



Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

[date]

[name of commission official]
[title]
[name of state commission]
[address]
[address]

Dear [name of commission official]:

You have requested an opportunity to review entity-specific subscription data for [name of state] filed pursuant to the Local Telephone Competition and Broadband Reporting program (FCC Form 477) (*see* 47 C.F.R. §§ 1.7001, 43.11). Providers submitting this data have requested confidentiality in accordance with the Commission's rules.¹ Pursuant to Sections 0.291, 1.7001(d)(4)(i), and 43.11(c)(4)(i) of this Commission's rules, we grant [name of state commission] access to FCC Form 477 subscription data and filer identification information for [name of state] subject to, and in reliance upon, your agreement, on behalf of [name of state commission], to treat this information in accordance with procedural and substantive protections that are equivalent to or greater than those afforded under Federal confidentiality statutes and rules, including the Freedom of Information Act (*see* 5 U.S.C. § 552(b)), the Trade Secrets Act (*see* 18 U.S.C. § 1905), and Sections 0.457, 0.459, and 0.461 of the Commission's rules (*see* 47 C.F.R. §§ 0.457, 0.459, 0.461), specifically including Section 0.461(d)(3). To the extent that Federal confidentiality statutes and rules impose a higher standard of confidentiality than state law, the [name of commission] represents that it is legally able to, and will, adhere to the higher Federal standard. The [name of state commission] will notify the Commission when a request under the [name of state] records access statute is filed that includes the FCC Form 477 data.

In accepting the terms of this letter, you represent that you are authorized to act on behalf of the [name of state commission] and that, as such, you and [name of state commission] are willing and able to be bound by the conditions and requirements stated herein. We make no determinations about any provisions of [name of state] law or your statements about such provisions.

We may terminate access at any time by giving notice to [name of state commission]. If access is terminated, [name of state commission] will, upon our request, cause to be returned or destroyed any and all data received pursuant to this grant. The terms and conditions of this grant of access will remain in effect for future filings of FCC Form 477 from entities that report data for [name of state] and will apply to any Form 477 data disclosed under this grant of access while the data are in the possession of [name of state commission], even after a termination of this grant of access. We reserve the right to require that you reconfirm that you are the designated representative of the [name of state commission] at regular intervals.

¹ The Commission and federal courts have recognized the potential sensitivity of some of the data collected on Form 477. *See, e.g., Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Report and Order, 28 FCC Rcd 9887, 9921-22 (2013); *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 7717, 7757-62 (2000); *Local Telephone Competition and Broadband Reporting*, WC Docket No. 04-141, Report and Order, 19 FCC Rcd 22340, 22352-53 (2004); *Center for Public Integrity v. FCC*, 505 F. Supp. 2d 106 (D.D.C.2007).

Sincerely,

Kenneth Lynch
Chief, Industry Analysis Division
Office of Economics and Analytics

Affirmed: _____ Date: _____

[name of commission official], on behalf of
[name of state commission]