

Windstream Communications, LLC  
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September 16, 2019

**Windstream Request for Confidential Treatment of Data**  
In support of Transmittal No. 102 being filed on a streamlined basis  
on 15 days' notice under Section 204(a)(3) of the Communications Act.

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Attention: Wireline Competition Bureau

Dear Ms. Dortch:

Today, Windstream Communications LLC (Windstream) is submitting its 2019 Mid-Year Access Charge Tariff filing for Tariff FCC Nos. 6 and 7, Access Services under Transmittal No. 102, which is being filed on 15 days' notice pursuant to the Commission's Tariff Streamlining Order.<sup>1</sup> Because of the competitively sensitive nature of the information, Windstream has redacted certain rates and projected lines at the exchange level data used in the ARC Spreadsheet, as well as line data lists in the Summary Eligible Recovery Worksheet and Eligible Recovery True-Up. In addition, Windstream has also redacted Intrastate and Interstate Demand and both Intrastate and Interstate Price outs as found on the Access Reduction Spreadsheet associated with Transmittal No. 90. Accordingly, pursuant to Sections 0.457 and 0.459 of the Commission's rules, Exemption 4 of the Freedom of Information Act ("FOIA"), as well as the Tariff Streamlining Order and the rules adopted thereunder, Windstream is hereby requesting that such demand data be treated as confidential and be made subject to the standard Protective Order and Declaration adopted by the Commission in the Tariff Streamlining Order and published in Appendix B thereof. 47 C.F.R. §§ 0.457, 0.459; 5 U.S.C. § 552(b)(4).

Under Exemption 4 of the FOIA, commercial or financial information is held to be confidential, and thus entitled to protection, if disclosure of such information would, *inter alia*, be likely to cause substantial harm to the competitive position of the person from whom the information was

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<sup>1</sup> *In the Matter of Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996*, Order, 12 FCC Rcd 2170 (1997) ("Tariff Streamlining Order").

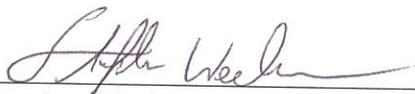
obtained. *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); and *Critical Mass Energy Project v. NRC*, 830 F.2d 278, 873 (D.C. Cir. 1987). The Commission has consistently held that subscriber data satisfy the requirements of Exemption 4. *See, e.g., Cox Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12160, ¶ 12 (2004); *Comcast Cable Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12165, ¶ 6 (2004); *Time Warner Cable; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12170, ¶ 5 (2004); and *Altrio Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12176 ¶¶4-5 (2004).

The information for which Windstream seeks confidential treatment is competitively sensitive particularized rates and demand data which, if made available to competitors and alternative providers, would provide such entities with valuable information regarding Windstream's customer base in particular exchanges within a state. The Access Reduction spreadsheet also presents the same concerns. Windstream has not filed this type or level of data and considers this valuable information at the level of services and location. This information would assist competitors in targeting their marketing efforts to the areas with the largest concentrations of customers. Windstream is subject to actual and potential competition with respect to all of its services. The demand data provide a roadmap detailing the level of success Windstream is experiencing with specific types of services in particular geographic areas. If competitors are able to obtain such a detailed picture of Windstream's strategies and successes, they may be able to anticipate Windstream's strategic initiatives in a targeted way and thus gain an unfair competitive advantage.

For these reasons, Windstream respectfully requests that the Commission grant confidential treatment to certain rates and exchange level detail end user demand information as well as Access Reduction demand and Price out data, submitted in support of Transmittal No. 102, and that such information be subject to the standard protective order provided for in the Tariff Streamlining Order.

Pursuant to the non-disclosure agreement that provides for review of information granted confidential treatment by interested parties, for the specific purpose of review and comment on the instant transmittal only, Windstream will provide access and review of such information to signatories of such an agreement at the location listed below.

All correspondence and inquiries in connection with this request should be forwarded to Stephen Weeks, Sr. Director Wholesale Operations, via email at [Stephen.Weeks@windstream.com](mailto:Stephen.Weeks@windstream.com).



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Stephen Weeks  
Sr. Director Wholesale Operations  
Windstream Communications, LLC