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

June 16, 2023

Transmittal No. 1695

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. 6, Business Data Services (BDS) 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, 2023, consists of tariff pages as indicated on the following check sheet:

Tariff F.C.C. No. 6

12th Revised Page 1

This filing is made in response to the Commission's *RoR BDS Order*¹ and *2023 TRP Order* related to 2023 annual access tariff filings.² This filing revises rates and charges applicable to the provision of BDS Access Services for interstate access service provided by Telephone Companies participating in NECA Tariff F.C.C. No. 6, pursuant to Section 69.3 of the Commission's Rules.

This filing removes packet-based and time division multiplexed services greater than DS3 access services for the following twenty-one companies as listed in Table 1 as required by the *RoR BDS Order*.³

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 Rcd. 10403 (2018) (*RoR BDS Order*).

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

³ *RoR BDS Order* ¶ 144

Table 1

<u>Company Name</u>	<u>SAC</u>
Alhambra-Grantfork Telephone Company	340978
Alliance Communications Cooperative, Inc. - Baltic	391642
Alliance Communications Cooperative, Inc. - IA	351405
Alliance Communications Cooperative, Inc. - MN	361405
Alliance Communications Cooperative, Inc. - SD	391405
Alliance Communications Cooperative, Inc. - Splitrock	391657
American Samoa Telecommunications Authority	673900
Coleman County Telephone Cooperative, Inc.	442057
Golden West Telecommunications Cooperative, Inc.	391659
Golden West Telecommunications Cooperative, Inc. - Armour	391640
Golden West Telecommunications Cooperative, Inc. - Kadoka	391667
Golden West Telecommunications Cooperative, Inc. - Sioux Valley	391677
Golden West Telecommunications Cooperative, Inc. - Union	391684
Golden West Telecommunications Cooperative, Inc. - Vivian	391686
Grafton Telephone Company	341020
Green Hills Telephone Corporation	421890
Hamilton Telephone Company	371555
Hardy Telecommunications, Inc.	200259
McNabb Telephone Company	341048
Monroe Telephone Company	532385
North State Telephone, LLC	230491

This filing also reflects the removal of End User Channel Termination services for Pymatuning Independent Tel. Co. (SAC 170200).⁴

Additionally, this filing removes time division multiplexed services below DS3 access services for companies that have elected to exit our BDS Access Service tariff as listed in Table 2.

Table 2

<u>Company Name</u>	<u>SAC</u>
Citizens Mutual Telephone Cooperative	351129
Clarence Telephone Company, Inc.	351130
Coleman County Telephone Cooperative, Inc.	442057
Hardy Telecommunications, Inc.	200259
Webster-Calhoun Coop. Tel. Assn.	351328

Participants in this tariff elected incentive *ex ante* pricing regulation for BDS Time Division Multiplexing services with a bandwidth of DS3 or below. 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.⁵

⁴ *Id.*

⁵ *See* 47 C.F.R. § 61.50.

Of the 97 tariff participants, 38 operate under one of the seven holding companies listed below and chose to price their *ex ante* rate elements at the holding company level:

- Alliance Communications Cooperative, Inc. (SACs 351405, 361405, 391405, 391642, 391657)
- Consolidated Companies (SACs 371530, 371532, 371536, 371562)
- Farmers Mutual Cooperative Telephone Company (SACs 351149, 351168, 351235)
- Golden West Telecommunications Cooperative, Inc. (SACs 391640, 391659, 391667, 391677, 391684, 391686)
- Hanson Communications, Inc. (SACs 300604, 300618, 300633, 300649, 300659, 361370, 361476, 361487, 361515, 391660)
- Northwest Telephone Cooperative Association (SACs 351105, 351261)
- Townes Telecommunications Services Corporation (SACs 170200, 210335, 401729, 411807, 421807, 421893, 421935, 462190)

NECA seeks confidential treatment of this data pursuant to the *2023 Protective Order* designated for use in this proceeding.⁶

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 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 \$3,650.00 filing fee are being transmitted electronically today via ETFS.

All correspondence and inquiries concerning this filing should be directed to me at the above address or faxed to 973-599-6612.



Attachments

Tariff Pages (728)
Attachment A
Attachment B
Supporting Documentation

⁶See *Procedures for Obtaining Confidential Information from 2023 Annual Access Charge Tariff Filings*, Public Notice, WC Docket No. 23-9, DA 23-470 (rel. June 1, 2023) (*2023 Protective Order*).

Request for Confidential Treatment

NECA seeks confidential treatment under the *2023 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. 6 Annual Tariff filing, made under Transmittal No. 1695. This data is required by the Commission to monitor rate of return exchange carrier compliance with incentive regulation rules for BDS electing carriers.⁸

Pursuant to the terms of the *2023 Protective Order*, signed declarations requesting access to the confidential information should be sent to the attention of Susan Boylan, NECA Senior Director Access Tariff Cost Development, via email to Tariff6@neca.org or via facsimile at 973.599.6612. NECA will provide an electronic copy of the un-redacted files to Authorized Representative(s).⁹ 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 *2023 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.¹⁰ 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 Tariff No. 6 participants:

TRPs containing individual data for 64 study areas:

- TRPBDS_Confidential_.xlsx
- TRPBDS_Confidential_.xlsx

Holding Company TRPs containing data for 38 study areas:

- TRPBDS_Alliance_Confidential.xlsx
- TRPBDS_Consolidated_Confidential.xlsx
- TRPBDS_Farmers_Confidential.xlsx
- TRPBDS_GoldenWest_Confidential.xlsx
- TRPBDS_Hanson_Confidential.xlsx
- TRPBDS_NorthWest_Confidential.xlsx
- TRPBDS_Townes_Confidential.xlsx

⁷ See *2023 Protective Order*

⁸ See *2023 Procedures Order*

⁹ See *2023 Protective Order*, ¶ 2.a.

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

- 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. 6 Annual Access Charge Filing, Transmittal No. 1695 in WC Docket No. 23-9.

- 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 NECA Tariff No. 6 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 the reporting Tariff No. 6 participants. The financial data is treated as a confidential trade secret by Tariff No. 6 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 the participating Telephone Companies’ 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 Tariff No. 6 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 *2023 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.¹¹

¹¹ See *2023 Protective Order*, ¶ 18.

- 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 Telephone Companies that participate in NECA's Tariff No. 6. The Commission should take care to not deprive those Telephone Companies 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 Tariff No. 6 participant data provided in the files identified above pursuant to section 0.457 and 0.459 of the Commission's rules and paragraph 1 of the *2023 Protective Order*. Pursuant to the *2023 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 23-470 PROTECTIVE ORDER)

NECA has also complied with the requirement of the *2023 Protective Order* for providing a redacted copy of the files identified above, which are marked: **REDACTED – FOR PUBLIC INSPECTION**.

FCC Registration Number for Tariff 6 Participants

0004311627	0003764735	0015034358	0002432672
0003745940	0003745940	0003745940	0002432672
0001726488	0003722949	0003773504	0002723336
0002598464	0003773520	0002598407	0004341855
0003795697	0002549392	0004928792	0003733029
0004381422	0004329611	0003772787	0001678044
0002594125	0002388247	0004961272	0004961231
0002588192	0003714904	0002557627	0003741956
0003726759	0004776464	0003748068	0004776464
0004776464	0004338489	0002550309	0004329587
0002652519	0004320164	0003720968	0002430684
0003716446	0002426559	0003745981	0003716438
0003749199	0005077342	0003736238	0003707767
0002008043	0001616200	0003721008	0002721629
0002392249	0003741550	0003741550	0003741436
0002594752	0003721495	0005066063	0002430536
0003734951	0004928750	0004928750	0004337721
0003737194	0003745734	0003757432	0002388882
0003722998	0004324620	0003733847	0007183619
0002644953	0004337374	0001565316	0003193000
0003742384	0005059092	0004328472	0004329629
0003709458	0005084058	0004329652	0002924777
0002924751	0003774430	0002430916	0002713626
0001730126	0003749645	0002589307	0002592392
0002590073	0003774494	0003724655	0004328134
0003734720	0002946879		