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Whippany, NJ 07981

Jennifer Leonard  
Director  
Access Tariffs & Costs

**This material is being filed on 15 days'  
notice under Section 204(a)(3) of the  
Communications Act.**

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June 16, 2016

Transmittal No. 1489

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.

The filing, to become effective July 1, 2016, consists of tariff pages as indicated on the following check sheet:

Tariff F.C.C. No. 5

848<sup>th</sup> Revised Page 1

This filing is made in response to the Federal Communications Commission's orders<sup>1</sup> related to the 2016 annual access tariff filing; the Office of Managing Director's Public Notice<sup>2</sup> announcing the universal service contribution factor for the third quarter of 2016; and under authority of the Commission's Special Permission Nos. 02-077 and 16-007.

This filing revises rates for interstate access service provided by Telephone Companies participating in NECA Tariff F.C.C. No. 5, pursuant to section 69.3 of the Commission's Rules. Specifically, the filing revises rates for Federal Universal Service Charge, Access Recovery Charge and various switched and special access services. In addition, this filing reflects changes to the listings of companies participating in the tariff.

This filing also makes changes to the listings of companies in the Title Pages, Rate Tables, DSL Access Services Availability, Federal Universal Service Charge and Access Recovery Charge sections to reflect the following acquisition and company name change. Richmond Telephone Company (SAC 110037) was acquired by X5 RTC LLC. A new study area code was assigned (SAC 110737) and will operate under the name of X5 RTC LLC d/b/a Richmond Telephone Company.

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<sup>1</sup> See July 1, 2016 Annual Access Charge Tariff Filings, WC Docket No. 16-71, Order, 31 FCC Rcd 2002 (2016) and Material to be Filed in Support of 2016 Annual Access Tariff Filings, WC Docket No. 16-71, Order, 31 FCC Rcd 3557 (2016).

<sup>2</sup> See Proposed Third Quarter 2016 Universal Service Contribution Factor, CC Docket No. 96-45, Public Notice, DA 16-658 (rel. June 14, 2016).

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 Connect America Fund Intercarrier Compensation (CAF ICC) support. NECA seeks confidential treatment of this data pursuant to the *Protective Order* designated for use in this proceeding.<sup>3</sup>

Accordingly, the confidential data files has been marked, **"CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE (PER DA 16-577 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 the files identified in Attachment A marked, **"REDACTED – FOR PUBLIC INSPECTION."**

Finally, this filing reflects the removal of the companies listed in Attachment B from Section 17.6 (DSL Access Services Availability) as these companies have opted to offer wireline broadband Internet access transmission service on a detariffed, common carrier basis effective July 1, 2016 consistent with the requirements of the Commission's *Wireline Broadband Order*.<sup>4</sup> In compliance with those requirements, customers may view rates, terms and conditions for the detariffed offerings on the companies' web sites as specified in each company's notice package. A copy of each company's notice to the FCC in the Docket No. 02-33 proceeding is included in Volume 1, Appendix C pursuant to discussions with Commission Staff.

Attachment C 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 transmittal, associated files, required Form 159 and \$910.00 filing fee 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

- Tariff Pages (472)
- Attachment A
- Attachment B
- Attachment C
- Supporting Documentation

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<sup>3</sup> See Procedures for Obtaining Confidential Information from 2016 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 16-71, DA 16-577 (rel. May 24, 2016) (*Protective Order*).

<sup>4</sup> See Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, Report and Order and Notice of Proposed Rulemaking, CC Docket Nos. 02-33, 01-337, 95-20, and 98-10 and WC Docket Nos. 04-242 and 05-271, 20 FCC Rcd 14853 (2005) (*Wireline Broadband 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 Annual Tariff filing, made under Transmittal No. 1489. 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<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 an electronic copy 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:

TRPCAFICC\_ConfidentialA.xlsx  
TRPCAFICC\_ConfidentialB.xlsx  
TRPCAFICC\_ConfidentialC.xlsx

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<sup>1</sup> See Procedures for Obtaining Confidential Information from 2016 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 16-71, DA 16-577 (rel. May 24, 2016) (*Protective Order*).

<sup>2</sup> 47 U.S.C. § 51.919(b)

<sup>3</sup> 47 U.S.C. § 51.917

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

<sup>5</sup> 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 2014/2015 test period; projections of revenues, cost data and demand for the 2012/2013, 2013/2014, 2014/2015, 2015/2016, and 2016/2017 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. 1489 in WC Docket No. 16-71.

- 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 the identified files as follows:

**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT  
RELEASE (PER DA 16-577 PROTECTIVE ORDER)**

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

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

**Companies Being Removed from Section 17.6 - DSL Access Services Availability**

<u>Study Area Code</u>	<u>Company Name</u>	<u>State</u>
462178	Agate Mutual Telephone Cooperative Association	CO
372455	Benkelman Telephone Company, Inc.	NE
411746	Blue Valley Tele-Communications, Inc.	KS
280447	Bruce Telephone Company, Inc.	MS
220348	Bulloch County Rural Telephone Coop., Inc.	GA
270425	Cameron Telephone Company	LA
220354	Chickamauga Telephone Corporation	GA
361353	City of Barnesville Telephone Utility	MN
320753	Clay County Rural Telephone Cooperative, Inc. d/b/a Endeavor Communications	IN
351262	Communications 1 Network, Inc.	IA
442061	Community Telephone Company	TX
220369	ComSouth Telecommunications, Inc.	GA
300606	Conneaut Telephone Company	OH
411758	Council Grove Telephone Company	KS
150088	Delhi Telephone Company	NY
150091	Dunkirk & Fredonia Telephone Company	NY
270430	Elizabeth Telephone Company	LA
351172	Farmers Mutual Telephone Company	IA
300612	Farmers Mutual Telephone Company	OH
280454	Franklin Telephone Company, Inc.	MS
472222	Fremont Telcom Co.	ID
280455	Fulton Telephone Company, Inc.	MS
452179	Gila River Telecommunications, Inc.	AZ
371567	Glenwood Network Services, Inc.	NE
371553	Glenwood Telephone Membership Corporation	NE
411777	Golden Belt Telephone Association, Inc.	KS
371556	Hartington Telecommunications Co., Inc.	NE
411780	Haviland Tel. Co., Inc.	KS
371559	Henderson Co-Op Telephone Company	NE
371565	K&M Telephone Company, Inc.	NE
351214	Kalona Cooperative Telephone Company	IA
270432	Kaplan Telephone Company	LA
613013	Ketchikan Public Utilities	AK
411801	Madison Telephone, LLC	CT

<u>Study Area Code</u>	<u>Company Name</u>	<u>State</u>
421914	Mark Twain Rural Telephone Company	MO
361430	Melrose Telephone Company	MN
341054	Mid Century Telephone Co-Operative	IL
250304	Millry Telephone Company, Inc.	AL
351158	Minburn Telecommunications, Inc.	IA
351245	Minburn Telephone Company	IA
280462	Mound Bayou Telephone & Communications, Inc.	MS
411809	Mutual Telephone Company	KS
351259	Northern Iowa Telephone Company	IA
320800	Northwestern Indiana Tel. Co.	IN
462193	Nucla-Naturita Telephone Company	CO
260415	Peoples Rural Telephone Cooperative Corp.	KY
532391	Peoples Telephone Company	OR
371582	Plainview Telephone Company, Inc.	NE
220378	Planters Rural Telephone Cooperative, Inc.	GA
401718	Prairie Grove Telephone Company	AR
320815	Rochester Telephone Company	IN
351295	Shell Rock Communications, Inc.	IA
140064	Shoreham Telephone LLC	VT
411831	South Central Telephone Association, Inc.	KS
431831	South Central Telephone Association, Inc.	OK
351298	South Slope Coop. Tel., Inc.	IA
351304	South Slope Cooperative Telephone Cooperative (Swisher)	IA
371591	Southeast Nebraska Communications, Inc.	NE
371525	Three River Telco	NE
442060	Totelcom Communications, LLC	TX
220389	Trenton Telephone Company	GA
411839	Tri-County Telephone Association, Inc.	KS
401726	Tri-County Telephone Company, Inc.	AR
411840	Twin Valley Telephone, Inc.	KS
351316	United Farmers Telephone Company	IA
351324	Villisca Farmers Telephone Company	IA
411845	Wamego Telephone Company	KS
371597	Wauneta Telephone Company	NE
411849	Wilson Tel. Co., Inc.	KS
330974	Wood County Telephone Company	WI

## FCC Registration Number for Tariff 5 Participation

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## FCC Registration Number for Tariff 5 Participation

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## FCC Registration Number for Tariff 5 Participation

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## FCC Registration Number for Tariff 5 Participation

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## FCC Registration Number for Tariff 5 Participation

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## FCC Registration Number for Tariff 5 Participation

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