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

June 16, 2021

Transmittal No. 1635

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.

The filing, to become effective July 1, 2021, consists of tariff pages as indicated on the following check sheet:

Tariff F.C.C. No. 5

928th Revised Page 1

This filing is made in response to the Commission’s orders¹ related to 2021 annual access tariff filings and the Office of Managing Director’s Public Notice² announcing the universal service contribution factor for the third quarter of 2021. This filing implements changes to various sections of the tariff to comply with the Commission’s report and order on 8YY access charge reform released October 9, 2020.³

This filing revises rates for interstate access service provided by Telephone Companies participating in NECA Tariff F.C.C. No. 5, pursuant to section 69.3 of the Commission’s Rules. Specifically, the filing revises NECA’s Federal Universal Service Charge (FUSC), company-specific Access Recovery Charge (ARC) and Consumer Broadband-Only Loop (CBOL) charges. One company receiving model-based support has elected to reduce its End User Common Line rate. This filing also revises rates for 8YY related switched⁴ and various special access services and reflects changes to the listings of companies participating in various sections of the tariff.

¹ See July 1, 2021 Annual Access Charge Tariff Filings, WC Docket No. 21-148, Order, DA 21-433 (rel. April 16, 2021) and Material to be Filed in Support of 2021 Annual Access Tariff Filings, WC Docket No. 21-148, Order, DA 21-568 (rel. May 14, 2021) (*Procedures Order*).

² See Proposed Third Quarter 2021 Universal Service Contribution Factor, CC Docket No. 96-45, Public Notice, DA 21-676 (rel. June 10, 2021).

³ See 8YY Access Charge Reform, WC Docket No. 18-156, Report and Order, 35 FCC Rcd. 11594 (2020).

⁴ The FCC granted a limited waiver of section 51.909(a)(4) of the Commission’s rules to NECA for purposes of the 2021-22 annual access tariff filing period. See *Procedures Order*.

This filing makes additions to the list of companies in the Title Pages, Optional Rate Plan Availability, Rate Tables and ARC sections to reflect the addition of Lake Livingston Telephone Company, Inc. (SAC 442104) to the traffic sensitive tariff under authority of the Commission's Special Permission No. 02-077.

This filing revises various sections of the tariff to reflect the following company merger activity. Ace Telephone Company of Michigan, Inc. – Allendale (SAC 310669), Ace Telephone Company of Michigan, Inc. – Drenthe (SAC 310692) and Ace Telephone Company of Michigan, Inc. – Old Mission (SAC 310777) merged with Ace Telephone Company of Michigan, Inc. (SAC 310704), the survivor.⁵ Copper Valley Telephone, Inc. (SAC 452176) merged with Valley Telephone Cooperative, Inc. (SAC 452176), the survivor. This filing also makes miscellaneous additions and changes to the company listings in the Title Pages and FUSC sections.

This filing includes data to support NECA's calculation of each Telephone Company's Eligible Recovery, ARC rates and revenues, estimated Connect America Fund Inter-carrier Compensation (CAF ICC) support, CBOL charges, and estimated Connect America Fund Broadband Loop Support (CAF BLS). NECA seeks confidential treatment of this data pursuant to the *Protective Order* designated for use in this proceeding.⁶

Accordingly, confidential data files have been marked, "**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE (PER DA 21-644 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 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

- Tariff Pages (504)
- Attachment A
- Attachment B
- Supporting Documentation

⁵ See Ace Telephone Company of Michigan, Inc. Petition for Waiver of Sections 51.909(a), 51.917(b)(1) and 51.917(b)(7) of the Commission's Rules to Modify Access Rate Bands and Charges, and 2011 Base Period Revenue in Connection with Merger of Affiliated Study Areas in Michigan, WC Docket No. 20-358, Order, DA 21-325 (rel. Mar. 17, 2021).

⁶ See Announcing Procedures for Obtaining Confidential Information for 2021 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 21-148, DA 21-644 (rel. June 2, 2021) (*Protective Order*).

Request for Confidential Treatment

NECA seeks confidential treatment under the *Protective Order* designated for use in this proceeding⁷ 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. 5 Annual Tariff filing, made under Transmittal No. 1635. This data is required by the Commission to monitor rate of return exchange carrier compliance⁸ with rules regarding the revenue recovery mechanism⁹ for revenue lost due to mandatory access rate reductions and with the Commission's universal service mechanisms reforms for rate of return carriers.¹⁰

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 unredacted files to Authorized Representative(s).¹¹ 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.¹² 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 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 Common Line (CL) and Traffic Sensitive (TS) pool participants:

TRPCAFICC_Confidential.xlsx
TRPCAFBLS_Confidential.xlsx

This information includes actual revenues, revenue requirement data and demand for the 2011 fiscal year; true-up revenues and cost data for the 2019/2020 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, 2020/2021 and 2021/2022 test periods; and the product of calculations made using the confidential data.

⁷ See Announcing Procedures for Obtaining Confidential Information for 2021 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 21-148, DA 21-644 (rel. June 2, 2021) (*Protective Order*).

⁸ 47 U.S.C § 51.919(b)

⁹ 47 U.S.C § 51.917

¹⁰ 47 U.S.C § 54.901

¹¹ See *Protective Order*, ¶ 1.a.

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

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 the ARC rates contained in this proposed tariff filing.

The data also includes information on projected Consumer Broadband-Only Loops, ARC revenues, subscriber line charges (SLC) revenues, Special Access Revenue Requirements, shifted costs, and CAF BLS Broadband-Only support for the 2021/2022 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. 1635 in WC Docket No. 21-148.

- 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 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 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 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.¹³

- Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentially 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 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 21-644 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**.

¹³ See *Protective Order*, ¶ 17.

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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FCC Registration Number for Tariff 5 Participants

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FCC Registration Number for Tariff 5 Participants

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