



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES COMMENT DEADLINES ON *SECOND FURTHER NOTICE AND FURTHER NOTICE* IN BUSINESS DATA SERVICES PROCEEDINGS AND REOPENING OF SECURE DATA ENCLAVE

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

Comments Due: January 14, 2019

Replies Due: February 12, 2019

By this Public Notice, the Wireline Competition Bureau (Bureau) announces that the deadline for filing comments on the *Second Further Notice and Further Notice* in the business data services (BDS) proceedings¹ is **January 14, 2019** and the deadline for filing reply comments is **February 12, 2019**. We also announce that the secure data enclave containing highly confidential data filed in the price cap BDS proceeding will reopen on **December 5, 2018** and close on **March 1, 2019** unless an interested party demonstrates the need for continuing access. Parties that were not previously authorized to access the secure data enclave and now seek access must file signed Acknowledgments pursuant to the Protective Orders governing access to the secure data enclave.²

On October 24, 2018, the Commission released the *Second Further Notice* proposing to eliminate ex ante pricing regulation of price cap carriers' TDM-based transport services and seeking comment on this proposal.³ The Commission also released the *Further Notice* seeking comment on the appropriate regulatory framework to apply to lower capacity (at or below the capacity of a DS3) TDM-based transport services provided by rate-of-return carriers that elect incentive regulation provided for in the accompanying *Report and Order*.⁴ The Commission specified that comments would be due 45 days following Federal Register publication, and that reply comments would be due 75 days following Federal Register publication.⁵ On November 29, 2018, a summary of the *Second Further Notice and Further Notice* was published in the Federal Register specifying that comments will be due on **January 14, 2019**.

¹ See *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers et al.*, WC Docket Nos. 17-144 et al., Report and Order, Second Further Notice of Proposed Rulemaking, and Further Notice of Proposed Rulemaking, FCC 18-146, at 52-57, paras. 147-162 (Oct. 24, 2018) (*Second Further Notice and Further Notice*).

² 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 No. 16-143 et al., Order, 31 FCC Rcd 7104 (WCB 2016) (together the Protective Orders).

³ *Second Further Notice and Further Notice* at 52-55, paras. 148-56.

⁴ *Id.* at 55-57, paras. 157-62.

⁵ *Id.* at 1.

and reply comments due on **February 12, 2019**.⁶ Complete filing instructions are provided in the *Second Further Notice and Further Notice*⁷ and the Federal Register notice.⁸

In the *Second Further Notice*, the Commission directed the Bureau to make available to interested parties highly confidential data filed in a data collection that is part of the record in the price cap BDS proceeding.⁹ Since the secure data enclave hosted by NORC at the University of Chicago is the exclusive method to access and analyze this data, on November 5, 2018, we released a *Public Notice* announcing that we would reopen access to the secure data enclave for purposes of commenting on the *Second Further Notice*.¹⁰ We specified that the secure data enclave would reopen after the *Second Further Notice* summary is published in the Federal Register, and close 14 days after reply comments are due, unless an interested party demonstrates that “continued access to the data is necessary to their meaningful participation in the proceeding.”¹¹ Accordingly, access to the secure data enclave will reopen on **December 5, 2018** and close on **March 1, 2019**, unless an interested party demonstrates the need for continuing access.¹² Instructions on requesting access to the secure data enclave are provided in the *Public Notice*.

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.

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⁶ FCC, 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, 83 Fed. Reg. 61358 (Nov. 29, 2018) (Notice).

⁷ *Second Further Notice and Further Notice* at 57-58, paras. 163-64.

⁸ See Notice, 83 Fed. Reg. at 61364-65.

⁹ *Second Further Notice and Further Notice* at 55, para. 156.

¹⁰ *Secure Data Enclave for Accessing Highly Confidential Business Data Services Data to Reopen*, WC Docket Nos. 16-143, 05-25, RM-10593, Public Notice, DA 18-1133 (WCB Nov. 5, 2018) (*Public Notice*).

¹¹ *Id.* at 1.

¹² *Id.*