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

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September 16, 2019

Transmittal No. 1587

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. 6, Business Data Services (BDS) Access Service, is sent to you for filing, in compliance with the Communications Act of 1934, as amended.

The filing, to become effective October 1, 2019, consists of tariff pages as indicated on the following check sheet:

Tariff F.C.C. No. 6

1st Revised Page 1

This filing, made in response to the Commission's *2019 Tariff Review Plan Order*¹, makes exogenous cost and BDS rate adjustments for participating carriers to reflect the final 2019 factors for Telecommunications Relay Service, North American Numbering Plan Administration and regulatory fees.

Supporting information discussed under Section 61.49 of the Commission's Rules, to the extent applicable, is included with this filing in the attached Description and Justification. Also included are tariff review plans for participating carriers.

NECA seeks confidential treatment of this data pursuant to the *Protective Order* designated for use in this proceeding.² Accordingly, the confidential data files have been marked, "**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE (PER DA 19-509 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.**"

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 transmittal, associated files, required Form 159 and \$960.00 filing fee are being transmitted electronically today via the Commission's ETFS.

¹ See July 1, 2019 Annual Access Charge Tariff Filings, WC Docket No. 19-47, Order, DA 19-246 (rel. April 4, 2019) and Material to be Filed in Support of 2019 Annual Access Tariff Filings, WC Docket No. 19-47, Order, DA 19-343 (rel. May 1, 2019)

² See Announcing Procedures for Obtaining Confidential Information for 2019 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 19-47, DA 19-509 (rel. June 4, 2019).

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 (13)
- Attachment A
- Attachment B
- Supporting Documentation

Request for Confidential Treatment

NECA seeks confidential treatment under the *Protective Order* designated for use in this proceeding³ 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. 6 Revised Tariff filing, made under Transmittal No. 1587. This data is required by the Commission to monitor rate of return exchange carrier compliance with incentive regulation rules for BDS electing carriers.⁴

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 Senior Director Access Tariffs & Costs, via email to Tariff6@neca.org or via facsimile at 973.599.6612. NECA will provide an electronic copy of the un-redacted files to Authorized Representative(s).⁵ NECA designates 80 South Jefferson Rd., Whippany, NJ 07981 and 1325 G Street, NW, Suite 500, Washington, DC 20005 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.⁶ 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 of the Commission's rules 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 Tariff No. 6 participants:

TRP containing individual data for nine study areas:

- TRPBDS_Confidential.xlsx

Holding Company TRPs containing data for sixteen study areas:

- TRPBDS_Consolidated_Confidential.xlsx
- TRPBDS_Farmers_Confidential.xlsx
- TRPBDS_Hanson_Confidential.xlsx
- TRPBDS_Northwest_Confidential.xlsx

- 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. 6 Revised Tariff Filing, Transmittal No. 1587 in WC Docket No. 19-47.

³ See Announcing Procedures for Obtaining Confidential Information for 2019 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 19-47, DA 19-509. (rel. June 4, 2019) (*Protective Order*).

⁴ See Material to be Filed in Support of 2019 Annual Access Tariff Filings, WC Docket No. 19-47, Order, DA 19-343 (rel. May 1, 2019).

⁵ See *Protective Order*, ¶ 1.a.

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

- 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 information for NECA Tariff No. 6 participants as required by Commission rules for monitoring compliance with the BDS incentive pricing model. At the study area and exchange level, the information is granular and highly confidential to the reporting Tariff No. 6 participants. The financial data is treated as a confidential trade secret by Tariff No. 6 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 the participating Telephone Companies’ 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 Tariff No. 6 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.⁷

- 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 Telephone Companies that participate in NECA’s Tariff No. 6. The Commission should take care to not deprive those Telephone Companies 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.

⁷ See *Protective Order*, ¶ 16.

Accordingly, NECA requests confidential treatment of the Tariff No. 6 participant 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 19-509 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**.

FCC Registration Number for Tariff 6 Participants

0003722949
0002388247
0002557627
0004329587
0003737194
0002924777
0004328134

0004341855
0004961272
0004776464
0003720968
0003722998
0002924751

0003795697
0004961231
0004776464
0003721008
0004329629
0002590073

0004329611
0003714904
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0005066063
0004329652
0003724655