



# PUBLIC NOTICE

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## PUBLIC STATEMENTS DERIVED FROM HIGHLY CONFIDENTIAL DATA FILED IN RESPONSE TO THE BUSINESS DATA SERVICES (SPECIAL ACCESS) DATA COLLECTION

### WC Docket No. 05-25; RM-10593

On January 21, 2016, we released a Public Notice reminding participants in this proceeding that the results of any analyses (including statistical descriptions) performed on the Confidential and Highly Confidential data submitted in response to the Commission's business data services data collection<sup>1</sup> are themselves respectively considered Confidential or Highly Confidential under the *Data Collection Protective Order*.<sup>2</sup> Accordingly, those results may not be publicly disclosed absent a Commission determination that the results would not reveal competitively sensitive or other confidential information.

Two trade associations representing a large majority of the business data service providers that submitted their confidential information in this proceeding, The United States Telecom Association, generally representing ILECs, and INCOMPAS, generally representing CLECs, filed a joint letter asking that participants in the proceeding be allowed to publicly disclose certain information derived from the confidential business data services data.<sup>3</sup> The two associations identify a list of categories of information that they believe do not reveal company-specific confidential information, although they state that the list is not exhaustive. The Commission has not received any objections to or comments on their proposal.

The Commission has an interest in having an open and public debate about the issues in this proceeding, consistent with our obligation to protect submitting parties' confidential information from improper disclosure. Given what appears to be wide-spread industry agreement on what types of information derived from the business data services data collection may be publicly disclosed without revealing a submitter's competitively sensitive information, we will not consider the *Data Collection*

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<sup>1</sup> See *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318, 16340, para. 52 (2012) (*Data Collection Order* or *Data Collection FNPRM*); *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Data Collection Protective Order, 29 FCC Rcd 11657, 11670, para. 1 (Wireline Comp. Bur. 2014) (*Order* and/or *Data Collection Protective Order*) (defining Data Collection).

<sup>2</sup> *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Public Notice, 31 FCC Rcd 258 (2016).

<sup>3</sup> Letter from Diane Griffin Holland, Vice President, Law & Policy, US Telecom Assoc., and Karen Reidy, Vice President, Regulatory Affairs, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593 (filed March 4, 2016).

*Protective Order* to bar the results of analyses and statistical descriptions set forth below. The Commission also could find that other analytical results and statistical descriptions do not reveal confidential information. The categories set forth below, however, represent a “safe harbor” from which parties to this proceeding may disclose information without any further determination by the Commission.

Participants may publicly disclose numerical, statistical, and graphical descriptions of data from the business data services data collection aggregated at a national or regional (multi-state) level. National and regional level data also may be disaggregated and reported by type of provider, specifically, ILECs, traditional CLECs, and cable, and by type of census block, specifically, urban, suburban, and rural.<sup>4</sup>

Participants may also publicly disclose numerical, statistical, and graphical descriptions of data aggregated at the Metropolitan Statistical Area (MSA) level and the state level *provided that the MSA or state is not identified*. Anonymized MSA- and state-level data may be further disaggregated and reported by urban, suburban, or rural areas within the MSA or state; by type of regulatory flexibility category, specifically, Phase I, Phase II, and no pricing flexibility; and by type of provider (ILEC, traditional CLEC, and cable). For example, a participant could publicly state “Within the urban areas of a certain MSA, 33% of the businesses are served by an ILEC; 33% are served by a CLEC; and 33% are served by a cable company.”

For further information, please contact Joel Rabinovitz, Office of General Counsel, at (202) 418-0689 or via email at [Joel.Rabinovitz@fcc.gov](mailto:Joel.Rabinovitz@fcc.gov).

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<sup>4</sup> Of course, any public disclosures may not reveal the underlying disaggregated data, for example, by providing the ability to “drill down” on a digital map.