



# PUBLIC NOTICE

Federal Communications Commission  
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DA 19-305

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## ADDITIONAL PARTIES SEEK ACCESS TO HIGHLY CONFIDENTIAL BUSINESS DATA SERVICES DATA

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

Objections Due by: April 25, 2019

By this Public Notice, the Wireline Competition Bureau (Bureau) announces that additional parties seek access to confidential and highly confidential information and data submitted in the Commission's data collection (*2015 Data Collection*)<sup>1</sup> in the price cap business data services (BDS) proceedings, and that interested parties have until **April 25, 2019** to object to disclosure of their data to the party seeking access.

On April 15, 2019, the Bureau released a *Public Notice* announcing that it will reopen the secure data enclave which will house confidential and highly confidential information and data submitted in the *2015 Data Collection*, including *April Data Tables*.<sup>2</sup> The Bureau also announced that for participants in the price cap BDS proceedings, parties that were not previously authorized to access the secure data enclave and now seek access must file a signed Acknowledgment of Confidentiality (Acknowledgement) pursuant to protective orders in the price cap BDS proceedings (*BDS Protective Orders*).<sup>3</sup> Consistent with past practice, the Attachment lists additional individuals that have filed an Acknowledgement pursuant to the *BDS Protective Orders* seeking access to the *2015 Data Collection* and listing 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 data is for preparation and conduct of the price cap BDS rulemaking proceedings.<sup>4</sup>

Pursuant to the *BDS Protective Orders*, parties that submitted confidential or highly confidential data and information have until **April 25, 2019** to object to the disclosure of their data and information to

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<sup>1</sup> 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 *2015 Data Collection*).

<sup>2</sup> See *Wireline Competition Bureau Seeks Focused Additional Comment in Business Data Services and USTelecom Forbearance Petition Proceedings and Reopens Secure Data Enclave*, WC Docket Nos. 18-141, 17-144, 16-143, 05-25, Public Notice, DA 19-281 (Apr. 15, 2019) (*Public Notice*).

<sup>3</sup> See *id.* at 3; *Special Access for Price Cap Local Exchange Carriers et al.*, WC Docket No. 05-25 et al., , Order and Data Collection Protective Order, 29 FCC Rcd 11657 (WCB 2014) (*Data Collection Protective Order*); 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 No. 16-143 et al., Order, 31 FCC Rcd 7104 (WCB 2016) (collectively, *BDS Protective Orders*).

<sup>4</sup> By the terms of the *BDS Protective Orders*, 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 *Data Collection Protective Order*, 29 FCC Rcd at 11671, 11676, Appx. A at paras. 1, 8 (defining Participant and discussing restrictions on use).

the parties listed in the Attachment.<sup>5</sup> 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 applicable, their counsel, and email a copy of their objection to the Bureau at [SpecialAccess@fcc.gov](mailto:SpecialAccess@fcc.gov).<sup>6</sup> Absent the filing of an objection, the requesting party will have access to confidential and highly confidential data and information.<sup>7</sup> For additional information regarding the access authorization and objection process, see the *BDS Protective Orders*.<sup>8</sup>

- 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 Christopher Koves, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-8209 or via email at [Christopher.Koves@fcc.gov](mailto:Christopher.Koves@fcc.gov).

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

<sup>6</sup> See *id.*

<sup>7</sup> 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).

<sup>8</sup> We note that participants in the USTelecom Forbearance Petition proceeding, WC Docket No. 18-141, may request access to the 2015 *Data Collection*, including *April Data Tables*, and secure data enclave for purposes of that proceeding pursuant to a separate protective order released April 16, 2019. See *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks Data Collection Protective Order*, WC Docket No. 18-141, *Data Collection Protective Order*, DA 19-294 (WCB Apr. 16, 2019).

**ATTACHMENT**  
**Parties Filing Acknowledgements Seeking Access to**  
**Confidential and/or Highly Confidential Information**  
*(As of April 18, 2019)*

<b>Party Filing Acknowledgement Date(s) Filed</b>	<b>Name, Position, Firm, Telephone, Party Representing</b>	<b>Highly Confidential</b>	<b>Confidential</b>
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
	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