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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 Tariff Review Plan (TRP) Connect America Fund Intercarrier 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, September 19, 2014 and November 14, 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.

This amendment contains various data corrections for the following list of companies and is made following discussions with and reflecting direction received from Commission staff members.

Table 1

<u>Company</u>	<u>State</u>	<u>Study Area</u>
Adak Eagle Enterprises, LLC d/b/a Adak Telephone Utility	AK	610989
Arthur Mutual Telephone Company	OH	300586
Climax Telephone Company	MI	310688
Craw-Kan Telephone Coop., Inc.	KS	411818
Craw-Kan Telephone Coop., Inc.	MO	421759
E.N.M.R. Tel. Cooperative, Inc.	NM	492262
Lumos Telephone of Botetourt, Inc.	VA	190249
Midstate Telephone Company	ND	381617
New Hope Telephone Cooperative	VA	190239

Table 1 (Cont'd)

<u>Company</u>	<u>State</u>	<u>Study Area</u>
Orwell Telephone Company	OH	300649
Reserve Telephone Company	LA	270438
Rock County Tel. Co.	NE	371586
Rothsay Telephone Company, Inc.	MN	361474
Springport Telephone Company	MI	310728
The Blair Telephone Company	NE	371524

The Access Recovery Charge (ARC) rates for Reserve Telephone Company (SAC 270438) and Rothsay Telephone Company, Inc. (SAC 361474) were previously tariffed at levels lower than they should have been due to data errors. Coincident with this amendment, NECA is filing tariff revisions today under Transmittal No. 1443 to modify these two companies' ARC rates as their data errors resulted in understating the companies' projected ARC revenues and overstating the companies' estimated CAF ICC support.

CAF ICC support amounts being filed today reflect recent Commission staff clarification that in cases where ARC rates are increased in response to correcting a data error, ARC revenues for the entire test period must be imputed at the corrected higher ARC rates for purposes of calculating CAF ICC support. In addition to imputed ARC revenue amounts for Reserve Telephone Company and Rothsay Telephone Company, Inc., CAF ICC support amounts for Mid-Maine Telecom LLC (SAC 103315) and Wabash Telephone Cooperative, Inc. (SAC 341088) are being restated in today's amendment as a result of imputing ARC revenues for the entire test period at the corrected higher ARC rates that went into effect for these two companies on November 29, 2014.¹

In addition to the companies listed above, the updated TRP CAF ICC spreadsheet files being submitted today reflect Frozen Baseline adjustments to include unpaid amounts billed to Halo Wireless, Inc. for the companies listed in Table 2 as permitted by the Commission's *Halo Order*². 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 files listed below.

Table 2

<u>Company</u>	<u>State</u>	<u>Study Area</u>	<u>File Name</u>
Cimarron Telephone Company	OK	431982	TRPCAFICCG_Confidential.xls
Cross Tel. Co.	OK	431985	TRPCAFICCG_Confidential.xls
Pottawatomie Telephone Company	OK	432020	TRPCAFICCH_Confidential.xls

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.

¹ See National Exchange Carrier Association, Inc., Tariff F.C.C. No. 5, Transmittal No. 1437, filed November 14, 2014.

² 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*).

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*).

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; Exhibit 3 Accuracy of CAF ICC Data certifications; and, where applicable, Exhibit 4 Halo Order Requirements for the above listed companies. No changes were made to other companies' certifications previously submitted in these volumes.

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.⁴

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	Vol1ExhibitsE.pdf	Vol1ExhibitsI.pdf	Vol1ExhibitsM.pdf
Vol1ExhibitsB.pdf	Vol1ExhibitsF.pdf	Vol1ExhibitsJ.pdf	Vol1ExhibitsN.pdf
Vol1ExhibitsC.pdf	Vol1ExhibitsG.pdf	Vol1ExhibitsK.pdf	Vol1ExhibitsO.pdf
Vol1ExhibitsD.pdf	Vol1ExhibitsH.pdf	Vol1ExhibitsL.pdf	Vol1ExhibitsP.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

⁴ 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.

- 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
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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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FCC Registration Number for Tariff 5 Participants

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0001623818	0003758315	0001856236	0002898856
0003193000	0001824689	0001824689	0002592509
0004928255	0002333649	0001951284	0001646140
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0003727146	0001596667	0003730959	0003730959
0003767563	0004275137	0003775244	0003723681
0003728680	0004330007	0003738309	0004362505
0003741964	0004328472	0001643006	0001559798
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0004980421	0003746013	0004381505	0004322897
0004955837	0005084058	0003687159	0002720977
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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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0004924478	0003744406	0002924751	0011458999
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0003738275	0002926582	0003735867	0004326872
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0002722049	0002590073	0001667765	0004338463
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