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Transmittal No. 1423 - 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. 1423 to submit updated Connect America Fund Intercarrier Compensation (CAF ICC) Tariff Review Plan (TRP) data, as described below. NECA is also amending Transmittal No. 1423 to resubmit files containing exhibits in Volume 1 of its supporting documentation to update certifications for the carriers identified below.

Transmittal No. 1423 was filed on June 16, 2014, amended on June 18, 2014 and became effective on July 1, 2014. As part of the cost support for that filing, NECA submitted the required TRP files for the 2014-2015 tariff test period.

On August 7, 2014 the Commission released an Order granting in part, subject to identified conditions, two petitions seeking waiver of certain recovery rules to enable the requesting carriers to include in their recovery calculations the funds they were unable to collect from a carrier customer due to an access avoidance scheme and subsequent bankruptcy.¹ Specifically, the Commission permitted the requesting carriers to include in their ICC Base Period Revenue unpaid amounts billed to Halo Wireless, Inc. for intrastate usage during Fiscal Year 2011 provided each carrier certify to five conditions that ensure the adjustments comply with Commission rules.²

As a result, this amendment includes updated TRP CAF ICC data for the following companies consistent with the requirements of the Commission's *Halo Order*:

Study Area Code	Company Name	File Name
230469	Barnardsville Telephone Company	TRPCAFICCB_Confidential.xls
230498	Saluda Mountain Telephone Company	TRPCAFICCB_Confidential.xls

¹ See *Connect America Fund, Developing a Unified Intercarrier Compensation Regime, Petitions for Waiver of Section 51.917(b)(7) of the Commission's Rules*, WC Docket No. 10-90 and CC Docket No. 01-92, Order, 29 FCC Rcd 9958 (2014), ¶ 2 (*Halo Order*).

² *Id.* at ¶¶ 5 and 23.

Study Area Code	Company Name	File Name
230500	Service Telephone Company	TRPCAFICCB_Confidential.xls
240533	McClellanville Telephone Company, Inc.	TRPCAFICCB_Confidential.xls
240535	Norway Telephone Company, Inc.	TRPCAFICCB_Confidential.xls
240544	St. Stephen Telephone Company	TRPCAFICCB_Confidential.xls
240551	Williston Telephone Company	TRPCAFICCB_Confidential.xls
250284	Butler Tel. Co., Inc.	TRPCAFICCB_Confidential.xls
250311	Oakman Telephone Company, Inc.	TRPCAFICCB_Confidential.xls
250314	Peoples Telephone Company, Inc.	TRPCAFICCB_Confidential.xls
260411	Leslie County Telephone Company	TRPCAFICCB_Confidential.xls
260412	Lewisport Telephone Company, Inc.	TRPCAFICCB_Confidential.xls
260417	Salem Telephone Company	TRPCAFICCB_Confidential.xls
280448	Calhoun City Telephone Company, Inc.	TRPCAFICCB_Confidential.xls
287449	Myrtle Tel. Co., Inc.	TRPCAFICCB_Confidential.xls
290566	Humphrey's County Telephone Company	TRPCAFICCB_Confidential.xls
310672	Communications Corporation of Michigan	TRPCAFICCC_Confidential.xls
310677	Island Telephone Company	TRPCAFICCC_Confidential.xls
310685	Chatham Telephone Company	TRPCAFICCC_Confidential.xls
310726	Shiawassee Telephone Company	TRPCAFICCC_Confidential.xls
310738	Wolverine Telephone Company	TRPCAFICCC_Confidential.xls
330849	Black Earth Telephone Company	TRPCAFICCC_Confidential.xls
330851	Bonduel Telephone Company	TRPCAFICCC_Confidential.xls
330856	Burlington, Brighton & Wheatland Telephone Company	TRPCAFICCC_Confidential.xls
330909	Midway Telephone Company, Inc.	TRPCAFICCC_Confidential.xls
330914	Eastcoast Telecom, Inc.	TRPCAFICCD_Confidential.xls
330915	Mosinee Telephone Company, LLC	TRPCAFICCD_Confidential.xls
330943	Riverside Telecom, Inc.	TRPCAFICCD_Confidential.xls
330945	Scandinavia Telephone Company	TRPCAFICCD_Confidential.xls
330952	Southeast Telephone Company of Wisconsin	TRPCAFICCD_Confidential.xls
330955	State Long Distance Telephone Company, LLC	TRPCAFICCD_Confidential.xls
330958	Tenney Telephone Company	TRPCAFICCD_Confidential.xls
330968	Waunakee Telephone Company	TRPCAFICCD_Confidential.xls

The data required by the *Halo Order* at paragraph 26 is included as separate tabs labeled “FCC 14-121 Data” and “FCC 14-121 Cites” in each of the above files. In addition, although no changes were made to other companies’ CAF ICC data previously submitted in the TRP CAF ICC spreadsheet files for the 2014-2015 tariff test period, this data is being refiled in compliance with the Commission’s *TRP Order*³ related to the 2014 Annual Access Tariff Filings.

This filing also amends Transmittal No. 1423 to resubmit the files containing updated Volume 1, Appendix C, 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 the above listed companies. No changes were made to other companies’ certifications previously submitted in these volumes. In addition, this amendment also submits a new Exhibit 4 Halo Order Requirements containing

³ See *Material to be Filed in Support of 2014 Annual Access Tariff Filings*, WC Docket No. 14-48, Order, 29 FCC Rcd 3794 (2014), ¶ 29, (*TRP Order*).

the above listed companies' certifications indicating they have fully complied with all of the conditions outlined in the Commission's *Halo Order*.⁴

This filing includes data to support NECA's calculation of each Telephone Company's Eligible Recovery, Access Recovery Charge (ARC) rates and revenues, and estimated CAF ICC support. As was the case with the confidential TRP CAF ICC data files originally transmitted on June 16, 2014 under Transmittal No. 1423, NECA seeks confidential treatment of this data pursuant to the *Protective Order* designated for use in the 2014 Annual Access Tariff Filings proceeding.⁵

Accordingly, the confidential data files have been marked, "**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE (PER DA 14-695 PROTECTIVE ORDER)**." 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 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 C (Vol1ExhibitsE.pdf, Vol1ExhibitsJ.pdf, Vol1ExhibitsO.pdf and Vol1ExhibitsP.pdf)

TRPText.pdf

TRPExhibits.xls

TRPCAFICCA_Confidential.xls

TRPCAFICCB_Confidential.xls

TRPCAFICCC_Confidential.xls

TRPCAFICCD_Confidential.xls

TRPCAFICCE_Confidential.xls

TRPCAFICCF_Confidential.xls

TRPCAFICCG_Confidential.xls

TRPCAFICCH_Confidential.xls

TRPCAFICCI_Confidential.xls

TRPCAFICCA_Public.xls

TRPCAFICCB_Public.xls

TRPCAFICCC_Public.xls

TRPCAFICCD_Public.xls

TRPCAFICCE_Public.xls

TRPCAFICCF_Public.xls

TRPCAFICCG_Public.xls

TRPCAFICCH_Public.xls

TRPCAFICCI_Public.xls

⁴ See *supra* n.2.

⁵ See *Procedures for Obtaining Confidential Information from 2014 Annual Access Charge Tariff Filings*, WC Docket No. 14-48, Public Notice, 29 FCC Rcd 5390, Attachment (2014) (*Protective Order*).

Request for Confidential Treatment

NECA seeks confidential treatment under the *Protective Order* designated for use in this proceeding¹ 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. 1423. This data is required by the Commission to monitor rate of return exchange carrier compliance² with rules regarding the revenue recovery mechanism adopted in the *USF/ICC Transformation Order*³ 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).⁴ 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.⁵ 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;
TRPCAFICCE_Confidential.xls;
TRPCAFICCF_Confidential.xls;
TRPCAFICCG_Confidential.xls;
TRPCAFICCH_Confidential.xls; and
TRPCAFICCI_Confidential.xls.

¹ See *Procedures for Obtaining Confidential Information from 2014 Annual Access Charge Tariff Filings*, WC Docket No. 14-48, Public Notice, 29 FCC Rcd 5390, Attachment (2014) (*Protective Order*).

² See 47 U.S.C § 51.919(b). The Commission state that monitoring information "may be filed under protective order and will be treated as confidential." *USF/ICC Transformation Order* at ¶ 921.

³ See *Connect America Fund, et. al., WC Docket No. 10-90, et. al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17633 (2011) (*USF/ICC Transformation Order*); *pets. for review denied sub nom. In re: FCC 110161, 753 F.3d 1015 (10th Cir. 2014)*. See also 47 U.S.C § 51.917.

⁴ See *Protective Order*, ¶ 1.a.

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

This information includes actual revenues, revenue requirement data and demand for the 2011 fiscal year; trued-up revenues and cost data for the 2012-2013 test period; projections of revenues, cost data and demand for the 2012-2013, 2013-2014 and 2014-2015 test periods; 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, Annual Access Charge Filing, Transmittal No. 1423 in WC Docket No. 14-48.

- 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.⁶

- 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 (PER DA 14-695 PROTECTIVE ORDER)**

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**.

⁶ See *Protective Order*, ¶ 14.

FCC Registration Number for Tariff 5 Participants

0001646454	0003741949	0004269833	0002645927
0002645927	0002756187	0002756187	0002756187
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0003764735	0004924809	0004924809	0015034358
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0002432672	0007196207	0004334934	0003732633
0022150361	0022150361	0002073526	0001726488
0002723773	0002723732	0002587491	0004329314
0002926772	0003757374	0001570936	0001772888
0001602663	0003732302	0003778594	0003746542
0004311528	0004379715	0004379723	0004379749
0004379707	0004379731	0003744570	0004329330
0002650240	0001582485	0001582485	0004056248
0001951144	0004365276	0004328654	0003722949
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0004335816	0001565829	0004339800	0004339784
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0002387264	0003774965	0002645497	0005053251
0004935730	0003773454	0004491544	0003773504
0004980843	0001684166	0003723509	0003754652
0003708161	0003766730	0001646165	0001646165
0003766201	0005068341	0004560645	0002723336
0004330205	0004342895	0004381323	0006925440
0004326815	0001855261	0002331262	0003723491
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0003766763	0005079314	0001754332	0002598407
0001543347	0001743525	0004322095	0001734888
0003720984	0003707932	0003801909	0001855881
0003770534	0001715937	0001715937	0004341855
0001698752	0004340949	0004319026	0001676519
0004473682	0001700186	0005067228	0004330908
0003716255	0004330965	0003795697	0003749819
0004317368	0002588606	0004268918	0003729324
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0005050083	0002713683	0004365318	0001887728
0003707775	0002426831	0003777885	0001856483
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0003723517	0003773991	0001631084	0001585397
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FCC Registration Number for Tariff 5 Participants

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0003788940	0004314605	0001678572	0004322814
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0002596344	0003722790	0003784154	0003781556
0003722824	0003722113	0004338489	0001887025
0001754738	0003741576	0003741576	0003773751
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0001546068	0001889617	0004310306	0004329587
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FCC Registration Number for Tariff 5 Participants

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0003741733	0004322079	0004287538	0003767191

FCC Registration Number for Tariff 5 Participants

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0001580380	0002504058	0002817500	0001700632
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0003741493	0003767266	0004337671	0004337671
0005080122	0004301339	0004335873	0004927802
0002818177	0002639870	0002639870	0003767308
0003713955	0005066063	0003454410	0017225723
0004362372	0002722155	0001646587	0003755832
0002430536	0003755808	0001623024	0001623024
0004334629	0002719482	0002647857	0003734951
0004269528	0004309548	0001756089	0005049895
0003722840	0002592061	0005063458	0003774056
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0004928750	0004273454	0004561429	0004337689
0002903045	0004337721	0003726890	0002719060
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0003730702	0004324802	0003745734	0005069125
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0001700418	0003723756	0002650422	0007183619
0005062955	0004313953	0002644953	0003717709
0004930277	0004337374	0003715885	0002061653
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FCC Registration Number for Tariff 5 Participants

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0003744513	0001699776	0004315461	0004997516
0001856673	0001913979	0001537133	0002334795
0001584275	0001700863	0001565316	0001615889
0004330890	0001833193	0004306825	0004384517
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0003748522	0003748589	0003744125	0003731817
0001623818	0003758315	0001856236	0002898856
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0003767563	0004275137	0003775244	0003723681
0003728680	0004330007	0003738309	0004362505
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0004314050	0001562388	0002549665	0003717949
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FCC Registration Number for Tariff 5 Participants

0002592921	0003767605	0002592897	0001569466
0003723236	0003723236	0002901833	0003757788
0001952605	0001952605	0002901817	0002901791
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0003738275	0002926582	0003735867	0004326872
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