



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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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 proceeding¹ 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 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 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 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

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).

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*).

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).

⁴ *Data Collection Protective Order* at 6, para. 7.

⁵ *Id.* at 11, Appx.

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.⁶ 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 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 Michele Levy Berlove, Competition Policy Division, Wireline Competition Bureau, Michele.Berlove@fcc.gov, (202) 418-1477; or Christopher Koves, Pricing Policy Division, Wireline Competition Bureau, (202) 418-8209, Christopher.Koves@fcc.gov.

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⁶ See *id.* at 6, para. 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).

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 |

| Party Filing Acknowledgement, Date(s) Filed | Name, Position, Firm, Telephone, Party Representing | Highly Confidential | Confidential |
|---|---|---------------------|--------------|
| 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 |

| Party Filing Acknowledgement, Date(s) Filed | Name, Position, Firm, Telephone, Party Representing | Highly Confidential | Confidential |
|---|---|---------------------|--------------|
| 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 |