto:Christopher.Koves@fcc.gov).

**- FCC –**

**ATTACHMENT**

**Parties Filing Acknowledgements Seeking Access to**

**Confidential and/or Highly Confidential Information**

***(As of April 18, 2019)***

| **Party Filing**  **Acknowledgement,**  **Date(s) Filed** | **Name,**  **Position,**  **Firm,**  **Telephone,**  **Party Representing** | **Highly Confidential** | **Confidential** |
| --- | --- | --- | --- |
| Julie A. Veach  Harris Wiltshire & Grannis LLP  (Outside Counsel for Sonic Telecom, LLC and INCOMPAS)  4/17/19 | Julie A. Veach  Partner  Harris Wiltshire & Grannis LLP  Tel.: (202) 730-1311  Outside Counsel for Sonic Telecom, LLC and INCOMPAS | X | X |
| Susannah Larson  Associate  Harris Wiltshire & Grannis LLP  Tel.: (202) 730-1347  Outside Counsel for Sonic Telecom, LLC | X | X |
| Alexandra Green  Legal Analyst  Harris Wiltshire & Grannis LLP  Tel.: (202) 379-4504  Legal Analyst for Sonic Telecom, LLC | X | X |
| Evan T. Leo  Kellogg Hansen Todd Figel & Frederick, PLLC  (Outside Counsel for Verizon)  4/17/19 | Evan T. Leo  Partner  Kellogg Hansen Todd Figel & Frederick, PLLC  Tel.: (202) 326-7930  Outside Counsel for Verizon | X | X |
| Mary Ann K. Endo  Managing Director, Research  Kellogg Hansen Todd Figel & Frederick, PLLC  Tel.: (202) 326-7977  Outside Counsel for Verizon | X | X |
| John T. Nakahata  Harris Wiltshire & Grannis LLP  (Outside Counsel for INCOMPAS)  4/17/19 | John T. Nakahata  Partner  Harris Wiltshire & Grannis LLP  Tel.: (202) 730-1320  Outside Counsel for INCOMPAS | X | X |
| Mengyu Huang  Associate  Harris Wiltshire & Grannis LLP  Tel: (202) 730-1358  Outside Counsel for INCOMPAS | X | X |
| H. Henry Shi  Partner  Harris Wiltshire & Grannis LLP  Tel.: (202) 730-1348  Outside Counsel for INCOMPAS | X | X |
| Alexa D. Schneider  Legal Analyst  Harris Wiltshire & Grannis LLP  Tel.: (202) 379-4545  Legal Analyst for Outside Counsel for INCOMPAS | X | X |
| Peyton J. Beatrice  Legal Analyst  Harris Wiltshire & Grannis LLP  Tel.: (202) 379-4514  Legal Analyst for Outside Counsel for INCOMPAS | X | X |
| Abigail D. Hylton  Legal Analyst  Harris Wiltshire & Grannis LLP  Tel.: (202) 379-4513  Legal Analyst for Outside Counsel for INCOMPAS | X | X |
| Patrick Brogan  United States Telecom Association (USTelecom)  (Counsel for USTelecom)  4/17/19 | Patrick Brogan  VP-Industry Analysis  USTelecom  Tel.: (202) 326-7282  Counsel for USTelecom | X | X |
| Christopher T. Shenk  Sidley Austin LLP  (Outside Counsel for AT&T)  4/18/19 | Robert Calzaretta  Economist  Compass Lexecon  Tel: (510) 285-1223  Consultant for USTelecom and AT&T | X | X |
| Marc Korman  Associate  Sidley Austin LLP  Tel: (202) 736-8417  Outside Counsel for AT&T | X | X |
| Christopher T. Shenk  Partner  Sidley Austin LLP  Tel: (202) 736-8689  Outside Counsel for AT&T | X | X |
| Glenn A. Woroch  Senior Consultant  Compass Lexecon  Tel: (510) 285-1266  Consultant for USTelecom and AT&T | X | X |
| James P. Young  Partner  Sidley Austin LLP  Tel: (202) 736-8677  Outside Counsel for AT&T | X | X |

1. Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141 (filed May 4, 2018) (USTelecom Forbearance Petition); *Pleading Cycle Established for Comments on USTelecom's Petition for Forbearance from Section 251(c) Unbundling and Resale Requirements and Related Obligations, and Certain Section 271 and 272 Requirements*, WC Docket No. 18-141, Public Notice, 33 FCC Rcd 4614 (WCB 2018). [↑](#footnote-ref-3)
2. *See Business Data Services in an Internet Protocol Environment 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) (in-depth discussion on the *2015 Data Collection*). [↑](#footnote-ref-4)
3. *See* *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141, Data Collection Protective Order, DA 19-294 (WCB Apr. 16, 2019) (*Data Collection Protective Order*); *Wireline Competition Bureau to Incorporate Business Data Services Data and Second Further Notice and Further Notice Record into USTelecom Forbearance Proceeding*, WC Docket Nos. 18-141, 17-144, 16-143, 05-25; RM-10593, Public Notice, DA 19-249, at 2 (WCB Apr. 3, 2019). [↑](#footnote-ref-5)
4. *Data Collection Protective Order* at 6, para. 7. [↑](#footnote-ref-6)
5. *Id*. at 11, Appx. [↑](#footnote-ref-7)
6. *See id.* at 6, para. 8. [↑](#footnote-ref-8)
7. The Bureau 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). A party that already has access to the *2015 Data Collection* pursuant to the protective orders in the price cap BDS proceedings for purposes of those proceedings shall continue to have such access. *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 (WCB 2014); Order and Modified Data Collection Protective Order, 30 FCC Rcd 10027 (WCB 2015); *Business Data Services in an Internet Protocol Environment et al*., WC Docket Nos. 16-143, 05-25, RM-10593, Order, 31 FCC Rcd 7104 (WCB 2016). [↑](#footnote-ref-9)