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July 1, 2016

VIA ELECTRONIC SUBMISSION

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

Re: ETC Annual Reports and Certifications, WC Docket No. 14-58

Dear Ms. Dortch:

Enclosed for filing please find Verizon's 2015 FCC Form 481s pursuant to 47 C.F.R. § 54.313. Some of the materials in this filing contain confidential information, and have been herein redacted for public inspection.

A courier will deliver non-redacted versions of this filing to your office.

All inquiries relating to access to any information submitted in this filing should be addressed to the undersigned.

Please let me know if you have any questions or concerns.

Sincerely,

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
ETC Annual Reports and Certifications	)	WC Docket No. 14-58
	)	
	)	

REQUEST FOR CONFIDENTIAL TREATMENT

Verizon requests that the portions of its Forms 481 pertaining to network outages and complaints be granted confidential, non-public treatment pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, and related provisions of the Freedom of Information Act (FOIA), including 5 U.S.C. § 552(b)(4) ("Exemption 4"). Form 481 contains information regarding Verizon's network outages and steps Verizon has taken to prevent similar situations from recurring. Release of such information would supply a roadmap enabling wrongdoers to identify and target network vulnerabilities or undermine network safeguards that could impair the public's ability to call 9-1-1 in an emergency, contrary to the Commission's objectives and the public interest. Information in support of Verizon's request for confidential treatment pursuant to Section 0.459(b) of the Commission's Rules, 47 C.F.R. §0.459(b), is provided below.

I. VERIZON'S FORMS 481 SATISFY THE REQUIREMENTS OF § 0.459 OF THE COMMISSION'S RULES

The material for which Verizon seeks confidentiality falls squarely within the requirements of Section 0.459 of the Commission's rules. As demonstrated below, Verizon has satisfied each of the elements of Section 0.459, and disclosure of this information would result in competitive harm to Verizon.

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(1) ***Identification of the specific information for which confidential treatment is sought.*** Verizon requests confidential treatment for the portions of Forms 481 required by 47 C.F.R. § 54.313(a)(2) and (4). The Forms bear the legend "Confidential–Not for Public Disclosure" in the footer.[1] The specific information falls into three categories: (1) information pertaining to network outages; (2) information pertaining to customer complaints; and (3) voice and broadband pricing information.

(2) ***Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.*** The information is required to be produced annually by 47 C.F.R. § 54.313(a). The proceedings are WC Docket No. 10-90 and WC Docket No. 11-42.

(3) ***Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.*** The information for which confidentiality is requested is "commercial"[2] in nature. The information is "confidential" in that it "would customarily not be released to the public."[3] The courts have elaborated that material "is 'confidential' . . . if disclosure of the information is likely to have either of the following effects: (1) to impair the government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of

[1] The confidential Service Outage Reporting (Voice) worksheet is excluded from the public version of Verizon's Form 481 submission.

[2] *See Board of Trade of the City of Chicago v. Commodity Futures Trading Comm'n*, 627 F.2d 392, 403 & n.78 (D.C. Cir. 1980) (courts have given the terms "commercial" and "financial," as used in Section 552(b)(4), their ordinary meanings).

[3] *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 873 (D.C. Cir. 1992) (citing the Senate Committee Report).

the person from whom the information was obtained."[4] Both of these considerations apply in this instance, as further explained in point (5) below.

(4) ***Explanation of the degree to which the information concerns a service that is subject to competition***. All of the services provided by Verizon are subject to intense competition.[5]

(5) ***Explanation of how disclosure of the information could result in substantial competitive harm***. If the information were publicly available, it would potentially encourage and facilitate wrongdoers interested in disrupting Verizon's networks and impair the public's access to Public Safety Answering Points (PSAPs) via 9-1-1 calls. Specifically, making any of this information publicly available would aid wrongdoers in identifying network vulnerabilities and devising tactics to circumvent Verizon's network protections. Moreover, access to this information would enable wrongdoers to delay identification of and response to network events and could thereby increase the time required for Verizon to restore service to the public.

Confidentiality also is essential because disclosure of such information, in addition to harming the public, would seriously injure Verizon's competitive position. Network reliability is a key selling point for Verizon's customers. Disclosure of

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[4] *Nat'l Parks and Conservation Ass'n v. Morton*, 498 F.2d 764, 770 (D.C. Cir. 1974) (footnote omitted); *see also Critical Mass Energy*, 975 F.2d at 873.

[5] *See, e.g., Verizon Communications Inc. and MCI Inc. Applications for Approval of Transfer of Control*, Memorandum Opinion and Order, 20 FCC Rcd 18433, ¶ 105 (2005) ("intermodal competitors, including facilities-based VoIP and mobile wireless providers, are likely to capture an increasing share of mass market local and long distance services."), ¶ 64 ("there are numerous categories of competitors providing services to enterprise customers. These include interexchange carriers, competitive LECs, cable companies, other incumbent LECs, systems integrators, and equipment vendors."); *see also Implementation of Section 6002(b) of the Omnibus Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services*, Thirteenth Report, 24 FCC Rcd 6185 (2009).

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information that would enable wrongdoers to degrade or disrupt Verizon's networks even modestly, much less catastrophically, could erode customer's confidence in the reliability of Verizon's network or lead them to change carriers. Likewise, the disclosure of information pertaining to the number of customer complaints would harm Verizon's competitive position.

(6) ***Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*** The information for which Verizon seeks confidential treatment is information that Verizon does not customarily release to the public. Verizon also limits the internal circulation of this information to only those with a need to know.

Consistent with 47 C.F.R. § 0.459(a), the items for which confidentiality is requested are being submitted with, and are covered by, this request. This request for confidentiality–as well as the documents subject to this request–are being filed in hard copy and/or electronic copy.

(7) ***Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*** The documents and information for which confidentiality is sought are not made available to the public and have not been disclosed to third parties, except to those entities identified in 47 C.F.R. § 54.313(i). For those disclosures, Verizon has requested confidential treatment by the entities for the same information.

(8) ***Justification of the period during which the submitting party asserts that material should not be available for public disclosure.*** Given the sensitive nature of the information for which confidentiality is requested, the prospect of serious competitive

harm, and the security and public safety concerns that could arise from disclosure, Verizon requests that confidential treatment apply indefinitely.

II. CONCLUSION

For these reasons, pursuant to Sections 0.457 and 0.459 of the Commission's Rules, Verizon requests that the portions of Form 481 relating to network outages and customer complaints be treated as confidential under the Commission's rules and precedent and withheld in their entirety from public inspection, and that any distribution of them within the Commission should be limited to a "need to know" basis. In the event that any person or entity requests access to the documents or seeks to make any or all of them part of the public record, Verizon requests to be notified immediately so that it can oppose such request or take other action as necessary to safeguard its interests and the interests of consumers.

Respectfully Submitted,

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William H. Johnson
Of Counsel

July 1, 2016

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