



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

November 14, 2014

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

Transmittal No. 1423 was originally filed on June 16, 2014 and amended on June 18, 2014 and September 19, 2014. The related tariff revisions filed under Transmittal No. 1423 became effective on July 1, 2014. As part of the cost support for Transmittal No. 1423, NECA submitted the required TRP CAF ICC spreadsheet files for the 2014-2015 tariff test period.

After the tariff revisions became effective, NECA became aware that a number of companies had incorrectly entered lower local tariff rates in effect on January 1, 2014 into the CAF ICC data collection, which were used to calculate the companies' Access Recovery Charge (ARC) rates, ARC revenues, and estimated CAF ICC support for the 2014-2015 tariff test period. After consulting with the Wireline Competition Bureau's (WCB) staff, it was determined the local tariff rates initially entered were not in compliance with the FCC's rules<sup>1</sup> as those rates were lower than the companies' local tariff rates in effect on January 1, 2012.

As a result, certain Residential ARC rates were tariffed at levels higher than they should have been had these companies correctly entered their local tariff rates into the CAF ICC data collection. These errors resulted in overstating the companies' projected ARC revenues and understating the companies' estimated CAF ICC support for the period. The updated TRP CAF ICC spreadsheet files being submitted with this amendment reflect the required local tariff rate corrections for the companies listed in the table below.

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<sup>1</sup> See 47 C.F.R. § 51.915(b)(12).

<u>Company</u>	<u>State</u>	<u>Study Area</u>
Ace Telephone Company of Michigan, Inc.	MI	310704
Ace Telephone Company of Michigan, Inc. - Drenthe	MI	310692
C-R Telephone Company	IL	341009
Dickey Rural Telephone Cooperative	ND	381611
Eckles Telephone Company	MN	361386
Hancock Rural Telephone Corporation. dba NineStar Connect	IN	320775
Inland Telephone Company	WA	522423
Kasson & Mantorville Telephone Company	MN	361412
Madison Telephone Company	IL	341049
Missouri Valley Communications, Inc.	ND	382247
Oakman Telephone Company, Inc.	AL	250311
Odin Telephone Exchange, Inc.	IL	341065
Rock County Tel. Co.	NE	371586
Union Springs Telephone Company, Inc.	AL	250322
War Telephone LLC	WV	200258
Washington County Rural Tel. Coop., Inc.	IN	320834
Yeoman Telephone Company, Inc.	IN	320839

In addition to the corrections described above, the updated TRP CAF ICC spreadsheet files reflect the correction of the following data collection input entry errors:

Mid-Maine Telecom LLC (ME 103315) on its Additional Basic Local rate;  
SRT Communications, Inc. (ND 383303) on its E-911 rate; and  
Wabash Telephone Cooperative, Inc. (IL 341088) on its Federal Subscriber Line rate.

Coincident with this amendment, NECA is filing tariff revisions today under Transmittal No. 1437 to modify certain Residential ARC rates for the above companies whose CAF ICC data are being updated.

Finally, the updated TRP CAF ICC spreadsheet files reflect changes for the following companies. The data for Lumos Telephone of Botetourt, Inc. (VA 190249) was updated per direction received from the WCB staff after the company neglected to take into account the transition from its intrastate non-LTR (Local Transport Restructure) rate structure to the interstate LTR rate structure; for Fremont Telcom Co. (ID 472222) to reflect the discontinued receipt of frozen support; and for South Canaan Telephone Company, Inc. (PA 170205) to correctly use currently tariffed ARC rates to derive ARC revenues used in the calculation of their CAF ICC support amount.

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*<sup>2</sup> 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.

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<sup>2</sup> 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*).

This filing includes data to support NECA's calculation of each Telephone Company's Eligible Recovery, 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.<sup>3</sup>

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:

Vol1ExhibitsA.pdf	Vol1ExhibitsH.pdf
Vol1ExhibitsB.pdf	Vol1ExhibitsJ.pdf
Vol1ExhibitsC.pdf	Vol1ExhibitsK.pdf
Vol1ExhibitsE.pdf	Vol1ExhibitsL.pdf
Vol1ExhibitsF.pdf	Vol1ExhibitsM.pdf
Vol1ExhibitsG.pdf	Vol1ExhibitsO.pdf

TRPText.pdf

TRPExhibits.xls

TRPCAFICCA_Confidential.xls	TRPCAFICCA_Public.xls
TRPCAFICCB_Confidential.xls	TRPCAFICCB_Public.xls
TRPCAFICCC_Confidential.xls	TRPCAFICCC_Public.xls
TRPCAFICCD_Confidential.xls	TRPCAFICCD_Public.xls
TRPCAFICCE_Confidential.xls	TRPCAFICCE_Public.xls
TRPCAFICCF_Confidential.xls	TRPCAFICCF_Public.xls
TRPCAFICCG_Confidential.xls	TRPCAFICCG_Public.xls
TRPCAFICCH_Confidential.xls	TRPCAFICCH_Public.xls
TRPCAFICCI_Confidential.xls	TRPCAFICCI_Public.xls

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<sup>3</sup> 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 proceeding<sup>1</sup> 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 compliance<sup>2</sup> with rules regarding the revenue recovery mechanism adopted in the *USF/ICC Transformation Order*<sup>3</sup> 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](mailto:Tariff5@neca.org) or via facsimile at 973.599.6612. NECA will provide electronic copies of the un-redacted files to Authorized Representative(s).<sup>4</sup> 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.<sup>5</sup> 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.

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<sup>1</sup> 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*).

<sup>2</sup> 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.

<sup>3</sup> 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 (10<sup>th</sup> Cir. 2014). See also 47 U.S.C § 51.917.

<sup>4</sup> See *Protective Order*, ¶ 1.a.

<sup>5</sup> 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.

- 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.<sup>6</sup>

- 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**.

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<sup>6</sup> See *Protective Order*, ¶ 14.

## FCC Registration Number for Tariff 5 Participants

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0001602663	0003732302	0003778594	0003746542
0004311528	0004379715	0004379723	0004379749
0004379707	0004379731	0003744570	0004329330
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## FCC Registration Number for Tariff 5 Participants

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## FCC Registration Number for Tariff 5 Participants

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## FCC Registration Number for Tariff 5 Participants

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0005080122	0004301339	0004335873	0004927802
0002818177	0002639870	0002639870	0003767308
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## FCC Registration Number for Tariff 5 Participants

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## FCC Registration Number for Tariff 5 Participants

0002592921	0003767605	0002592897	0001569466
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