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March 23, 2015

**Via Electronic Submission**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
12<sup>th</sup> Street Lobby – TW-A325  
Washington, D.C. 20554

**Re: REQUEST FOR CONFIDENTIAL TREATMENT:  
*Connect America Fund; High-Cost Universal Service Support -  
Study Area Boundary Data Collection, WC Docket Nos. 10-90; 05-337***

Dear Ms. Dortch:

Attached please find AT&T's request for confidential treatment of the data it is updating pursuant to the Commission's *Study Area Boundary Orders*<sup>1</sup>. AT&T is submitting updated confidential data via the Commission's Study Area Boundary Data Collection website. For the reasons detailed in the attached request for confidential treatment AT&T requests that the Commission not make this information publicly available.

Should you have any questions, feel free to contact me.

Sincerely,

**/s/ Anisa A. Latif**

Anisa A. Latif

Attachment

Cc: Chelsea Fallon  
John Emmett  
Suzanne Yelen

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<sup>1</sup> See *Connect America Fund*, WC Docket No. 10-90 et al., Report and Order, 27 FCC Rcd 13528 (WCB 2012) ("*Study Area Boundary Order*"); *Connect America Fund*, WC Docket No. 10-90 et al., Order on Reconsideration, 28 FCC Rcd 1489 (WCB 2013) ("*Study Area Boundary Reconsideration Order*"); *Wireline Competition Bureau Extends the Filing Deadline for Study Area Boundary Changes to March 23, 2015 and Sets Recertification Date of May 26, 2015*, WC Docket Nos. 10-90, 05-337, Public Notice, DA 15-321 (rel. March 12, 2015).



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March 23, 2015

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

**Re: REQUEST FOR CONFIDENTIAL TREATMENT; *Connect America Fund; High-Cost Universal Service Support*, WC Docket Nos. 10-90, 05-337**

Pursuant to the Commission's decision in *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, GC Docket No. 96-55 (FCC 98-184), released Aug. 4, 1998 ("*Confidential Information Order*") and in accordance with the Freedom of Information Act ("FOIA") and the Commission's Rules related to public information and inspection of records, *e.g.*, 47 C.F.R. §§ 0.457 and 0.459, AT&T Services, Inc. ("AT&T"), on behalf of its wireline operating affiliates,<sup>1</sup> hereby submits this request for confidential treatment of data submitted to the Commission in response to its *Study Area Boundary Order*, *Study Area Boundary Reconsideration Order*, and *March 12, 2015 Public Notice* (collectively, "*Study Area Boundary Orders*").<sup>2</sup> This request applies to all of the data submitted to the Commission by AT&T for the affiliates listed in footnote 1. The underlying data used for this filing is the intellectual property of one of AT&T's vendors, GeoResults, Inc. ("GeoResults"). Pursuant to AT&T's licensing agreement with GeoResults, GeoResults has given its limited consent to AT&T to file this data with the Commission on a confidential basis. AT&T does not have permission to share GeoResults' data with any other third party or to permit the Commission to use GeoResults' data to create derivative work that would, in turn, be available to third parties. If the Commission is unable to honor this request for confidential treatment or if it fails to obtain written permission directly from GeoResults to make these data publicly available, AT&T asks the Commission to return the data and destroy any copies of derivative work that incorporates GeoResults' data.

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<sup>1</sup> The specific affiliates covered by this request are: Illinois Bell Telephone Company; Indiana Bell Telephone Company, Incorporated; Michigan Bell Telephone Company; The Ohio Bell Telephone Company; Southwestern Bell Telephone Company; and Wisconsin Bell, Inc.

<sup>2</sup> See *Connect America Fund*, WC Docket No. 10-90 et al., Report and Order, 27 FCC Rcd 13528 (WCB 2012) ("*Study Area Boundary Order*"); *Connect America Fund*, WC Docket No. 10-90 et al., Order on Reconsideration, 28 FCC Rcd 1489 (WCB 2013) ("*Study Area Boundary Reconsideration Order*"); *Wireline Competition Bureau Extends the Filing Deadline for Study Area Boundary Changes to March 23, 2015 and Sets Recertification Date of May 26, 2015*, WC Docket Nos. 10-90, 05-337, Public Notice, DA 15-321 (rel. March 12, 2015).

**Statement pursuant to 47 C.F.R. § 0.459(b)**

- (1) Identification of the specific information for which confidential treatment is sought.**

In response the *Study Area Boundary Orders*, AT&T is submitting confidential shapefiles of the study area boundaries and wire center boundaries of the affiliates mentioned in footnote 1. AT&T has made every effort to mark these shapefiles “Confidential – Not for Public Disclosure.”

- (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 being provided to the Commission in response to the Commission’s *Study Area Boundary Orders*.

- (4) Explanation of the degree to which the information concerns a service that is subject to competition; and**

Telecommunications is a highly competitive industry and it is our understanding that the mapping services provided by GeoResults are similarly competitive. The presence of such competition and the likelihood of competitive injury threatened by release of GeoResults’ data provided to the Commission by AT&T should compel the Commission to withhold the information from public disclosure. *CNA Financial Corp. v. Donovan*, 830 F.2d 1132, 1152 (D.C. Cir. 1987); *Frazee v. U.S. Forest Service*, 97 F.3d 367, 371 (9<sup>th</sup> Cir. 1996); *Gulf & Western Indus. v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979).

- (3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**

- (5) Explanation of how disclosure of the information could result in substantial competitive harm.**

FOIA Exemption 4 requires a federal agency to withhold from public disclosure confidential or privileged commercial and financial information of a person unless there is an overriding public interest requiring disclosure, and the Commission has a longstanding policy of protecting the confidential commercial information of its regulatees under Exemption 4.

Two lines of cases have evolved for determining whether agency records fall within Exemption 4. Under *Critical Mass*, commercial information that is voluntarily submitted

to the Commission must be withheld from public disclosure if such information is not customarily disclosed to the public by the submitter.<sup>3</sup> For materials not subject to *Critical Mass, National Parks* establishes a two part test for determining if information qualifies for withholding under Exemption 4.<sup>4</sup> The first prong asks whether disclosing the information would impair the government's ability to obtain necessary information in the future. The second prong asks whether the competitive position of the person from whom the information was obtained would be impaired or substantially harmed. If the information meets the requirements of either prong, it is exempted from disclosure under Exemption 4. Whether under *Critical Mass* or *National Parks*, the information provided by AT&T falls within Exemption 4.

The GeoResults' information being provided to the Commission in response to the *Study Area Boundary Orders* is not released to the public and is maintained on a confidential basis. AT&T obtains access to these data via a commercial licensing agreement with GeoResults and with another vendor, NAVTEQ, which resells GeoResults' data pursuant to a separate licensing agreement. These parties would not ordinarily disclose this information in the absence of a licensing agreement. Disclosure of this information would subject GeoResults to substantial competitive harm. Disclosure also will impair both AT&T's and the Commission's ability to obtain similar information in the future. Moreover, compelled public disclosure of GeoResults' data would hamper the ability of the Commission to rely on the future cooperation of the parties and their vendors involved in these proceedings.

- (6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure; and**
- (7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.**

This information has been maintained on a confidential basis within AT&T and is not disclosed to parties in the absence of a licensing agreement. Company practices instruct employees not to disclose such information outside the company and to restrict access to this information to AT&T personnel on a need-to-know basis.

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<sup>3</sup> *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) ("*Critical Mass*").

<sup>4</sup> *National Parks & Conservation Assoc. v. Morton*, 498 F.2d 765 D.C. Cir. (1974) ("*National Parks*").

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

The material must be kept confidential for an indefinite period. Confidential treatment must be afforded this information as long as its disclosure would impair or substantially harm GeoResults' competitive position. AT&T cannot determine at this time any date on which the information would become "stale" for such a purpose.

**Conclusion**

For all the foregoing reasons AT&T requests that the Commission withhold from public disclosure pursuant to section 0.459 of the Commission's Rules all of the data AT&T is submitting on behalf of its affiliates listed in footnote 1 in response to the *Study Area Boundary Orders*. If the Commission is unable for any reason to keep this information confidential, AT&T respectfully requests that the Commission return the information to AT&T pursuant to section 0.459(e) of the Rules.

Sincerely,

/s/ Cathy Carpino  
Cathy Carpino