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Verizon Request for Confidential Treatment of Demand Data

In support of Transmittal No. 1148 being filed on a streamlined basis
on 15 days' notice under Section 204(a)(3) of the Communications Act.

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

Attention: Wireline Competition Bureau

Dear Ms. Dortch:

Today, the Verizon Telephone Companies¹ are submitting their 2011 Annual Access filing for Tariff FCC Nos. 1, 11, and 16, Access Services, and Tariff FCC No. 14, Facilities for Interstate Access, under Transmittal No. 1148, which is being filed on 15 days' notice pursuant to the Commission's Tariff Streamlining Order.² Because of the competitively sensitive nature of the information, Verizon has redacted certain demand data associated with Transmittal No. 1148. Accordingly, pursuant to Sections 0.457 and 0.459 of the Commission's rules, Exemption 4 of the Freedom of Information Act ("FOIA"), as well as the Tariff Streamlining Order and the rules adopted thereunder, Verizon is hereby requesting that such demand data be treated as confidential and be made subject to the standard Protective Order and Declaration adopted by the Commission in the Tariff Streamlining Order and published in Appendix B thereof. 47 C.F.R. §§ 0.457, 0.459; 5 U.S.C. § 552(b)(4).

¹ The Verizon Telephone Companies making this filing include: (a) Verizon Delaware LLC; Verizon Maryland Inc.; Verizon New England Inc.; Verizon New Jersey Inc.; Verizon New York Inc.; Verizon Pennsylvania Inc.; Verizon Virginia Inc.; and Verizon Washington, D.C. Inc.; and (b) Verizon California Inc.; Verizon Florida LLC; Verizon North LLC; Verizon South Inc.; and GTE Southwest Incorporated d/b/a Verizon Southwest. The companies in (a) will be referred to as Verizon-East. The companies in (b) will be referred to as Verizon-West

² *In the Matter of Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996*, Order, 12 FCC Rcd 2170 (1997) ("Tariff Streamlining Order").

Under Exemption 4 of the FOIA, commercial or financial information is held to be confidential, and thus entitled to protection, if disclosure of such information would, *inter alia*, be likely to cause substantial harm to the competitive position of the person from whom the information was obtained. *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); and *Critical Mass Energy Project v. NRC*, 830 F.2d 278, 873 (D.C. Cir. 1987). The Commission has consistently held that subscriber data satisfy the requirements of Exemption 4. *See, e.g., Cox Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12160, ¶ 12 (2004); *Comcast Cable Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12165, ¶ 6 (2004); *Time Warner Cable; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12170, ¶ 5 (2004); and *Altrio Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12176 ¶¶4-5 (2004).

The information for which Verizon seeks confidential treatment is competitively sensitive particularized demand data which, if made available to competitors and alternative providers, would provide such entities with valuable information regarding Verizon's customer base in particular zones within a state. This information would assist competitors in targeting their marketing efforts to the areas with the largest concentrations of customers. Verizon is subject to actual and potential competition with respect to all of its services. The demand data provides a roadmap detailing the level of success Verizon is experiencing with specific types of services in particular geographic areas. If competitors are able to gain an unfair advantage by obtaining such a detailed picture of Verizon's strategies and successes, they may be able to anticipate Verizon's strategic initiatives in a targeted way.

For these reasons, Verizon respectfully requests that the Commission grant confidential treatment to certain Zone detail end user demand information submitted in support of Transmittal No.1148, and that such information be subject to the standard protective order provided for in the Tariff Streamlining Order.

Pursuant to the non-disclosure agreement that provides for review of information granted confidential treatment by interested parties, for the specific purpose of review and comment on the instant transmittal only, Verizon will provide access and review of such information to signatories of such an agreement at the location listed below.

All correspondence and inquiries in connection with this request should be forwarded to Frederick Moacdieh, Executive Director, Federal Regulatory Affairs, via facsimile on (202) 336-7922 or by hand-delivery to 1300 I Street, NW, Suite 400 West, Washington, DC 20005.

