



80 South Jefferson Road
Whippany, NJ 07981

Jennifer Leonard
Director
Access Tariffs & Costs

Voice: 973-884-8068
Fax: 973-599-6612
E-mail: jleonard@neca.org

August 6, 2013

Transmittal No. 1389 - Amended

Secretary
Federal Communications Commission
Washington, D.C. 20554

Attention: Wireline Competition Bureau

The accompanying tariff material, issued on behalf of the National Exchange Carrier Association, Inc. (NECA) bearing Tariff F.C.C. No. 5, Access Service, is sent to you for filing in compliance with the Communications Act of 1934, as amended.

With this filing, NECA is amending Transmittal No. 1389 to resubmit updated Connect America Fund Intercarrier Compensation (CAF ICC) Tariff Review Plan (TRP) data, as described below. NECA is also amending Transmittal No. 1389 to resubmit files containing exhibits in Volume 1 of its supporting documentation to update certifications for one carrier in Appendix D.

Transmittal No. 1389 was filed on June 17, 2013, amended on June 24, 2013 and became effective on July 2, 2013. As part of the cost support for that filing NECA submitted the required TRP files for the 2013-2014 tariff test period. On July 26, 2013 the Wireline Competition Bureau released an Order clarifying that Fremont Telcom Co. (SAC 472222) would continue to receive frozen Connect America Phase I support through December 31, 2013 and would begin receiving high-cost support as a rate-of-return carrier (not affiliated with a price cap carrier) beginning January 1, 2014.¹

As a result of the recently released Order, this amendment includes updated TRP CAF ICC data for Fremont Telcom Co. in the file titled TRPCAFICCD_Confidential.xls. No changes were made to other companies' CAF ICC data previously submitted in the TRP CAF ICC spreadsheet files for the 2013-2014 tariff test period. While all other TRP data contained in the files listed as attachments below remain unchanged, those files are also being refiled in compliance with the Federal Communications Commission's Order² related to the 2013 annual access tariff filings.

This filing also amends Transmittal No. 1389 to resubmit the files containing the updated Volume 1 Appendix D, Exhibit 1 Carriers not Seeking Duplicative Recovery, Exhibit 2 Carrier Eligibility for CAF/ICC Recovery and Exhibit 3 Accuracy of CAF ICC Data certifications for Fremont Telcom Co. No changes were made to other companies' certifications previously submitted in these volumes.

¹ See Connect America Fund High-Cost Universal Service Support, WC Docket Nos. 10-90 and 05-337, Order, DA 13-1656 (rel. July 26, 2013), para. 19.

² See Material to be Filed in Support of 2013 Annual Access Tariff Filings, WC Docket No. 13-76, Order, 28 FCC Rcd 5224 (2013), para 37.

This filing includes data to support NECA's calculation of estimates of each Telephone Company's Eligible Recovery, Access Recovery Charge (ARC) rates and revenues, and CAF ICC support. NECA seeks confidential treatment of this data pursuant to the *Protective Order* designated for use in tariff proceedings.³

Accordingly, the confidential data files have been marked, "**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE.**" Attachment A of this Transmittal Letter contains detailed information regarding NECA's request for confidential treatment. This filing also includes a redacted version of each of the files identified in Attachment A marked, "**REDACTED – FOR PUBLIC INSPECTION.**"

Attachment B to this transmittal includes the listing of FCC Registration Numbers (FRNs) for the Telephone Companies on whose behalf this tariff filing is being made.

In compliance with Section 61.14 of the Commission's Rules, the amended transmittal and associated files are being transmitted electronically today via the Commission's Electronic Tariff Filing System.

All correspondence and inquiries concerning this filing should be directed to me at the above address or faxed to 973-599-6612.

Jennifer Leonard

Attachments

Attachment A
Attachment B
Volume 1 Appendix D (Vol1ExhibitsE.pdf, Vol1ExhibitsJ.pdf and Vol1ExhibitsO.pdf)
TRPCAFICCA_Confidential.xls
TRPCAFICCB_Confidential.xls
TRPCAFICCC_Confidential.xls
TRPCAFICCD_Confidential.xls
TRP_ECEExpl_Confidential.pdf
TRPText.pdf
TRPExhibits.xls
TRPCAFICCA_Public.xls
TRPCAFICCB_Public.xls
TRPCAFICCC_Public.xls
TRPCAFICCD_Public.xls
TRP_ECEExpl_Public.pdf

³ See Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996, CC Docket No. 96-187, Report and Order, 12 FCC Rcd 2170 (1997), Appendix B (*Protective Order*).

Request for Confidential Treatment

NECA seeks confidential treatment under the *Protective Order* designated for use in tariff proceedings⁴ for the data provided in the files identified below. This data is filed electronically via ETFS as part of the Tariff Review Plan for NECA's Tariff F.C.C. No. 5 filing, made under Transmittal No. 1389. This data is required by the Commission to monitor rate of return exchange carrier compliance⁵ with rules regarding the revenue recovery mechanism⁶ for revenue lost due to mandatory access rate reductions.

Pursuant to the terms of the *Protective Order*, signed declarations requesting access to the confidential information should be sent to the attention of Jennifer Leonard, NECA Director Access Tariffs & Costs, via email to Tariff5@neca.org or via facsimile at 973.599.6612. NECA will provide electronic copies of the un-redacted files to Authorized Representative(s).⁷ NECA designates 80 South Jefferson Rd. Whippany, NJ 07981 and 1634 I (Eye) St., NW, Suite 510, Washington, D.C. 20006 as its public inspection locations.

Notwithstanding the *Protective Order*, the information provided in the files listed below is entitled to confidential, non-public treatment under the Freedom of Information Act (FOIA) and related provisions of the Commission's rules.⁸ The information satisfies the requirement of FOIA Exemption 4 (trade secrets or commercial/financial information).

NECA submits the following information pursuant to section 0.459 in support of its request for confidential treatment of the data in the identified files.

- Identification of the specific information for which confidential treatment is sought:

NECA seeks confidential treatment for certain information in the following files, which contain confidential and proprietary financial information of NECA Traffic Sensitive (TS) tariff participants:

TRPCAFICCA_Confidential.xls;
TRPCAFICCB_Confidential.xls;
TRPCAFICCC_Confidential.xls;
TRPCAFICCD_Confidential.xls; and
TRP_ECEexpl_Confidential.pdf.

⁴ See Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996, CC Docket No. 96-187, Report and Order, 12 FCC Rcd 2170 (1997), Appendix B (*Protective Order*).

⁵ 47 U.S.C § 51.919(b)

⁶ 47 U.S.C § 51.917

⁷ See *Protective Order*, ¶ 1.a.

⁸ 47 C.F.R. §§ 0.457 and 0.459; 5 U.S.C. § 552, et. seq.

This information includes actual revenues, expenses and demand for the 2011 fiscal year; projections of revenue requirements and demand for the 2013-2014 test period; and the product of calculations made using the confidential data.

The data includes information on interstate access, intrastate access, reciprocal compensation, VoIP and fees quantified at the study area and/or exchange area level that was used by NECA to calculate each exchange carrier's Eligible Recovery and the ARC rates contained in this proposed tariff filing.

- Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:

This information is filed electronically via ETFS in conjunction with NECA Tariff F.C.C. No. 5, Transmittal No. 1389.

- Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged:

The information in the files contains sensitive study area-specific and exchange area-specific information for NECA TS tariff participants as required by Commission rules for monitoring compliance with the CAF ICC recovery mechanism. At the study area and exchange level, the information is granular and highly confidential to the reporting TS tariff participants. The financial data is treated as a confidential trade secret by TS tariff participants.

- Explanation of the degree to which the information concerns a service that is subject to competition:

Rural telephone service has historically lent itself to "cherry picking" by competitors that choose to serve only the low cost areas within a study area. Detailed information about revenues, expenses, and demand may help prospective competitors to gain insight to incumbent LEC (ILEC) market strategies and gain competitive advantage.

- Identification of any measures taken by the submitting party to prevent unauthorized disclosure:

The information provided in the files is maintained on a confidential basis and made available only to NECA representatives on a need to know basis. Any public information is only made available on an aggregate basis.

- 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 in the identified files is not publicly available.

- Justification of the period during which the submitting party asserts that material should not be available for public disclosure:

NECA requests that all TS tariff participant data provided in the TRP files identified above be treated as confidential indefinitely. Because of the sensitive nature of the data, it would not be appropriate for public disclosure at any time in the foreseeable future.

The *Protective Order* places additional requirements on Authorized Representative(s) to destroy or return all confidential information, as well as copies and derivative materials, within two weeks after final resolution of this proceeding.⁹

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

NECA is submitting this information on behalf of the ILECs that participate in NECA's TS tariff. The Commission should take care to not deprive those ILECs of the opportunity to speak for themselves in the event of a FOIA request for access to data. NECA requests that the Commission notify carriers of any FOIA request and allow them to be given a reasonable opportunity to file detailed information supporting continued confidential treatment of their respective data.

Accordingly, NECA requests confidential treatment of the member data provided in the files identified above pursuant to section 0.457 and 0.459 of the Commission's rules and paragraph 2 of the *Protective Order*. Pursuant to the *Protective Order*, NECA has marked each page of the non-redacted version of each of the identified files as follows:

**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT
RELEASE**

NECA has also complied with the requirement of the *Protective Order* for providing a redacted copy of each of the files identified above, which are marked: **REDACTED – FOR PUBLIC INSPECTION**.

⁹ See *Protective Order*, ¶ 14.

FCC Registration Number for Tariff 5 Participants

Attachment B

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Attachment B

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0002713626	0003749611	0004976932	0002058261
0001549914	0004333266	0004327219	0004956652
0004957528	0001730126	0003749645	0003746088
0005057328	0003686888	0005569199	0005569199
0003936994	0003767720	0004331070	0004333043
0002586998	0002589307	0002592426	0001886977
0002645612	0002592392	0001792621	0001792621
0002592384	0003686821	0003742343	0004382545
0002430163	0002477651	0002477651	0005063045
0002009405	0003723723	0004278453	0002722049
0002590073	0001667765	0004338463	0003740008
0001583194	0001644798	0003785300	0004969093

FCC Registration Number for Tariff 5 Participants

Attachment B

0003767969	0002333672	0004321451	0001616192
0002643799	0003774460	0001857598	0003718426
0004939864	0001888155	0002334555	0005065958
0003722907	0005067665	0002590057	0002590057
0002648657	0001724426	0003774478	0003774494
0003727385	0003756590	0003756590	0003744141
0003772993	0004073680	0002590032	0003767753
0003724655	0001678804	0004341285	0001581974
0001731280	0004985065	0004983896	0004325924
0004948253	0004328134		