



1300 NORTH 17th STREET, 11th FLOOR  
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400  
FAX: (703) 812-0486  
www.fhhlaw.com  
www.commlawblog.com

JAMES U. TROUP  
(703) 812-0511  
[TROUP@FHHLAW.COM](mailto:TROUP@FHHLAW.COM)

June 16, 2020

**FILED ELECTRONICALLY**

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

Attention: Wireline Competition Bureau

**Re: Iowa Network Services, Inc. d/b/a Aureon Network Services  
Request for Confidential Treatment of Data Submitted with  
July 1, 2020 Annual Access Charge Tariff Filing; WC Docket No. 18-60**

Dear Ms. Dortch:

On behalf of Iowa Network Services, Inc. d/b/a Aureon Network Services ("Aureon"), this letter, requests confidential treatment of Aureon's circuit inventory data, circuit information, and detailed financial information filed in support of Aureon's July 1, 2020 Annual Access Charge Tariff Filing submitted in compliance with the requirements of the Communications Act of 1934, as amended. The confidential information is being submitted consistent with the FCC's February 28, 2019 *Second Rate Order*.<sup>1</sup> On March 26, 2018, the FCC entered a *Protective Order* covering confidential materials submitted in WC Docket No. 18-60.<sup>2</sup> Pursuant to the terms of the *Protective Order*, Aureon has designated certain information in its filing as confidential. Public versions of Aureon's Description and Justification and certain cost support materials are being filed via ETFS. However, the confidential version of Aureon's Description and Justification and supporting materials are contained in separate Excel files that will not be filed publicly via ETFS because they constitute highly confidential, proprietary information.

---

<sup>1</sup> *In re Iowa Network Access Division Tariff F.C.C. No. 1*, Memorandum Opinion and Order, WC Docket No. 18-60, Transmittal No. 38, FCC 19-14, (rel. Feb. 28, 2019) ("*Second Rate Order*").

<sup>2</sup> *In re Iowa Network Access Division Tariff F.C.C. No. 1*, Protective Order, WC Docket No. 18-60, Transmittal No. 36, DA 18-294, (rel. Mar. 26, 2018) ("*Protective Order*").

Pursuant to Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, and the *Protective Order*, Aureon requests confidential treatment of the information that is being filed consistent with the *Second Rate Order*. In support of this request, and pursuant to Section 0.459(b) of the Commission's rules, 47 C.F.R. § 0.459(b), Aureon hereby states as follows:

**1. Identification of the specific information for which confidential treatment is sought.**

Pursuant to the *Protective Order*, Aureon seeks confidential treatment of Aureon's cost and traffic studies, circuit inventory data, an supplemental analysis of third-party sales for non-regulated DS-3 transport service, and detailed financial information filed in native Excel spreadsheets ("Confidential Information"). The Confidential Information relates to Aureon's internal network and operations that is not generally available to the public. Files that contain Confidential Information contain the word "Confidential" in the file name.

**2. Description of circumstances giving rise to the submission.**

The Confidential Information is being provided consistent with the *Second Rate Order*. The FCC has issued a *Protective Order* preventing the disclosure of that information publicly.

**3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**

The information for which Aureon seeks confidential treatment contains sensitive commercial information of Aureon that would customarily be guarded from competitors. Pursuant to the *Protective Order*, Aureon seeks to protect the confidentiality of Confidential Information submitted consistent with the *Second Rate Order*.

**4. Explanation of the degree to which the information concerns a service that is subject to competition.**

The Confidential Information submitted in this proceeding contains information relating to commercial matters, including highly sensitive network information, that could be used by competitors to Aureon's disadvantage. Services provided by Aureon are subject to competition.

**5. Explanation of how disclosure of the information could result in substantial competitive harm.**

Competitors could use Aureon's proprietary commercial and operational information to Aureon's detriment as competitors would gain access to sensitive information about the company's network to enable competitors to target areas where Aureon's facilities are less robust. Such information would result in substantial competitive harm because that would give competitors a significant advantage in future negotiations with Aureon, or to compete against

Aureon in areas where Aureon has less capacity. It is Aureon's understanding that AT&T, Verizon, and Sprint, who may have an interest in Aureon's tariff filing, have taken a similar position with respect to their confidential information.

**6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**

Aureon has treated the Confidential Information as confidential, and Aureon has not generally disclosed that information publicly. Aureon has afforded such information confidential treatment consistent with the terms of the FCC's *Protective Order*.

**7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

Aureon has not made the Confidential Information public. To the extent that such information has been disclosed to third parties, such disclosure has not been made unless it is covered by a confidentiality agreement or protective order.

**8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure.**

The Confidential Information should never be disclosed to the public. Aureon is not submitting confidential information as part of a routine submission to the Commission. Rather, Aureon's Confidential Information is being submitted pursuant to FCC staff's request as part of the above-referenced investigation. Accordingly, there is no need for the Commission to publicly disclose any confidential information submitted as part of this proceeding.

**Request for Confidential Treatment Under Exemption 4 of the Freedom of Information Act**

To the extent necessary, Aureon also requests confidential treatment of Aureon's Confidential Information pursuant to Exemption 4 of the Freedom of Information Act. Exemption 4, 5 U.S.C. § 552(b)(4), protects commercial or financial information obtained from a person that is privileged or confidential. The exemption affords protection to those submitters who are required to furnish commercial or financial information to the government by safeguarding them from the competitive disadvantages that could result from disclosure.<sup>3</sup> Commercial or financial information is protected from disclosures if such information would be likely to cause substantial harm to the competitive position of the person from whom the information was obtained.<sup>4</sup> For example, the FCC has granted confidential treatment for wire center line count data submitted by carriers i.e., the filing of the number of lines in individual

---

<sup>3</sup> See Attorney General's Memorandum for Heads of All Federal Departments and Agencies Regarding the Freedom of Information Act (Oct. 12, 2001), *reprinted in FOIA Post* (posted Oct 15, 2001).

<sup>4</sup> See *Nat'l Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).

wire centers, as opposed to total lines in the study area.<sup>5</sup> Aureon's data is even more granular than that information, and as explained above in its justification for protection under the *Protective Order*, the release of Aureon's circuit inventory data would put Aureon at a significant competitive disadvantage because competitors could target locations where Aureon has limited facilities.

Wherefore, for the foregoing reasons, Aureon requests that the Confidential Information submitted in support of its 2020 Annual Access Charge Tariff Filing be treated as confidential, and not be subject to public disclosure.

Respectfully submitted,



James U. Troup

Counsel for Iowa Network Services, Inc.  
d/b/a Aureon Network Services

---

<sup>5</sup> *In re Federal-State Joint Board on Universal Service*, Order, 15 FCC Rcd. 8746, 8751 ¶ 10 (2000).