

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Connect America Fund

)
)
)

WC Docket Nos. 10-90 and 14-58

**REQUEST FOR CONFIDENTIAL TREATMENT OF SPECIFIED INFORMATION IN
2015 ELIGIBLE TELECOMMUNICATIONS CARRIER ANNUAL REPORTS**

June 25, 2015

BRIGGS AND MORGAN, P.A.
Matthew A. Slaven
Andrew M. Carlson
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 977-8400

For the reasons stated herein, Cellco Partnership d/b/a Verizon Wireless, on behalf of itself and its wireless subsidiaries and affiliates designated as eligible telecommunications carriers (“ETCs”) (“Verizon Wireless” or the “Company”), hereby requests that the Outage Reports, Unfulfilled Requests for Service information, Service Improvement Plans and Progress Reports, and Complaints per 1,000 Handsets information filed herewith in the Form 481 2015 Eligible Telecommunications Carrier Annual Reports listed below be treated as confidential and not routinely available for public inspection pursuant to 47 C.F.R. §§ 0.457(d) and 0.459. Redacted copies of the Form 481s are submitted herewith for inclusion in the public record.

The Company’s request for confidential treatment applies to the 2015 Eligible Telecommunications Carrier Annual Reports submitted for the carriers and study areas listed below:

Study Area Name	State	SAC
Iowa RSA 7 Limited Partnership	IA	359070
Iowa 8 Limited Partnership	IA	359071
North Central RSA 2 of North Dakota Limited Partnership	ND	389006
Northwest Dakota Cellular of North Dakota LP	ND	389007
North Dakota RSA 3 Limited Partnership	ND	389008
Badlands Cellular of North Dakota Limited Partnership	ND	389009
North Dakota 5 - Kidder Limited Partnership	ND	389010
St. Lawrence Seaway RSA Cellular Partnership	NY	159014
New York RSA 2 Cellular Partnership	NY	159015
WI RSA #1 Limited Partnership	WI	339023

The Outage Reports, Unfulfilled Requests for Service information, Service Improvement Plans and Progress Reports, and Complaints per 1,000 Handsets information (collectively, the “Confidential Information”) set forth in the enclosed Form 481 2015 Eligible Telecommunications Carrier Annual Reports all qualify as “commercial or financial information” that “would customarily be guarded from competitors,” regardless of whether or not such materials are protected from disclosure by a privilege. *See* 47 C.F.R. § 0.457(d); *see*

also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) (“[W]e conclude that financial or commercial information provided to the Government on a voluntary basis is ‘confidential’ for the purpose of Exemption 4 if it is the kind that would customarily not be released to the public by the person from whom it was obtained.”). Disclosure of this sensitive Confidential Information could place Verizon Wireless at a competitive disadvantage that warrants protection under 47 C.F.R. § 0.459. Verizon Wireless would be placed at a significant disadvantage if the Confidential Information were revealed to competing service providers, who stand to benefit competitively from any knowledge of the Confidential Information included in the Form 481 reports. If the Confidential Information were disclosed to competitors of Verizon Wireless, they could use such information to compete against Verizon Wireless or take other action that would place it at a substantial competitive disadvantage. The Confidential Information is not and has not previously been made available to the public, and Verizon Wireless has taken internal precautions to ensure that such information is not disclosed to the public.

In particular, the highly sensitive network outage information required by 47 C.F.R. § 54.313(a)(2) is competitively sensitive. Rule 54.313(a)(2) was modeled on and refers to the outage reporting requirements in 47 C.F.R. Part 4. When it adopted the Part 4 reporting requirements, the Commission found that such data presents national security and competitive concerns and should be deemed confidential when filed with the Commission. *In the Matter of New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 16830, ¶ 3 (2004) (“This data, though useful for the analysis of past and current outages in order to increase the reliability and security of telecommunications networks in the future, could be used

by hostile parties to attack those networks, which are part of our Nation's critical information infrastructure. The disclosure of outage reporting information to the public could present an unacceptable risk of more effective terrorist activity. We therefore will treat the information that will be provided as confidential.”)

Similarly, the Service Improvement Plan and Progress Report information, and the Unfulfilled Requests for Service information, are both confidential because they describe specific subscriber locations, specific facilities expenses, the Company's level of service at specific locations, and efforts made by the Company to extend and improve service to specific locations. This Confidential Information qualifies as “commercial or financial information” that “would customarily be guarded from competitors,” regardless of whether or not such materials are protected from disclosure by a privilege. *See* 47 C.F.R. § 0.457(d); *see also Critical Mass Energy Project*, 975 F.2d at 879. Verizon Wireless would be placed at a significant disadvantage if this information were revealed to competing service providers, who stand to benefit competitively from any knowledge of the redacted information included in these materials. Likewise, if made public, the Company's proprietary service level data could be used by its competitors to derive an unfair competitive financial benefit through targeted marketing or other initiatives.

Accordingly, the Confidential Information in the Form 481s warrants protection from public disclosure pursuant to 47 C.F.R. §§ 0.457(d) and 0.459.

Respectfully submitted,

June 26, 2015

BRIGGS AND MORGAN, P.A.

By  _____

Matthew A. Slaven

Andrew M. Carlson

2200 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

(612) 977-8400

7135820v1