

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, DC 20554**

<b>In the Matter of</b>	)	
	)	
<b>Special Access for Price Cap Local Exchange Carriers</b>	)	<b>WC Docket No. 05-25</b>
	)	
	)	
<b>AT&amp;T Corporation Petition for Rulemaking to Reform</b>	)	
<b>Regulation of Incumbent Local Exchange Carrier Rates</b>	)	<b>RM-10593</b>
<b>for Interstate Special Access Services</b>	)	

**OBJECTION TO RELEASE OF CONFIDENTIAL INFORMATION**

Vantage Point Solutions (VPS) consultants to the attached telecommunications companies (Companies) in Appendix A, who submitted confidential and highly confidential information (Information) in this proceeding relying on the FCC's Data Collection Protective Order<sup>1</sup>, hereby submits this Objection to the release of the Companies' Information. This Objection to the release of the Information is submitted in response to the Commission's request for response to the requests of various parties who requested access to the Information.

The Companies herein have the following objections to the release of the Information:

1. Most of the Information sought by the requesting parties in this proceeding is extremely competitive sensitive and not publicly available. For example, the Data Collection requires that certain providers and purchasers of special access and certain entities providing "best efforts" broadband Internet access service in areas where the incumbent local exchange carrier (ILEC) is subject to price cap regulation to submit data regarding network facility locations with connections, prices charged to customers at the circuit-level, maps showing fiber routes and points of interconnection, revenues and expenditures.<sup>2</sup> This is very detailed individual company network information at a circuit-level showing actual customers and individual fiber routes with

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<sup>1</sup> Data Collection Protective Order, In re Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25, RM-10593, DA 14-1424 (rel. Oct. 1, 2014).

<sup>2</sup> See Data Collection Order, 27 FCC Rcd at 16318.

points of interconnection. All of this is some of the most sensitive network information Companies possess showing actual customer information triggering CPNI issues and also network location information, which is highly protected for security and competitive reasons.

2. Some of the parties do not identify who they represent or what the intended purpose for their requests or accessing the data is. It's hard to determine if there are any legitimate purposes, if the requests are competitively motivated or the parties are just fishing for information.
3. The Freedom of Information Act (FOIA) requires the Commission to disclose reasonably described agency records requested by any person unless the records contain information falling within an exemption.<sup>3</sup> Under FOIA 5 U.S.C. 552(b)(4), which clearly applies here, the FCC can withhold from public inspection "trade secrets and commercial or financial information obtained from a person and privileged or confidential." The Commission's rules implementing FOIA and this exemption list the financial and other types of trade secret information submitted in this proceeding as records that are "not routinely available" for public inspection.<sup>4</sup> The submitting Companies stamped the Information submitted in this proceeding with appropriate confidentiality designations as defined in the protective order. Therefore, the submitting Companies have complied with the FCC rules and protective order and the Information submitted should be subject to protections under FOIA and the Commission's implementing rules.
4. The Wireline Competition Bureau (WCB) previously adopted protective orders in the special access proceeding. For example, the WCB adopted a protective order covering the submission of proprietary or confidential information filed in the underlying rulemaking proceeding initiated in 2005.<sup>5</sup> A subsequent modification to this protective order and a second protective order were issued in connection with the WCB's voluntary requests for information on the special access market.<sup>6</sup> The *Second Protective Order* created another level of protections for

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<sup>3</sup> See 5 U.S.C. 552

<sup>4</sup> 47 C.F.R. 0.457(d).

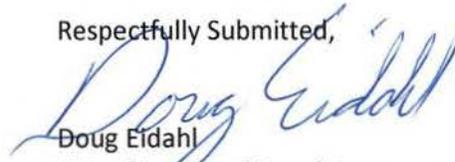
<sup>5</sup> *Special Access Rates for Price Cap Local Exchange Carriers*, WC Docket No. 05-25, Order, 20 FCC Rcd 10160, 10160, paras. 1-2 (WCB 2005) (*First Protective Order*).

<sup>6</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-

information deemed “Highly Confidential Information” – information that “if released to competitors would allow those competitors to gain a significant advantage in the marketplace.”<sup>7</sup> Access to information designated as “Highly Confidential Information” under the *Second Protective Order* and its supplements is limited to parties that are insulated from the competitive decision-making activities of any entity in competition with or in a business relationship with the submitting party. Only outside counsel or outside consultants not involved in competitive decision-making, as those terms are defined in the Protective Order, retained to assist in the special access proceeding may review the information.<sup>8</sup>

To summarize, on behalf of our clients listed in Appendix A, VPS strongly objects to the release of either the confidential or highly confidential Information due to the sensitive nature of the Information described above. The need to protect the data and security risks far outweigh any needs of the requesting parties to access the data. The Information clearly falls within the FOIA exemptions and the FCC has the legal right to deny and should deny the requests.

Respectfully Submitted,



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25, RM-10593, Modified Protective Order, 25 FCC Rcd 15168 (WCB 2010) (*Modified First Protective Order*); *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, Second Protective Order, 25 FCC Rcd 17725, 17727-28, para. 6 (WCB 2010) (*Second Protective Order*); Letter from Sharon E. Gillett, Chief, WCB, to Paul Margie, Wiltshire & Grannis LLP, WC Docket No. 05-25, RM-10593, 26 FCC Rcd 6571 (WCB 2011) (granting a request for enhanced Confidential treatment for certain data pursuant to the *Second Protective Order*) (*First Supplement to Second Protective Order*); Letter from Sharon E. Gillett, Chief, WCB, to Donna Epps, Vice President, Federal Regulatory Affairs, Verizon, WC Docket No. 05-25, RM-10593, 27 FCC Rcd 1545 (WCB 2012) (granting in part, denying in part, a request for Highly Confidential treatment pursuant to the *Second Protective Order*) (*Second Supplement to Second Protective Order*).

<sup>7</sup> See *Second Protective Order*, 25 FCC Rcd at 17727-28, para. 6; *First Supplement to Second Protective Order*, 26 FCC Rcd at 6571-72; *Second Supplement to Second Protective Order*, 27 FCC Rcd at 1545-49.

<sup>8</sup> *Second Protective Order*, 25 FCC Rcd at 17727-29, paras. 5, 12.

## Appendix A

**Vantage Point - Objection to Release of Confidential Information  
(Companies Participating in This Objection)  
WC Docket No. 05-25; RM-10593**

Monarch Technologies, LLC.	Sheila Griffin
South Slope Cooperative Telephone Company	Justyn Miller
FiberNet Communications, LLC.	Ryan Boone
Milford Communications, LLC.	Ryan Boone
Premier Communications, LLC.	Ryan Boone
Sancom, Inc.	Ryan Thompson
Santel Communications Cooperative, Inc.	Ryan Thompson
CML Telephone Cooperative Association	Bruce Johnson
Coon Creek Telecommunications Corporation	Deb Lucht
Citizens Telephone Cooperative	Greg Sapp
Danville Mutual Telephone Company	Tim Fencil
Hospers Telephone Company	Dave Raak

## Service List

A copy of the Vantage Point Solutions Objection in this proceeding has been served by email on July 17, 2015 on the following individuals as representing the Requested Party identified in the Attachment to the Special Access Confidentiality Public Notice DA 15-810:

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Wilkie Farr & Gallagher LLP  
(Birch Communications, Inc., BT Americas Inc., COMPTTEL, Earthlink, Inc., and Level 3 Communications)

Special Access ([special.access@fcc.gov](mailto:special.access@fcc.gov))  
Federal Communications Commission