



60 Columbia Road
Building A – 2nd Floor
Morristown, NJ 07960

Jennifer Leonard
Senior Director
Access Tariffs & Costs
PH 973-884-8068
FX 973-599-6612
jleonard@neca.org

December 17, 2020

Transmittal No. 1607 - 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. 1607 to submit updated Tariff Review Plan (TRP) Connect America Fund Intercarrier Compensation (CAF ICC) and Connect America Fund Broadband Loop Support (CAF BLS) spreadsheet files, as described below.

Transmittal No. 1607 was originally filed on June 16, 2020, became effective July 1, 2020 and was amended on July 17, 2020, August 17, 2020, September 16, 2020 and November 16, 2020. As part of the cost support for Transmittal No. 1607, NECA submitted the required TRP CAF ICC and TRP CAF BLS spreadsheet files for the 2020-2021 tariff test period.

This amendment modifies the TRPCAFICC_Confidential.xlsx file to reflect the Wireline Competition Bureau's Public Notice¹ granting the transfer of assets of 3 Rivers Telephone Cooperative, Inc. (3 Rivers) in the Browning, Montana Exchange to Siyeh Communications (SiyCom), the SiyCom ETC Order² designating SiyCom as an eligible telecommunications

¹ See Application Granted for Acquisition of Certain Assets of 3 Rivers Telephone Cooperative, Inc. by Siyeh Communications; Joint Petition Granted for Waiver of the Definition of Study Area with Respect to Transfer of Browning, Montana Exchange, WC Docket Nos. 20-85, 10-90 and CC Docket No. 96-45, Public Notice, DA 20-1347 (rel. November 13, 2020).

² See Connect America Fund, Telecommunications Carriers Eligible for Universal Service Support, Petition of Siyeh Communications for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Telecommunications Act of 1996, WC Docket Nos. 09-197 and 10-90, Order, DA 20-1353 (rel. November 16, 2020) (*SiyCom ETC Order*).

carrier for the Browning, Montana Exchange and the Order³ authorizing the apportionment of 3 Rivers' current CAF ICC Base Period Revenues (BPR) between 3 Rivers and SiyCom, the initialization of SiyCom's tariffed rates at 3 Rivers' current rates, and granting SiyCom's request to join the National Exchange Carrier Association, Inc. and its traffic-sensitive tariff.

3 Rivers will reduce its BPR to reflect the sale of the Browning, Montana Exchange and retain all of its double recovery adjustment for Eligible Recovery resulting from the consolidation of its network. SiyCom will establish its BPR using a forecast of switching costs that it expects to incur in 2021 and beyond and will initialize its switch access rates at the rates currently charged by 3 Rivers resulting in no significant impact on CAF ICC distributed separately to 3 Rivers and SiyCom.

Coincident with this amendment, NECA is filing tariff revisions today under Transmittal No. 1622 to add SiyCom as an issuing carrier in NECA Tariff No. 5 and reflect SiyCom's common line, switched access, special access and Access Recovery Charge rates in the tariff.

This amendment also updates the TRPCAFBLS_Confidential.xlsx file 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>
Dumont Telephone Company	IA	351152
Unitel, Inc.	ME	100029

Coincident with this amendment, NECA is filing tariff revisions today under Transmittal No. 1622 to introduce new or revise existing CBOL rates for the companies listed in Table 1.

This filing also amends Transmittal No. 1607 to submit the files containing updated certifications as appropriate for the above listed companies in Appendix D, Exhibit 1 Carriers Not Seeking Duplicative Recovery; Exhibit 2 Carrier Eligibility for CAF ICC Recovery; Exhibit 3 Accuracy of CAF ICC Data and 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 TRP Text.pdf and TRP_Exhibits.xls files originally filed on June 16, 2020 as amended on July 17, 2020, August 17, 2020, September 16, 2020 and November 16, 2020. 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 16, 2020 under Transmittal No. 1607, NECA seeks confidential treatment of

³ See Connect America Fund, Developing a Unified Inter-carrier Compensation Regime, 3 Rivers Telephone Cooperative, Inc. and Siyeh Communications Application for Transfer of Assets Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket Nos. 20-85 and 10-90 and CC Docket No. 96-45, Order, DA 20-1362 (rel. November 16, 2020).

this data pursuant to the *Protective Order* designated for use in the 2020 Annual Access Charge Tariff Filings proceeding.⁴

Accordingly, the confidential file has been marked, “**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE (PER DA 20-604 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 file 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_Confidential.xlsx	TRPCAFICC_Public.xlsx
TRPCAFBLS_Confidential.xlsx	TRPCAFBLS_Public.xlsx
Vol1ExhibitsA.pdf	Vol1ExhibitsB.pdf
Vol1ExhibitsC.pdf	Vol1ExhibitsD.pdf

⁴ See Announcing Procedures for Obtaining Confidential Information for 2020 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 20-55, DA 20-604 (rel. June 9, 2020) (*Protective Order*).

Request for Confidential Treatment

NECA seeks confidential treatment under the *Protective Order* designated for use in the 2020 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. 1607. 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_Confidential.xlsx
TRPCAFBLS_Confidential.xlsx

¹ See Announcing Procedures for Obtaining Confidential Information for 2020 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 20-55, DA 20-604 (rel. June 9, 2020) (*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 2018/2019 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, 2019/2020 and 2020/2021 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 2020/2021 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. 1607 in WC Docket No. 20-55.

- 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 20-604 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.