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

June 17, 2024

Transmittal No. 1722

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 2, 2024, consists of tariff pages as indicated on the following check sheet:

Tariff F.C.C. No. 6

14th Revised Page 1

This filing is made in response to the Commission’s *RoR BDS Order*¹ and *2024 TRP Order*² related to 2024 annual access tariff filings. 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 introduces 35 new companies that elected incentive *ex ante* pricing regulation for BDS Time Division Multiplexing (TDM) services with a bandwidth of DS3 or below. In addition, 11 of the 35 new participants have elected to tariff rate elements for packet-based and TDM BDS greater than DS3 during the transition period. One company, Fidelity Telephone LLC (SAC 421882), has elected to exit this tariff.

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 2, 2024 Annual Access Charge Tariff Filings*, WC Docket No. 24-41, Order, DA 24-434 (rel. May 10, 2024) (*2024 TRP Order*) and *Material to be Filed in Support of 2024 Annual Access Tariff Filings*, WC Docket No. 24-41, Order, DA 24-294 (rel. March 27, 2024) (*2024 Procedures 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

NECA 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 24-509 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 \$7,300.00 filing fee are being transmitted electronically today via the Commission's 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 (842)
- Attachment A
- Attachment B
- Supporting Documentation

³ See 47 C.F.R. § 61.50.

Request for Confidential Treatment

NECA seeks confidential treatment under the *2024 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 NECA's Tariff F.C.C. No. 6 BDS Access Charge filing, made under Transmittal No. 1722. 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 *2024 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).⁷ 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 *2024 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 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 73 study areas:

- TRPBDS_ExistingIndividual_Confidential.xlsx
- TRPBDS_NewIndividual_Confidential.xlsx

Holding Company TRPs containing data for 58 study areas:

- TRPBDS_Alliance_Confidential.xlsx
- TRPBDS_BWTelecom_Confidential.xlsx
- TRPBDS_CommunicationsNetwork_Confidential.xlsx
- TRPBDS_Consolidated_Confidential.xlsx
- TRPBDS_DirectCommRockland_Confidential.xlsx
- TRPBDS_Farmers_Confidential.xlsx
- TRPBDS_FilerTruLeap_Confidential.xlsx
- TRPBDS_GoldenWest_Confidential.xlsx
- TRPBDS_Hanson_Confidential.xlsx
- TRPBDS_Minburn_Confidential.xlsx
- TRPBDS_Nedelco_Confidential.xlsx

⁵ See *2024 Protective Order*.

⁶ See *2024 Procedures Order*.

⁷ See *2024 Protective Order*, ¶ 2.a.

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

- TRPBDS_Northwest_Confidential.xlsx
- TRPBDS_Townes_Confidential.xlsx
- TRPBDS_Wilkes_Confidential.xlsx

- 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 BDS Access Charge Filing, Transmittal No. 1722 in WC Docket No. 24-41.

- 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 *2024 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.⁹

⁹ See *2024 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 2 of the *2024 Protective Order*. Pursuant to the *2024 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 24-509 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**.

FCC Registration Number for Tariff 6 Participants

0003193000	0004776464	0002426559
0004381422	0003748068	0002430916
0027738798	0003726288	0002430536
0003757432	0007183619	0003745981
0024813461	0002595874	0003716438
0027980184	0004776464	0003749199
0003745734	0002594752	0001730126
0024813446	0003734951	0004928750
0024813412	0005049895	0004928750
0001912138	0002594216	0002549392
0003718426	0003722998	0003741956
0001754738	0002594125	0003736238
0004925129	0002592392	0004928792
0004341855	0002590073	0003733847
0001714567	0003745940	0003709458
0001773225	0003742897	0004311627
0004329330	0004329611	0004338489
0004338851	0003742467	0001616200
0004332102	0003788940	0004337374
0005081542	0002652519	0005059092
0003734720	0004320164	0004328472
0005066063	0003745940	0003801925
0004324620	0003741535	0011862927
0002946879	0003741436	0004337721
0002924777	0002644953	0001565316
0002924751	0004329629	0003801925
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0005067228	0004328134	
0002723336	0003741550	
0003773520	0002388247	
0002721629	0004961231	
0003744398	0002393411	
0003774072	0002393379	
0004975199	0003707767	
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0002598464	0003745940	
0002598407	0002430684	
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