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**REDACTED – FOR PUBLIC INSPECTION
REQUEST FOR CONFIDENTIAL TREATMENT
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

FILED/ACCEPTED

FEB 27 2009

Federal Communications Commission
Office of the Secretary

February 27, 2009

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street SW, Suite TW-A325
Washington, DC 20554

Re: Annual Customer Proprietary Network Information (“CPNI”) Certification
EB Docket No. 06-36

Dear Ms. Dortch:

Pursuant to Exemptions 4 and 7 of the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552(b)(4) & (7), and the rules of the Federal Communications Commission (“FCC” or “Commission”), 47 C.F.R. §§ 0.457(d) & 0.459, Comcast Corporation (“Comcast”) hereby requests confidential treatment for certain information contained in the attached Annual CPNI Certification (“Certification”).¹ As explained below, the Certification contains company-specific, confidential data about Comcast’s CPNI security procedures and is protected from disclosure by FOIA Exemptions 4 and 7, and the Commission’s rules.²

1. *Identification of the specific information for which confidential treatment is sought.* Comcast requests that the redacted portions of the Certification be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission’s rules, which protect information not routinely available for public inspection. The Certification contains company-specific, confidential data about

¹ Annual CPNI Certification & Compliance Statement, EB Docket No. 06-36 (filed February 27, 2009) (attached).

² 5 U.S.C. §§ 552(b)(4), 552(b)(7); 47 C.F.R. §§ 0.457(d) & 0.457(d)(2)

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Comcast's CPNI security procedures that would not routinely be made available to the public. In addition, the Certification discloses information regarding security procedures and techniques that may provide a "roadmap" for data brokers or pretexters seeking to obtain unauthorized access to CPNI. Such information is protected from disclosure by the Commission's rules and FOIA Exemption 7.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* This information is being submitted pursuant to the Commission's rule requiring the filing of annual CPNI certifications.³

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Certification contains company-specific, confidential data about Comcast's CPNI security procedures and techniques. If this information were to be made public, data brokers or pretexters could use it to attempt to circumvent Comcast's security systems and obtain unauthorized access to CPNI, potentially causing harm to Comcast and its customers.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates directly to Comcast's provision of Voice over Internet Protocol (VoIP) service, which is subject to vigorous competition.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* As noted, the Certification discloses sensitive information regarding Comcast's security procedures and techniques. If this information were to be made public, data brokers or pretexters could use it to attempt to circumvent Comcast's security systems and obtain unauthorized access to CPNI, potentially causing substantial competitive harm to Comcast.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Certification is not available to the public and has not otherwise been disclosed previously in this form to third parties.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Comcast requests that the information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

³ 47 C.F.R. § 64.2009(e).

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* If publicly disclosed, the confidential information contained in the Certification may potentially assist data brokers, pretexters, and other wrongdoers in causing harm. Moreover, where, as here, disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information.⁴ Failure to accord confidential treatment to this information is likely to dissuade providers from voluntarily providing such information in the future and potentially deprive the FCC of information necessary to evaluate facts relevant to policy issues under its jurisdiction.

In the event that the Commission declines to grant this request, disclosure of the redacted information (other than to a Commission employee working directly on the matter) should be permitted only under limited circumstances and with appropriate protections in place. If such a request occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Comcast to pursue appropriate remedies to preserve the confidentiality of the information, including requesting that disclosure be permitted only for legal counsel who have executed the Commission's standard protective order.

If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Sincerely,



A. Renée Callahan

Attachments

⁴ See, e.g., *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that "for whatever reason, 'would customarily not be released to the public by the person from whom it was obtained'" (citation omitted)).