

April 6, 2016

VIA ECFS

EX PARTE NOTICE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

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

Dear Ms. Dortch:

On April 4, 2016, Karen Reidy of INCOMPAS and Thomas Jones of Willkie, Farr and Gallagher, representing INCOMPAS, had a phone conversation with Joel Rabinovitz of the General Counsel's Office of the Commission with regard to the data disclosure. During the discussion, we made the following points.

In a recent *ex parte*, US Telecom suggests a need to protect from public disclosure information that includes data from fewer than three providers where one provider has an overwhelming market share, to prevent reverse engineering that could reveal company-specific confidential information.¹ But this rule is unnecessary in circumstances where possible inferences would only concern information that is already available to the public.

For example, where US Telecom or its members provide information as to the number (three or more) of unidentified providers with facilities running through an identified region with fewer than three incumbents, it is important that competitive providers are able to discuss the *percentage* of commercial building to which the incumbent is the only provider, or has the only connection. In our meeting, we pointed out that it is a well-known fact that the incumbent LECs have connections to virtually every location in their respective territories, based on their historical monopoly. Therefore, revealing the percentage of connections to commercial buildings at which the incumbent is the only provider or has the only connection does not reveal confidential information about the incumbent LEC, even in circumstances where one could identify the incumbent LEC. Moreover, precluding competitive providers from discussing information in this manner is not conducive to transparent or valid discourse on the state of the marketplace.

¹ Letter of Diane Holland of US Telecom, to Marlene Dortch, FCC, WC Docket No. 05-25, RM-10593, April 5, 2016.

Respectfully submitted,

/s/ Karen Reidy

cc: Joel Rabinovitz