



April 3, 2019

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Telephone Number Portability, et al.*, CC Docket No. 95-116, WC Docket Nos. 07-149 & 09-109

Dear Ms. Dortch:

iconectiv LLC, formerly known as Telcordia Technologies, Inc. (“iconectiv”), hereby submits its Business Continuity Exercise Report for 2018.

iconectiv requests pursuant to Sections 0.457 and 0.459 of the Commission’s rules, 47 C.F.R. §§ 0.457, 0.459, that the Commission withhold from any future public inspection and accord confidential treatment to the confidential, business sensitive information contained in the attached report.

The Confidential Information constitutes highly sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”). Exemption 4 of FOIA provides that the public disclosure requirement of the statute “does not apply to matters that are . . . (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. § 552(b)(4). Because iconectiv is providing commercial information “of a kind that would not customarily be released to the public,” this information is “confidential” under Exemption 4 of FOIA. *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Because this is a voluntary filing, if the Commission denies this request for confidential treatment, iconectiv requests for its Confidential Information to be returned.

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules, iconectiv hereby states as follows:

1. Identification of the Specific Information for Which Confidential Treatment Is Sought (Section 0.459(b)(1))

iconectiv seeks confidential treatment with respect to the Business Continuity Exercise Report.

2. Description of the Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

iconectiv is submitting its Business Continuity Exercise Report at the request of FCC staff. The exercise is conducted annually as part of iconectiv's responsibilities under its agreement with North American Portability Management, LLC, to operate the NPAC.

3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))

The information described above is protected from disclosure because the Confidential Information constitutes sensitive information about iconectiv's operations and emergency preparedness, and its release has the potential to compromise NPAC system security.

4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))

iconectiv serves as the Local Number Portability Administrator after designation by the FCC and award of a competitively bid contract by the North American Portability Management, LLC. The contract is subject to being bid again at the end of its term. In addition, NPAC function facilitates porting among competing telecommunications carriers.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

Release of the report could endanger NPAC system security by providing information as to iconectiv's operational continuity plans and testing. An attack would not only injure iconectiv competitively, but it would also potentially injure competing telecommunications carriers that may not be able to complete telephone number ports.

6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))

iconectiv does not make the Confidential Information publicly available in this form at this level of detail. This information would not be disclosed at this level of detail without a non-disclosure agreement or equivalent confidentiality obligation.

7. Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))

iconectiv has not made the Confidential Information publicly available in this form at this level of detail.

8. Justification of the Period During Which the Submitting Party Asserts That Material Should Not Be Available for Public Disclosure (Section 0.459(b)(8))

iconectiv requests that the information remain confidential for ten years, because its disclosure during that time could give iconectiv's competitors insights into how to compete with iconectiv or attack its operations.

9. Any Other Information That the Party Seeking Confidential Treatment Believes May Be Useful in Assessing Whether Its Request for Confidentiality Should Be Granted (Section 0.459(b)(9))

Data subject to this request also would qualify for Exemption 4 of the Freedom of Information Act. Exemption 4 protects information that is (i) commercial or financial; (ii) obtained by a person outside of the government; and (iii) privileged or confidential. 5 U.S.C. § 552(b)(4).

Sincerely,



John T. Nakahata
Counsel to iconectiv, LLC

Attachment

cc: Ann Stevens
Jeff Goldthorp

REDACTED – FOR PUBLIC INSPECTION

ATTACHMENT REDACTED IN ITS ENTIRETY