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*ADMITTED IN DC ONLY

August 23, 2017

Via ECFS (Public Version) and
Hand Delivery (Confidential Version)

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

> Re: ET Docket No. 04-295
> **Update to Birch Communications, Inc. CALEA Policies and Procedures**

Dear Secretary Dortch:

Pursuant to 47 C.F.R. § 1.20005(a), enclosed for filing are an original and four (4) copies of the Birch Communications, Inc. ("Birch") amended Policies and Procedures for Implementing Obligations under the Communications Assistance for Law Enforcement Act. Birch is amending its existing policy to reflect changes to the Compliance Officer and other contact information.

Specifically, Birch provides a REDACTED version of this filing via ECFS, and a CONFIDENTIAL version in hard copy to the Secretary's Office. This filing is being submitted as confidential pursuant to 47 C.F.R. § 0.457(d) as trade secrets and commercial information and 47 C.F.R. § 0.457(g) as records compiled for law enforcement purposes, and therefore should not be made available for public inspection. The Commission has acknowledged "the sensitive nature of a carrier's policies and procedures for systems security and integrity."[1] Further, information concerning "business operations and plans" routinely has been withheld as

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[1] *Communications Assistance for Law Enforcement Act*, 14 FCC Rcd 4151, ¶ 57 (1999).

disclosure could damage a company's "competitive position by giving the competitors insight into [the company]'s business methods and strategies."[2]   Accordingly, the information designated by Birch as confidential herein is the type of material routinely protected from disclosure under the Freedom of Information Act ("FOIA") and the Commission's rules.

In the event this filing is not subject to confidential treatment under Rule 0.457, Birch respectfully requests notice of that determination and an opportunity to make a showing for confidentiality under 47 C.F.R. § 0.459 prior to making this filing available for public inspection.

Please contact the undersigned if you have any questions regarding this filing.

Respectfully submitted,

/s/ Chérie R. Kiser

Chérie R. Kiser

Counsel for Birch Communications, Inc.

Enclosures

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[2]   *Josh Wein, Warren Communications News on Request for Inspection of Records*, 24 FCC Rcd 12347, ¶ 13 (2009).

**Policies and Procedures for Implementing Obligations under the
Communications Assistance for Law Enforcement Act**
(last amended August 15, 2017)