



June 16, 2023

Transmittal No. 4

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

Secretary
Federal Communication Commission
Washington, D.C. 20554

Attn: Wireline Competition Bureau

The accompanying tariff material, issued on behalf of Zingaretti Enterprises, LLC ("Zingaretti") bearing Tariff F.C.C. No. 1, Business Data Services ("BDS"), is sent to you for filing, in compliance with the Communications Act of 1934, as amended.

The filing, to become effective July 1, 2023, consists of tariff pages as indicated on the following check sheet:

Zingaretti Tariff F.C.C. No. 1

Second Revised Page 1

This filing is made in response to the Commission's *RoR BDS Order*¹ and orders related to the 2023 annual access tariff filing.² This filing sets forth regulations, rates and charges applicable to the provision of BDS Access Service within the operating territories of the Issuing Carriers listed on the Title pages, pursuant to section 69.3 of the Commission's Rules.

Participants in this tariff elected incentive *ex ante* pricing regulation for BDS Time Division Multiplexing ("TDM") and End User Channel Termination ("EUCT") services with a bandwidth of DS3 or below. No participants in this tariff elected to tariff their non-*ex ante* rate elements for packet based and TDM BDS greater than DS3.

¹ See Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers, WC Docket No. 17-144, Business Data Services in an Internet Protocol Environment, WC Docket No. 16-143, Special Access for Price Cap Local Exchange Carrier, WC Docket No. 05-25, Report and Order, 33 FCC Red. 10403 (2018) ("*RoR BDS Order*").

² See July 1, 2023 Annual Access Charge Tariff Filings, WC Docket No. 23-9, Order, DA 23-282 (rel. April 3, 2023) ("*2023 Procedures Order*") and Material to be Filed in Support of 2023 Annual Access Tariff Filings, WC Docket No. 23-9, Order, DA 23-386 (rel. May 11, 2023) ("*2023 TRP Order*").

This filing includes data to support the calculation of each participating Telephone Company's BDS rate elements subject to *ex ante* pricing regulation, as prescribed by the Commission's rate of return BDS rules.³

Zingaretti seeks confidential treatment of this data pursuant to the *Protective Order* designated for use in this proceeding.⁴

Accordingly, the confidential data files have been marked, "**CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE (PER DA 23-470 PROTECTIVE ORDER).**" Attachment A of this Transmittal Letter contains detailed information regarding this request for confidential treatment. This filing also includes a redacted version of the files identified in Attachment A marked, "**REDACTED – FOR PUBLIC INSPECTION.**"

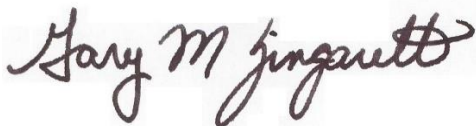
Attachment B to this transmittal includes the listing of FCC Registration Numbers ("FRNs") for the Telephone Companies on whose behalf this tariff filing is being made.

In compliance with section 61.14 of the Commission's Rules, the transmittal, associated files, required Form 159 and \$3,650.00 filing fee are being paid today via the Commission's Registration System (CORES).

All correspondence and inquiries concerning this filing should be directed to me at the above address or faxed to 570-371-3529.

Very Truly Yours,

Zingaretti Enterprises, LLC

A handwritten signature in dark ink, reading "Gary M. Zingaretti". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Gary M. Zingaretti, President

Enclosed

Tariff Pages (26)
Attachment A – Request for Confidential Treatment
Attachment B – FRNs of Participating Companies
Supporting Documentation

³ See 47 CFR § 61.50.

⁴ See Announcing Procedures for Obtaining Confidential Information for 2023 Annual Access Charge Tariff Filings, Public Notice Attachment, WC Docket No. 23-9, DA 23-470 (rel. June 1, 2023) (*Protective Order*).

Attachment A
Request for Confidential Treatment

Zingaretti seeks confidential treatment under the *Protective Order* designated for use in this proceeding⁵ for the data provided in the files identified below. This data is filed electronically via ETFS as part of the Tariff Review Plan for Zingaretti's Tariff F.C.C. No. 1 Annual Tariff filing, made under Transmittal No. 4. This data is required by the Commission to monitor rate of return exchange carrier compliance with incentive regulation rules for BDS electing carriers.⁶

Pursuant to the terms of the *Protective Order*, signed declarations requesting access to the confidential information should be sent to the attention of Gary Zingaretti, President of Zingaretti Enterprises, LLC, via email to gary@zingarettienterprises.com or via facsimile at 570.371.3529. Zingaretti will provide an electronic copy of the un-redacted files to Authorized Representative(s).⁷ Zingaretti designates 1598 Bald Mountain Road, Bear Creek Township, PA 18702 as its public inspection location.

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.⁸ The information satisfies the requirement of the FOIA Exemption 4 (trade secrets or commercial/financial information).

Zingaretti submits the following information pursuant to 47 C.F.R. § 0.459 in support of its request for confidential treatment of the data in the identified files:

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

Zingaretti seeks confidential treatment for certain information in the following files, which contain confidential and proprietary financial information of Zingaretti F.C.C. Tariff No. 1 participants:

- Zingaretti Enterprises TRP-2023.xlsx

2. 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 Zingaretti F.C.C. Tariff No. 1 Annual Access Charge Filing, Transmittal No. 4 in WC Docket No. 23-9.

3. 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 information for Zingaretti F.C.C. Tariff No. 1 participants as required by Commission rules for monitoring compliance with the BDS incentive pricing model. At the study area and exchange level, the information is granular and highly confidential to

⁵ Id.

⁶ See Material to be Filed in Support of 2023 Annual Access Tariff Filings, WC Docket No. 23-9, Order, DA 23-386 (rel. May 11, 2023).

⁷ See *Protective Order*, Paragraph 2.a.

⁸ See 47 C.F.R. §§0.457 and 0.459; 5 U.S.C. § 552, et. seq.

the reporting Zingaretti F.C.C. Tariff No. 1 participants. The financial data is treated as a confidential trade secret by Zingaretti F.C.C. Tariff No. 1 participants.

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

The rates are based on individual company revenue and revenue requirement data. Detailed information about revenues, expenses, and demand may help prospective competitors gain insight regarding the participating Telephone Companies' market strategies and therefore gain a competitive advantage.

5. 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 Zingaretti representatives on a need-to-know basis. Any public information is only made available on an aggregate basis.

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

The information in the identified files is not publicly available.

7. Justification of the period during which the submitting party asserts that material should not be made available for public disclosure:

Zingaretti requests that all Zingaretti F.C.C. Tariff No. 1 participant data provided in the files identified above be treated as confidential indefinitely. Due to 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 the Authorized Representative(s) to destroy or return all confidential information, as well as copies or derivative materials, within two weeks after final resolution of this proceeding.⁹

8. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted:

Zingaretti is submitting this information on behalf of the Telephone Companies that participate in Zingaretti F.C.C. Tariff No. 1. The Commission should take care not to deprive those Telephone Companies of the opportunity to speak for themselves in the event of a FOIA request for access to data. Zingaretti 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, Zingaretti requests confidential treatment of the Zingaretti F.C.C. Tariff No. 1 participant data provided in the files identified above pursuant to 47 C.F.R. §§0.457 and 0.459 and paragraph 2 of the *Protective Order*. Pursuant to the *Protective Order*, Zingaretti marked each page of the non-redacted version of the identified files as follows: **CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE (PER DA 23-470 PROTECTIVE ORDER)**. Zingaretti 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**.

⁹ See *Protective Order*, Paragraph 18.

Attachment B

FCC Registration Number for Zingaretti F.C.C. Tariff No. 1 Participants

Summit Telephone & Telegraph Company of Alaska	0001-5694-66
The North-Eastern Pennsylvania Telephone Company	0004-1128-35