

July 21, 2015

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: *Special Access for Price Cap Local Exchange Carriers; WC Docket No. 05-25, RM-10593***

Dear Ms. Dortch:

This letter is the response of Sprint Corporation to the recently filed objections opposing release of confidential and highly confidential information to the persons listed in the July 10, 2015 Public Notice<sup>1</sup> (the “Filers”). Tellingly, none of the objecting parties even attempts to allege that the release of confidential or highly confidential information to any of the Filers would violate the terms the October 1, 2014 *Protective Order*.<sup>2</sup> Instead, more than nine months after the fact, the objecting parties oppose *any* disclosure of commercially sensitive information and demand additional protections beyond those adopted by the Wireline Competition Bureau (the “Bureau”) last October—in essence challenging the *Protective Order* itself. However, the deadline for submitting applications for review of the *Protective Order* passed on October 31, 2014, rendering each recently filed objection untimely.<sup>3</sup> Accordingly, the Bureau should summarily dismiss the objections and make the special access data it has collected available to all appropriate reviewing parties, including the Filers, as soon as possible.

In the *Protective Order*, the Bureau established a procedure for releasing confidential and highly confidential information submitted in response to the Commission’s special access data collection. The Bureau limited access to such information to persons not involved in the competitive decision-making of any entity that competes or has a business relationship with a

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<sup>1</sup> *Parties Seeking Access to Data and Information Filed in Response to the Special Access Data Collection*, Public Notice, WC Docket No. 05-25, RM-10593, DA 15-810 (rel. July 10, 2015).

<sup>2</sup> *See 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 Data Collection Protective Order, DA 14-1424, 29 FCC Rcd. 11,657, ¶ 23 (Wireline Comp. Bur. 2014) (“*Protective Order*”).

<sup>3</sup> *See id.* ¶ 30 (ordering the *Protective Order* “effective upon its adoption”); 47 C.F.R. § 1.115(d) (requiring parties to submit applications for review within 30 days of public notice of actions taken on delegated authority).

submitting party.<sup>4</sup> With respect to highly confidential information, the Bureau further restricted access to outside counsel and consultants only. To enforce these limitations, the Bureau required persons seeking access to confidential and highly confidential information to execute and publicly file an Acknowledgment of Confidentiality containing appropriate representations.<sup>5</sup> The Bureau also provided submitting parties an opportunity to object, if necessary, to the release of confidential or highly confidential information “to any person filing an Acknowledgment.”<sup>6</sup>

The objecting parties improperly use the objection process to challenge the *Protective Order* itself. US Signal Company, LLC, Vantage Point Solutions, and Service Electric Cable T.V., Inc. complain that the release of their information to competitors would be harmful, ignoring that the *Protective Order* limits access to individuals not engaged in competitive decision-making (and, for highly confidential information, to outside counsel and consultants only) precisely for that reason.<sup>7</sup> JSI similarly requests additional protections beyond those adopted in the *Protective Order*, petitioning the Bureau to withhold release of information altogether in certain markets.<sup>8</sup> TransWorld Network, Corp., Vantage Point Solutions, and Service Electric Cable T.V., Inc. further base their objections on a claimed need for additional information, even though each Filer appears to have completed, without omission, the template Acknowledgment adopted in the *Protective Order*.<sup>9</sup> Finally, Parker FiberNet, Santa Rosa

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<sup>4</sup> *Protective Order* ¶¶ 1, 13, 23.

<sup>5</sup> *Id.* at Appendix A ¶ 5.

<sup>6</sup> *Id.*

<sup>7</sup> Opposition of US Signal Company, LLC at 3-4, WC Docket No. 05-25, RM-10593 (filed July 16, 2015); Opposition of Vantage Point Solutions at 1-3, WC Docket No. 05-25 (filed July 17, 2015) (“Vantage Opposition”); Opposition of Service Electric Cable T.V., Inc. at 1-4, WC Docket No. 05-25 (filed July 17, 2015) (“Service Electric Opposition”).

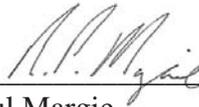
<sup>8</sup> Opposition of JSI at 2 n.2, WC Docket No. 05-25 (filed July 17, 2015).

<sup>9</sup> Opposition of TransWorld Network, Corp. at 2-3, WC Docket No. 05-25 (filed July 16, 2015) (“TransWorld Opposition”); Vantage Opposition at 2; Service Electric Opposition at 4-5. Much of the additional information these parties seek is available already. Specifically, these parties request information regarding whether or not each Filer seeks access to confidential and highly confidential information, the client represented by each Filer, and each Filer’s “intended purpose for accessing the data.” *See, e.g.*, TransWorld Opposition at 2-3. But in the Public Notice, the Bureau clearly identified whether each Filer was seeking access to confidential information or both confidential and highly confidential information. The Bureau also identified the client represented to the extent such information was readily apparent from the Acknowledgments. Moreover, in the underlying, publicly filed Acknowledgments, each Filer stated that he or she would observe the use restrictions prescribed in the *Protective Order*, which provides that any reviewing party “shall use the information solely for the preparation and conduct of this proceeding before the Commission and any subsequent judicial proceeding arising directly from this proceeding and, except as provided herein, shall not use such documents or information for any other purpose, including without limitation business, governmental, or commercial purposes, or in any other administrative, regulatory or judicial proceedings.” *Protective Order* at Appendix A ¶ 8.

Telephone Company, and Brown County C-LEC, LLC object generally to the disclosure of their information without any further explanation or elaboration.<sup>10</sup>

No objecting party purports to identify any Filer involved in competitive decision-making, nor any internal employee attempting to seek access to highly confidential information. At best, these threadbare and at times inaccurate objections second-guess the “balance” the Bureau has already struck between “protecting competitively sensitive information [and] still allowing interested parties to review the data collected and participate in the underlying rulemaking proceeding.”<sup>11</sup> As discussed above, the time to request reconsideration of decisions providing for and governing the release of special access data has long since passed. The Bureau should release the collected data without further delay.

Respectfully Submitted,



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<sup>10</sup> Opposition of Parker FiberNet at 1, WC Docket No. 05-25 (filed July 17, 2015); Opposition of Santa Rosa Telephone Company at 1, WC Docket No. 05-25 (filed July 17, 2015); Opposition of Brown County C-LEC, LLC at 1, WC Docket No. 05-25 (filed July 17, 2015).

<sup>11</sup> *Protective Order* ¶ 29.