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November 15, 2019

Transmittal No. 1579 - 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. 1579 to submit updated Tariff Review Plan (TRP) Connect America Fund Inter-carrier Compensation (CAF ICC) and Connect America Fund Broadband Loop Support (CAF BLS) spreadsheet files, as described below.

Transmittal No. 1579 was originally filed on June 17, 2019, became effective July 2, 2019 and was amended on July 17, 2019, August 16, 2019, September 16, 2019 and October 17, 2019. As part of the cost support for Transmittal No. 1579, NECA submitted the required TRP CAF ICC and TRP CAF BLS spreadsheet files for the 2019-2020 tariff test period.

This amendment updates the TRPCAFBLS_Confidential.xlsx files to reflect updated Consumer Broadband-Only Loop (CBOL) demand, revenue, and/or tariffed rate data for the companies listed in Table 1, following.

Table 1

<u>Company Name</u>	<u>State</u>	<u>Study Area</u>
City of Barnesville Telephone Utility	MN	361353
Hemingford Cooperative Telephone Company	NE	371558
Northern Arkansas Telephone Company	AR	401713
Piedmont Rural Telephone Cooperative, Inc.	SC	240538

Coincident with this amendment, NECA is filing tariff revisions today under Transmittal No. 1591 to introduce new CBOL rates for the companies listed in Table 1.

This filing also amends Transmittal No. 1579 to submit the files containing updated certifications as appropriate for the above listed companies in Appendix D, Exhibit 4 Accuracy of CAF BLS Data. No changes were made to other companies' certifications previously submitted in the Appendix D Exhibits. Finally, this amendment resubmits the TRPText.pdf, TRP_Exhibits.xls files and other TRP CAF ICC.xlsx files originally filed on June 17, 2019 as amended on July 17, 2019, August 16, 2019, September 16, 2019 and October 17, 2019. No changes were made to the originally transmitted files other than to reflect today's resubmission.

As was the case with the confidential TRP CAF ICC and TRP CAF BLS files originally transmitted on June 17, 2019 under Transmittal No. 1579, NECA seeks confidential treatment of this data pursuant to the *Protective Order* designated for use in the 2019 Annual Access Charge Tariff Filings proceeding.¹

Accordingly, the confidential 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 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	TRPText.pdf
Attachment B	TRP_Exhibits.xls
TRPCAFICC_ConfidentialA.xlsx	TRPCAFICC_PublicA.xlsx
TRPCAFICC_ConfidentialB.xlsx	TRPCAFICC_PublicB.xlsx
TRPCAFICC_ConfidentialC.xlsx	TRPCAFICC_PublicC.xlsx
TRPCAFICC_ConfidentialD.xlsx	TRPCAFICC_PublicD.xlsx
TRPCAFICC_ConfidentialE.xlsx	TRPCAFICC_PublicE.xlsx
TRPCAFBLS_Confidential.xlsx	TRPCAFBLS_Public.xlsx
Vol1ExhibitsD.pdf	

¹ 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*).

Request for Confidential Treatment

NECA seeks confidential treatment under the *Protective Order* designated for use in the 2019 Annual Access Charge Tariff Filings proceeding¹ for the data provided in the TRP 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. 1579. This data is required by the Commission to monitor rate of return exchange carrier compliance² with rules regarding the revenue recovery mechanism³ for revenue lost due to mandatory access rate reductions and with the Commission's universal service mechanisms reforms for rate of return 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 Tariff5@neca.org or via facsimile at 973.599.6612. NECA will provide an electronic copy of the un-redacted TRP files to Authorized Representative(s).⁵ NECA designates 60 Columbia Road, Building A – 2nd Floor, Morristown, NJ 07960 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 in support of its request for confidential treatment of the data in the identified TRP files.

- Identification of the specific information for which confidential treatment is sought:

NECA seeks confidential treatment for certain information in the following TRP files, which contain confidential and proprietary financial information of NECA Common Line (CL) and Traffic Sensitive (TS) pool participants:

TRPCAFICC_ConfidentialA.xlsx
TRPCAFICC_ConfidentialB.xlsx
TRPCAFICC_ConfidentialC.xlsx
TRPCAFICC_ConfidentialD.xlsx
TRPCAFICC_ConfidentialE.xlsx
TRPCAFBLS_Confidential.xlsx

¹ 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*).

² 47 U.S.C § 51.919(b)

³ 47 U.S.C § 51.917

⁴ 47 U.S.C § 54.901

⁵ See *Protective Order*, ¶ 1.a.

⁶ 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 2017/2018 test period; projections of revenues, cost data and demand for the 2012/2013, 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019 and 2019/2020 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 ARC rates.

The data also includes information on projected Consumer Broadband-Only Loops, ARC revenues, SLC lines, Special Access Revenue Requirements, shifted costs, and CAF BLS Broadband-Only support for the 2019/2020 test period.

- 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. 1579 in WC Docket No. 19-47.

- Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged:

The information in the TRP files contains sensitive study area-specific and exchange area-specific information for NECA CL and TS pool participants as required by Commission rules for monitoring compliance with the CAF ICC and CAF BLS recovery mechanisms. At the study area and exchange level, the information is granular and highly confidential to the reporting CL and TS pool participants. The financial data is treated as a confidential trade secret by CL and TS pool 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 TRP 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 TRP 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 CL and TS pool 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 ILECs that participate in NECA's CL and/or TS pool. 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 TRP 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 TRP 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 TRP files identified above, which are marked: **REDACTED – FOR PUBLIC INSPECTION**.

⁷ See *Protective Order*, ¶ 16.

FCC Registration Number for Tariff 5 Participants

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0002756187	0002756187	0002756187	0002756187
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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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0002801256	0002946879	0002922201	0004334512
0005097134	0005097167	0004269817	0003748506
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FCC Registration Number for Tariff 5 Participants

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