

March 4, 2016

Ex Parte

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Special Access for Price Cap Local Exchange Carriers
(WC Docket No. 05-25); AT&T Corp. Petition for Rulemaking
to Reform Regulation of Incumbent Local Exchange Carrier
Rates for Interstate Special Access Service (RM-10593)

Dear Ms. Dortch:

The United States Telecom Association (USTelecom) and INCOMPAS hereby jointly submit a revised list of categories of aggregated data that parties should be permitted to include in their public comments and other filings in this proceeding because they do not reveal company-specific Confidential or Highly Confidential information.¹ This list is not intended to be exhaustive, and we ask that the FCC confirm that there may be other categories of non-confidential aggregated data that parties may file in the public record.

USTelecom and INCOMPAS provide the list of aggregated data categories solely for purposes of clarifying the types of information that may be made public under the protective orders in this proceeding. By agreeing to include a category of information in the list, neither USTelecom nor INCOMPAS should be understood to express an opinion as to the relevance or probative value of the information to the issues in this proceeding.

USTelecom further asks that the FCC encourage all parties that submitted redacted comments or other filings in these proceedings to reexamine and revise those comments and filings to remove any improper redactions of non-confidential information, consistent with the categories on the list (as those categories may be revised and approved by the FCC), and to resubmit those comments and filings into the public record to ensure that all interested parties are fully apprised of and may fairly address the arguments presented therein.

¹ See Ex Parte Letter of USTelecom, WC Docket No. 05-25, RM-10593 (filed Feb. 16, 2016) (attaching a proposed list of categories of non-confidential aggregated data).

Ms. Marlene Dortch

March 4, 2016

Page 2

Please do not hesitate to contact the undersigned if you have questions or concerns about this request or the categories on the Attachment. Pursuant to Commission rules, please include this ex parte letter in the above-identified proceedings.

Sincerely,



Diane Griffin Holland
Vice President, Law & Policy
USTelecom Association
607 14th Street, N.W.
Suite 400
Washington, D.C. 20005-2073

/s/

Karen Reidy
Vice President, Regulatory Affairs
INCOMPAS
1200 G Street, N.W.
Suite 350
Washington, D.C. 20005

Attachment

cc: Jonathan Sallet
Joel Rabinowitz
Matthew DelNero
Billy Layton

ATTACHMENT

The following categories of aggregated data are non-confidential:

- Numerical, statistical, and graphical descriptions of data aggregated at a national level,¹ including the presence of providers and their facilities, use of UNEs, end user locations and buildings served or potentially served including how served by the retail provider (e.g., owned connections or facilities, UNEs, resale of special access), census blocks served or potentially served, size of census blocks, locations served that have less than a specified bandwidth, count of connections and circuit elements, including by circuit type (e.g., Ethernet), circuit elements that have a specified bandwidth, revenues, annual or monthly billings, and anonymized market shares of any type, including related derivations such as HHI calculations. This category also allows participants to aggregate data across certain types of census block (e.g., urban, suburban, and rural) and by type of service provider (e.g., ILECs, traditional CLECs, other competitive providers, and cable providers). The following is a non-exclusive list of examples that fall within this category:
 - *At least one competitive provider has facilities in [X]% of census blocks, which cover [Y]% of connections and [Z]% of business establishments.*
 - *One provider has or two/three/four or more providers have facilities, respectively, in more than [X]% of the census blocks and [Y]% of the end user locations with special access demand.*
 - *Nationwide, approximately [X]% of end user locations are served by an ILEC, and approximately [Y]% of end user locations are served by an ILEC, cable provider, traditional CLEC, and/or other competitive provider.*
 - *Competitive providers have relied on UNEs (including, but not limited to, unbundled copper loops) in [X]% census blocks and [Y]% of end user locations nationwide. The median area of all census blocks with special access demand is [X] square miles.*
 - *Cable providers, traditional CLECs, and/or other competitive providers provide special access service in [X]% of census blocks and to [Y%] of the end user locations in those census blocks in which such providers report having fiber facilities.*
 - *Nationwide, cable providers, traditional CLECs, other competitive providers, and ILECs own, respectively, [W]%, [X]%, [Y]%, and [Z]% of special access connections.*
 - *Nationwide, ILECs yielded revenues equal to \$[X] on sales associated with total special access circuits and revenues equal to \$[X] on sales associated with special access circuits at speeds of 0-10 Mbps.*

¹ Participants may not use nationwide data for a single provider (e.g., Level 3) but may aggregate the data across industry categories, such as ILECs, traditional CLECs, and Cable.

- *Nationwide, the average ILEC share of special access revenues is [X] %.*
 - *Nationwide, the mean (or median) size of a census block where there is at least one provider with competitive facilities is [X] square miles.*
- Numerical, statistical, and graphical descriptions of data aggregated at a regional level, Metropolitan Statistical Area (MSA) level (without identifying the MSA), state level (without identifying the state), or urban, suburban, or rural area (without identifying the area) level within an MSA or state, including the presence of providers (by industry sector) and their facilities and the other categories of data listed above. This would also include data aggregated by regulatory pricing flexibility category.² The following is a non-exclusive list of examples that fall within this category:
 - *For each (anonymized) MSA, there is at least one competitive provider with facilities in [X]% of census blocks, which cover [Y]% of connections and [Z]% of business establishments.*
 - *Competitive provider coverage in one MSA exceeds [X]%.*
 - *Competitive providers' own last-mile connections coverage in one MSA exceeds [X] % of end user locations.*
 - *Competitive providers own facilities in [X] % of census blocks and [Y%] of end user locations with special access demand in Phase II MSAs.*
 - *Competitive providers provide dedicated services in [X] % of census blocks and [Y]% of end user locations in Phase II MSAs with demand for such services.*
 - *ILECs, cable companies, traditional CLECs, and other competitive providers own, respectively, [W]%, [X]%, [Y]%, and [Z]% of the end user connections in urban areas in one MSA/state.*
 - *In urban areas in one MSA/state, approximately [X]% of end user locations are served by an ILEC, approximately [Y]% of locations are served by an ILEC, cable provider, traditional CLEC, and/or other competitive provider.*
 - Numerical, statistical, and graphical descriptions at the national, regional, anonymized MSA, or other anonymized location or circuit level concerning the adequacy and completeness of the data set. The following is a non-exclusive list of examples that fall within this category:
 - *Only [X] % of competing provider records have masked bandwidth filed.*
 - *[X] locations, which represent [Y] % of reported locations, could not be assigned geocodes.*
 - *Only about [X] % of the locations in the facilities data have corresponding data in Table II.A.12 and II.B.4.*

² The pricing flexibility categories include Phase I, Phase II, and no pricing flexibility.