

REDACTED – FOR PUBLIC INSPECTION

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February 5, 2015

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

Re: *Technology Transitions, GN Docket No. 13-5; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers, RM-11358; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593; Windstream Petition for Declaratory Ruling Seeking to Confirm ILECs' Continued Obligation to Provide DS1s and DS3s on Unbundled Basis After Technology Transitions, WC Docket No. 15-1*

Dear Ms. Dortch:

Windstream Corporation ("Windstream") herein submits a redacted version of the attached comments in the above-referenced proceeding.

Windstream seeks highly confidential treatment of marked portions of the highly confidential version of this document pursuant to the Second Protective Orders in GN Docket

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Nos. 13-5 and 12-353 and WC Docket No. 05-25 and RM-10593.¹ Highly confidential treatment is required to protect information about Windstream’s wholesale costs, purchases and expenses.²

In addition, pursuant to Sections 0.457 and 0.459(b) of the Commission’s rules, Windstream requests confidential treatment for the marked portions of the highly confidential version of this submission with respect to RM-11358 and WC Docket No. 15-1.³ Windstream asserts the following in support of this request, which concerns materials that are already covered by protective orders in other dockets:

- 1. Identification of the specific information for which confidential treatment is sought.**
Windstream requests confidential treatment of text marked as “highly confidential” in the submission.
- 2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.**
Confidential treatment is requested in conjunction with Windstream’s comments in RM-11358 and WC Docket No. 15-1.
- 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 Windstream is seeking confidential treatment is commercially sensitive information relating to Windstream’s wholesale purchases, costs, and expenses. This information is not available to the general public and disclosure would affect Windstream’s competitive standing in the marketplace. The Commission has recognized

¹ *Technology Transitions; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket Nos. 13-5 and 12-353, Second Protective Order, DA 14-273 (rel. Feb. 27, 2014) (IP Transition Second Protective Order); *In the Matter of Special Access Rates for Price Cap Local Exchange Carriers*, Second Protective Order, 25 FCC Rcd. 17725 (2010) (“Second Protective Order”); *See also Special Access for Price Cap Local Exchange Carriers*, Letter from Sharon E. Gillett, Chief, Wireline Competition Bureau to Donna Epps, Vice President, Federal Regulatory Affairs, Verizon, DA-12-199 (dated Feb. 13, 2012) (“Letter to Donna Epps”) (further supplementing the *Second Protective Order*).

² *See* IP Transition Second Protective Order at Appendix A, number 3 (declaring eligible for highly confidential treatment “information that provides granular information about a Submitting Party’s current or future costs, revenues, marginal revenues or market share”); Letter to Donna Epps at 2 (declaring eligible for highly confidential treatment “expenditures, including dollar volumes of purchases of intrastate and interstate DS1 and DS3 services, and expenditures under certain rate structures and discount plans”).

³ 47 C.F.R. §§ 0.457, 0.459(b).

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that disclosure of information relating to market plans and business strategies can cause substantial competitive harm.⁴

4. Explanation of the degree to which the information concerns a service that is subject to competition.

The information for which Windstream is seeking confidential treatment includes information about its wholesale expenditures and commercially negotiated rate structures, and insight into its decisions to purchase TDM-based vs. IP-based products and inputs.

5. Explanation of how disclosure of the information could result in substantial competitive harm.

Disclosure of this information could hinder Windstream's ability to negotiate commercial agreements and purchase wholesale products and inputs.

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.

The information provided includes confidential business information and is treated as such. The information is not ordinarily shared with unauthorized individuals, entities, or other third parties.

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 information for which Windstream is seeking confidential treatment has not been disclosed to the general public or to any particular third parties, unless subject to confidentiality protections.

8. Justification of the period during which the submitting party asserts material should not be available for public disclosure.

Windstream requests that the information remain confidential indefinitely, because its disclosure would negatively affect Windstream's future wholesale purchasing and commercial agreements.

9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.

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

⁴ See *Southwestern Bell Telephone Company, Cost Support Filed Under Request for Confidential Treatment*, CC Docket No. 93-162 (1999).

⁵ See 5 U.S.C. § 552(b)(4); *Fed. Open Market Comm. v. Merrill*, 443 U.S. 340, 360 (1979).

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Pursuant to the two Second Protective Orders, this redacted version of the document is being filed electronically via ECFS. Windstream also is sending two copies each of the highly confidential version and a cover letter to the Wireline Competition Bureau's Jonathan Reel (Competition Policy Division) and Marvin Sacks (Pricing Policy Division).

Please contact me if you have any questions or require any additional information.

Sincerely yours,

/s/ Malena F. Barzilai

Malena F. Barzilai

cc: Matthew DelNero
Daniel Kahn