

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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JUN 12 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the Local Competition)
Provisions of the Telecommunications)
Act of 1996)
)
Joint Petition of BellSouth, SBC, and)
Verizon for Elimination of Mandatory)
Unbundling of High-Capacity Loops)
and Dedicated Transport)

CC Docket No. 96-98 /

REQUEST FOR CONFIDENTIAL TREATMENT

Pursuant to Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459 (2000), RCN Telecom Service, Inc. ("RCN") by its undersigned counsel, requests that certain information in the Declaration of Joseph Kahl on Behalf of RCN ("Declaration"),¹ be treated as confidential and not subject to public inspection. The non-proprietary version of the Declaration, with the proprietary information redacted, was attached to the Joint Comments of Broadslate Networks, Inc., Network Plus, Inc., RCN Telecom Services, Inc. and Telergy, Inc. filed in the above-captioned docket on June 11, 2001. The proprietary version of the Declaration is attached hereto with the information RCN seeks to treat as proprietary identified with the following text: ***BEGIN PROPRIETARY*** [confidential information] *** END PROPRIETARY***.

In accordance with Section 0.459(b) and in support of this Request, RCN provides the following information:

¹ The entire proprietary Declaration is attached hereto in order to provide the Commission context concerning the numbers RCN seeks to treat as confidential and proprietary.

1. RCN seeks confidential treatment of the following information in the attached Declaration:

(a) Numbers designated as proprietary in paragraph six that describe the criteria RCN uses to target customers for service using its own network facilities;

(b) The amount of time it can take to build a fiber ring in New York City, designated as proprietary in paragraph nine;

(c) The per customer cost of connecting a RCN loop to Verizon inside wiring in New York, designated as proprietary in paragraph 12;

(d) The numbers of unbundled local loops and enhanced extended loops RCN purchases from incumbent local exchange carriers ("ILECs"), designated as proprietary in paragraphs 14 and 15, respectively; and

(e) The number of lines a customer must request before RCN will provision service using a DS1 loop, designated as proprietary in paragraph 14;

2. RCN submits this information in response to the Joint Petition filed by BellSouth, SBC and Verizon ("RBOC Petitioners") in the above-captioned docket in which RBOC Petitioners argue that high capacity loops and transport are ubiquitously available and should not be subject to unbundling obligations;

3. The information described in 1(a) through (e) above is sensitive commercial and proprietary information. The information is also privileged as it pertains to RCN's business plans, customer marketing and network operations and, therefore, is not available to the public;

4. The information relates to competitive local exchange service and other competitive telecommunications services RCN provides in competition with the RBOC Petitioners and other carriers;

5. Disclosure of this information to the public would significantly harm RCN. The numbers presented in the attached declaration provide privileged information regarding RCN's business plans, customer marketing, and network operations and could be used by RCN's competitors in the local exchange market, including ILECs, in marketing services to their customers. As described below, public inspection is not necessary for the Commission to make a determination on the Joint Petition and, therefore, the confidential nature of this information should not be jeopardized;

6. RCN treats the information described in 1(a) through (e) as confidential and does not customarily disclose such information to competitors, customers, or internal personnel whose job performance does not require such information;²

7. RCN has disclosed this information only on an “as needed to know” basis to assist the Commission evaluate the claims made in the Joint Petition filed in the above-captioned docket;

8. The information described in 1(a) through (e) above should not be made available for public disclosure. There is nothing material that public comment would add to the Commission’s analysis of RCN’ confidential data as it pertains to the claims made by the RBOC Petitioners.

For the reasons discussed above, RCN respectfully requests that the information identified as confidential and proprietary in 1(a) through (e) above, and noted as proprietary in paragraphs six, nine, 12, 14, and 15 of the attached Declaration, be withheld from public inspection in accordance with Section 0.459. The subject information qualifies as commercial, financial, and other information that would “customarily be guarded from competitors” pursuant to Section 0.457(d)(2). In the event the Commission denies confidential treatment of such information, pursuant to Section 0.459(e), RCN respectfully requests that the materials be returned to the undersigned counsel and not disclosed to the public.

² Although RCN disclosed the per customer cost of connecting its loops to Verizon inside wiring to the New York Public Service Commission Staff as part of a regulatory proceeding, RCN requested, and received, confidential treatment of this information.

Any questions regarding this filing should be addressed to the undersigned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tamar E. Finn", is written over a horizontal line.

Russell M. Blau

Tamar E. Finn

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Counsel for RCN Telecom Services, Inc.

June 12, 2001

Attachment

ATTACHMENT

**CONFIDENTIAL AND PROPRIETARY
FILED UNDER SEAL**

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of June, 2001, I filed a Request for Confidential Treatment of Proprietary Information in the Declaration of Joseph Kahl of RCN Telecom Services, Inc., via Hand Delivery to the following:

Magalie Roman Salas, Esq. (orig. +4)
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

ITS (Non-proprietary version)
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Tamar E. Finn