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January 26, 2012

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**REDACTED – FOR PUBLIC INSPECTION**

Dear Ms. Dortch:

Windstream Nebraska, Inc., Windstream Sugar Land, Inc., and Valor Telecommunications of Texas, LP d/b/a Windstream Communications Southwest (“Windstream”) hereby submit the attached Petition for Pricing Flexibility (“Petition”). The Petition is submitted in accordance with Sections 1.774 and 69.701 *et seq.* of the Commission’s rules.<sup>1</sup>

In conjunction with the Petition and pursuant to Sections 0.457 and 0.459(b) of the Commission’s rules, Windstream requests confidential treatment of Appendix C and Appendix E of the enclosed Petition.<sup>2</sup> Windstream asserts the following in support of this request:

- 1. Identification of the specific information for which confidential treatment is sought.**  
Windstream requests confidential treatment of the information in Appendix C and Appendix E of the Petition. Appendix C includes wire center-level revenue data. Appendix E includes the identities of entities collocating with Windstream.
- 2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.**  
Confidential treatment is requested in conjunction with Windstream’s Petition submitted pursuant to Sections 1.774 and 69.701 *et seq.* of the Commission’s rules.<sup>3</sup>
- 3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**  
The information that Windstream seeks protection for includes sensitive revenue and operations data. Disclosure of this information threatens Windstream’s competitive position in the market. If disclosed, Windstream’s competitors would gain insight into Windstream market plans and business strategies. The Commission has recognized that disclosure of information relating to market plans and business strategies can cause substantial competitive harm.<sup>4</sup>

<sup>1</sup> 47 C.F.R. §§ 1.774, 69.701 *et seq.*

<sup>2</sup> 47 C.F.R. §§ 0.457, 0.459(b).

<sup>3</sup> 47 C.F.R. §§ 1.774, 69.701 *et seq.*

<sup>4</sup> See *Southwestern Bell Telephone Company, Cost Support Filed Under Request for Confidential Treatment*, CC Docket No. 93-162 (1999).

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**4. Explanation of the degree to which the information concerns a service that is subject to competition.**

This Petition seeks pricing flexibility for dedicated transport and access services precisely because the services are competitive. Competitive local exchange carriers have collocated with Windstream's facilities and offer rival services.

**5. Explanation of how disclosure of the information could result in substantial competitive harm.**

The information contained in Appendix C and Appendix E of the Petition includes sensitive, confidential financial data and business information. Disclosure of wire center-level revenue data would allow Windstream's competitors to target individual Windstream wire centers for collocation. This competitive disadvantage would further increase if the identities of Windstream collocators also were disclosed.

**6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**

The information in Appendix C and Appendix E is confidential business information and is treated as such. The information is not ordinarily shared with unauthorized individuals, entities, or other third parties.

**7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

The information for which Windstream is seeking confidential treatment has not been disclosed to third parties or the general public.

**8. Justification of the period during which the submitting party asserts material should not be available for public disclosure.**

Windstream requests that the information remain confidential indefinitely. The information for which Windstream requests confidential treatment may be useful to competitors beyond any foreseeable time period. Disclosure would provide Windstream's competitors with sensitive business information that could be used for estimating current and forecasting future business information. Historical data could be used for evaluating trends and business decisions.

**9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.**

Data subject to this request also would qualify for Exemption 4 of the Freedom of Information Act. Exemption 4 protects information that is (i) commercial or financial; (ii) obtained by a person outside of the government; and (iii) privileged or confidential.<sup>5</sup>

Please contact me if you have any questions or require any additional information.

Respectfully Submitted,

/s/

Malena Barzilai

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<sup>5</sup> See 5 U.S.C. § 552(b)(4); *Fed. Open Market Comm. v. Merrill*, 443 U.S. 340, 360 (1979).