



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 19-577

Released: June 20, 2019

WIRELINE COMPETITION BUREAU ANNOUNCES CLOSURE AND ARCHIVING OF SECURE DATA ENCLAVE IN PRICE CAP BUSINESS DATA SERVICES AND USTELECOM FORBEARANCE PETITION PROCEEDINGS

WC Docket Nos. 18-144, 17-144, 16-143, 05-25; RM 10593

By this Public Notice, the Wireline Competition Bureau (Bureau) announces that access to the Secure Data Enclave containing highly confidential data submitted in the *2015 Data Collection* in the price cap business data services (BDS) proceedings, will close after June 30, 2019. All parties' data and work product stored in the Secure Data Enclave will be saved and archived as of June 30, 2019, pending potential judicial or administrative review.

In the *April 15 Public Notice*, the Bureau sought public comment on the extent to which the *April Data Tables*, derived from the *2015 Data Collection*, inform the *Second Further Notice* in the price cap BDS proceedings¹ and the USTelecom Forbearance Petition proceeding.² To facilitate access to this data, the Bureau announced that it would reopen the Secure Data Enclave which is the exclusive method for authorized parties to access and analyze the *2015 Data Collection* pursuant to the relevant protective orders.³ The Bureau also announced that it would close the Secure Data Enclave at the end of the comment and reply period, "unless an interested party demonstrate[d] a continuing need for access."⁴ In a public notice released May 14, 2019, the Bureau extended the reply comment deadline until May 28,

¹ 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, at 1 (WCB Apr. 15, 2019) (*April 15 Public Notice*); *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers; Business Data Services in an Internet Protocol Environment; Special Access for Price Cap Local Exchange Carriers*, WC Docket Nos. 17-144, 16-143, 05-25, Report and Order, Second Further Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 33 FCC Rcd 10403, 10453-57, paras. 148-56 (2018) (*Second Further Notice*).

² See *April 15 Public Notice* at 2; 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).

³ *April 15 Public Notice* at 1; 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); *Business Data Services in an Internet Protocol Environment et al.*, WC Docket No. 16-143 et al., Order, 31 FCC Rcd 7104 (WCB 2016); *Special Access for Price Cap Local Exchange Carriers et al.*, WC Docket No. 05-25 et al., Order and Modified Data Collection Protective Order, 30 FCC Rcd 10027 (WCB 2015); *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) (*BDS Data Collection Protective Order*).

⁴ See *April 15 Public Notice* at 1.

2018.⁵ The Bureau also extended access to the Secure Data Enclave until June 30, 2019 to allow interested parties additional time to conduct further analysis of the data.⁶

To date, no party has claimed that continued access to the data contained in the Secure Data Enclave past June 30, 2019 is necessary to their meaningful participation in the price cap BDS and USTelecom Forbearance Petition proceedings. There is no evidence in the record that parties will suffer harm if the Secure Data Enclave closes after June 30, 2019. We find that ending access to the Secure Data Enclave will not affect parties' meaningful participation in these proceedings. Accordingly, we will close access to the Secure Data Enclave after June 30, 2019.

Consistent with past practice, as of June 30, 2019 the Bureau will archive all parties' data and work product contained in their "virtual lockers" in the Secure Data Enclave.⁷ After June 30, 2019, parties will no longer have access to the Secure Data Enclave including their virtual lockers. Archiving data and virtual lockers will protect highly confidential data, and allow the Commission to provide parties access to the data and their related work product should it become necessary as a result of judicial or administrative review.⁸ As of June 30, 2019, all parties' data contained in the Secure Data Enclave, including all data, notes and analysis stored in the virtual lockers, will be saved and archived pending judicial review or reconsideration of an order adopted in the price cap BDS and USTelecom Forbearance Petition proceedings.

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

- FCC -

⁵ See *Wireline Competition Bureau Extends Reply Comment Deadline and Access to Secure Data Enclave in Business Data Services and USTelecom Forbearance Petition Proceedings*, WC Docket Nos. 18-141, 17-144, 16-143, 05-25; RM-10593, Public Notice, DA 19-421 (WCB May 14, 2019).

⁶ *Id.*; 47 CFR § 1.1206.

⁷ See *Wireline Competition Bureau to Archive Secure Data Enclave for Accessing Highly Confidential Business Data Services (Special Access) Data*, WC Docket No. 16-143 et al., Public Notice, 32 FCC Rcd 10362 (WCB 2017) (December 18, 2017 Public Notice).

⁸ See *December 18, 2017 Public Notice*, 32 FCC Rcd at 10363.