



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU TO ARCHIVE SECURE DATA ENCLAVE FOR ACCESSING HIGHLY CONFIDENTIAL BUSINESS DATA SERVICES (SPECIAL ACCESS) DATA

WC Docket Nos. 16-143, 15-247, 05-25; RM-10593

In this Public Notice, the Wireline Competition Bureau (Bureau) announces that as of December 31, 2017 all data and work product stored in virtual lockers in the secure data enclave used by authorized parties for accessing and analyzing highly confidential data filed in the business data services (special access) proceeding will be saved and archived pending judicial review of the *Business Data Services Order*.¹

As we announced, in a Public Notice released on October 2, 2017, the secure data enclave will close on December 31, 2017.² The secure data enclave is the exclusive method for parties to access and analyze highly confidential data collected and used consistent with protective orders in this proceeding,³ including information from providers and purchasers of circuit- and packet-based dedicated services.⁴ The National Opinion Research Center dba NORC at the University of Chicago (NORC) has hosted the secure data enclave via a virtual private network (VPN) or in-person at NORC facilities in Bethesda,

¹ See *Business Data Services in an Internet Protocol Environment et al.*, WC Docket No. 16-143 et al., Report and Order, 32 FCC Rcd 3459 (2017) (*Business Data Services Order*), appeal docketed sub nom. *AT&T, Inc. v. FCC*, Nos. 17-2296, 17-2342, 17-2344 and 17-2685 (8th Cir. June 12, 2017).

² See *Secure Data Enclave for Accessing Highly Confidential Business Data Services (Special Access) Data Will Close on December 31, 2017*, WC Docket Nos. 16-143, 15-247, 05-25; RM-10593, Public Notice, 32 FCC Rcd 7357 (WCB 2017) (*NORC Closure Public Notice*).

³ See *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; AT&T Corp. 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 Modified Data Collection Protective Order, 30 FCC Rcd 10027 (WCB 2015) (*Modified Data Collection Protective Order*); Order and Data Collection Protective Order, 29 FCC Rcd 11657 (WCB 2014) (*Data Collection Protective Order*); Second Protective Order, 25 FCC Rcd 17725 (WCB 2010) (*Second Protective Order*); Modified Protective Order, 25 FCC Rcd 15168 (WCB 2010) (*Modified Protective Order*); see also *Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans et al.*, WC Docket No. 15-247 et al., Order and Protective Orders, 31 FCC Rcd 13680, 13683-84, para. 10 (WCB 2015) (*Tariff Investigation Protective Order*).

⁴ See FCC, *Special Access Data Collection Overview*, <https://www.fcc.gov/general/special-access-data-collection-overview-0> (last visited Oct. 24, 2017); see also *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), remanded in part, Order, *AT&T, Inc., et al. v. FCC*, Nos. 16-1145, 16-1166, 11-1177 (D.C. Cir. Aug. 29, 2017).

Maryland. Consistent with the protective orders, authorized parties have saved information, notes, and analysis in support of their participation in the proceeding in “virtual lockers” located in the data enclave. Beginning December 31, 2017, parties will no longer have access to the secure data enclave hosted by NORC, including notes and analysis contained in the virtual lockers.⁵

Archiving data and virtual lockers will allow the Commission to provide parties access to the data in the enclave and related work product in the virtual lockers should doing so become necessary as a result of the judicial review of the *Business Data Services Order*. We therefore revise the guidance we provided in the *NORC Closure Public Notice*, and now announce that the virtual lockers will not be deleted after the data enclave hosted by NORC closes on December 31, 2017. Instead, all data contained in the data enclave, as of December 31, 2017, including all data, notes and analysis stored in the virtual lockers, will be saved and archived pending judicial review of the *Business Data Services Order*.⁶

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⁵ *NORC Closure Public Notice*, 32 FCC Rcd at 7357.

⁶ See Order, *Citizens Telecommunications Co. of Minn., et al. v. FCC*, Nos. 17-2296, 17-2342, 17-2344 and 17- 2685 (8th Cir. Aug. 7, 2017) (consolidating challenges to *Business Data Services Order*).