Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Parties Seeking Access To Data and	)	
Information Filed In Response To The	)	WC Docket No. 05-25
Special Access Data Collection	)	RM-10593

TRANSWORLD OBJECTION

TransWorld Network, Corp. ("TransWorld") hereby submits its Objection to the release of its confidential and highly confidential information to the parties identified in the Attachment to *Public Notice DA 15-1254.*[1] Pursuant to *Public Notice DA 15-1254,* "companies that submitted confidential and highly confidential information in response to the collection have until November 16, 2015 to object to disclosure of their data and information to any of the parties listed in the attachment to this Public Notice."[2]

The Attachment to *Public Notice DA 15-1254* identifies the "Party Filing Acknowledgement Date(s) Filed," the "Name, Position, Firm" of the requesting party, and the type of information (confidential and/or highly confidential) to be accessed by the party. The Commission has previously stated that "In addition to identifying the requesting party, we will include details about the requesting party, *e.g*., job title, employer, client represented, **intended purpose for accessing data,** to help Submitting Parties evaluate whether to object to the access sought" (emphasis added).[3] The Attachment to *Public Notice DA 15-1254* does not, however, include some of the necessary information that the Commission specifically stated it would provide "to help Submitting parties evaluate whether to object to the access sought."

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[1] FCC Public Notice, *Additional Parties Seeking Access To Data and Information Filed In Response To The Special Access Data Collection*, WC Docket No. 05-25, RM-10593, DA 15-1254, November 6, 2015 ("*Public Notice DA 15-1254").*
[2] *Public Notice DA 15-1254* at p. 2.
[3] *In the Matter of Special Access for Price Cap Local Exchange Carriers, et al.,* Order and Data Collection Protective Order, WC Docket No 05-25, DA 14-1424 at footnote 57, October 1, 2014 ("*Order and Data Collection Protective Order").*

Specifically, the Attachment to *Public Notice DA 15-1254* does not identify whether or not the requesting party is seeking access to TransWorld's confidential and highly confidential information and does not identify the "intended purpose for accessing data" by the requesting party. Without this information, it is impossible for TransWorld to evaluate the request for access to confidential and highly confidential information and determine whether or not to object to any specific disclosure of TransWorld's data and information to the requesting parties.

The Commission addressed some of TransWorld's concerns in its *Order and Modified Data Collection Protective Order*, in which the Commission requires requesting parties to identify the real party-in-interest and identify the intended purpose of the party seeking access to confidential and highly confidential information, but the Attachment to *Public Notice DA 15-1254* does not identify whether or not the requesting party is seeking access to TransWorld's confidential and highly confidential information and does not identify the "intended purpose for accessing data" by the requesting party. The significance of this additional information can not be overstated because at issue is access to highly sensitive business and competitive information that is not typically disclosed, even under terms of confidentiality. Any party seeking access to highly sensitive business and competitive information should, at a minimum, consistent with the Protective Order, identify (i) whose confidential information they are seeking access to and (ii) the specific purpose of seeking access to this information, in addition to the other information previously provided. The Commission should not allow "fishing expeditions" by requesting parties on carriers' highly sensitive business and competitive information, without parties identifying a specific purpose of seeking access to such information. TransWorld's position is that simply stating "a party certifies that its purpose for accessing and using the special access data is 'solely for preparation and conduct' in the special access proceeding,"[4] is not sufficient and is not consistent with the intent of the *Order and Data Collection Protective Order* to

[4] *Public Notice DA 15-1254* at p. 1.

provide parties disclosing highly sensitive business information with the necessary information to evaluate a specific request for access to its special access information.

The Commission has recognized the very sensitive nature of allowing others to gain access to a company's confidential and highly confidential special access information and has established a process to be followed by requesting parties prior to gaining access to this information.

> Access to Highly Confidential Information and Highly Confidential Data is limited to Outside Counsel and Outside Consultants and their employees who are not involved in the Competitive Decision-Making activities of a competitor of a Submitting Party or a person with whom the Submitting Party does business. A Submitting Party will have the opportunity to object to persons or entities seeking to review their Confidential Information, Highly Confidential Information, and Highly Confidential Data. Specifically, as described in the Protective Order, we will periodically release a public notice identifying those parties that have filed a signed Acknowledgement with the Commission and requested access to Confidential Information, Highly Confidential Information, and Highly Confidential Data. (Footnote 57: See App. A, Data Collection Protective Order, para. 5. In addition to identifying the requesting party, we will include details about the requesting party, e.g., job title, employer, client represented, **intended purpose for accessing data,** to help Submitting Parties evaluate whether to object to the access sought.)[5]

TransWorld hereby objects to the disclosure of its data and information to the requesting parties listed in the Attachment to *Public Notice DA 15-1254,* until the requesting parties identify (i) whether or not they are seeking access to TransWorld's confidential and highly confidential information, and (ii) the "intended purpose for accessing data," consistent with the requirements and procedural process established in the *Order and Data Collection Protective Order.*

[5] *Order and Data Collection Protective Order* at para. 23.

Once this additional information is provided by the requesting parties, TransWorld will review the request for access and determine whether or not to object to disclosure of TransWorld's confidential and/or highly confidential information.

Respectfully submitted,

TransWorld Network, Corp.

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Dated: November 14, 2015

Service List

A copy of the *TransWorld Objection* has been served by email on November 14, 2015 on the following individuals as representing the Requesting Party identified in the Attachment to the *Public Notice DA 15-1254*.

John Nakahata (jnakahata@hwglaw.com)
Harris Wiltshire & Grannis LLC
James Wieler (The Battle Group)
(Sprint Corporation)

Thomas Jones (tjones@willkie.com)
Wilkie Farr & Gallagher LLP
Otto R. Hansen (FTI Consulting)
Alexandra Lee (FTI Consulting)
(Level 3 Communications, LLC; Windstream Services, LLC; XO Communications, LLC)

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