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March 23, 2011

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VIA ELECTRONIC FILING

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

Re: *Petition of Puerto Rico Telephone Company, Inc. and Puerto Rico Telephone Larga Distancia, Inc. For Waiver of Section 64.1903 of the Commission's Rules, WC Docket No. 10-52*

REDACTED—FOR PUBLIC INSPECTION

Dear Ms. Dortch:

In accordance with the Commission's order conditionally granting a waiver of the section 64.1903 separate affiliate requirement, Puerto Rico Telephone Company, Inc. ("PRT") respectfully submits the enclosed filing to demonstrate that it lacks classical market power in providing in-region, interstate and international, long distance services in Puerto Rico. This filing consists of a multi-page pleading and supporting declaration and exhibit.¹

Pursuant to Section 0.459(a) of the Commission's rules and the Protective Order entered in this proceeding,² PRT requests confidential treatment of parts of the pleading that contain proprietary commercial and financial information that is routinely withheld from public disclosure. Under Section 0.459 of the Commission's rules, parties who submit confidential information to the Commission may file a request that the FCC not disclose the information to the public. If that information is withholdable by the agency pursuant to an exemption

¹ *Petition of Puerto Rico Telephone Company, Inc. and Puerto Rico Telephone Larga Distancia, Inc. for Waiver of Section 64.1903 of the Commission's Rules, Memorandum Opinion and Order, WC Docket No. 10-52, DA 10-2418, ¶ 21 (rel. Dec. 23, 2010).*

² 47 C.F.R. § 0.459(a); *Petition of Puerto Rico Telephone Company, Inc. and Puerto Rico Telephone Larga Distancia, Inc. For Waiver of Section 64.1903 of the Commission's Rules, WC Docket No. 10-52, DA 11-514, Protective Order (rel. March 17, 2011).*

Marlene H. Dortch
March 23, 2011
Page 2

of the Freedom of Information Act (“FOIA”),³ the Commission’s rules require that the information remain confidential unless the Commission identifies a “compelling public interest in disclosure.”⁴

In this case, the information in the enclosed filing fits into Exemption 4 of FOIA, which exempts “commercial or financial information obtained from a person” that is “confidential” from public disclosure under FOIA.⁵ Where the information is provided to the Government voluntarily, as is the case here, Exemption 4 protects as confidential any commercial or financial information that is “of a kind that would not customarily be released to the public by the person from whom it was obtained.”⁶

Here, the enclosed filing contains detailed commercial information regarding the number of PRT’s subscribers and the amount of PRT’s revenues by type of service, which is commercially sensitive information customarily not released to the public, and therefore falls under FOIA Exemption 4.⁷ Because the information for which PRT is seeking confidential treatment would be extremely beneficial to PRT’s actual and potential competitors, of which there are many in Puerto Rico, PRT

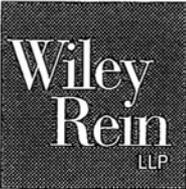
³ 5 U.S.C. § 522(b)(4).

⁴ Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order, 13 FCC Rcd 24816 ¶ 8 (1998) (“*Confidential Treatment Order*”). Before authorizing release of information, the Commission “insists upon a showing that the information is a necessary link in a chain of evidence’ that will resolve an issue before the Commission.” *Id.* (quoting *Classical Radio for Connecticut, Inc.*, 69 FCC Rcd 1517, 1520 n.4 (1978)).

⁵ 5 U.S.C. § 552(b)(4).

⁶ *Critical Mass Energy Project v. Nuclear Regulatory Comm’n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (“*Critical Mass*”); see also *Confidential Treatment Order*, 13 FCC Rcd 24816 ¶ 4.

⁷ See, e.g., *Cox Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12,160 ¶ 6 (2004); *Comcast Cable Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12,165 ¶ 6 (2004).



Marlene H. Dortch
March 23, 2011
Page 3

would suffer substantial competitive harm if such information were released to the public. The courts have held this type of information to be competitively sensitive and withholdable under Exemption 4.⁸

PRT also seeks confidential treatment of information pertaining to other carriers, including the identity of those carriers' customers. Such information is protected from disclosure by virtue of 47 U.S.C. § 222(a).

For the foregoing reasons, PRT requests that the Commission withhold from public disclosure the proprietary commercial and financial information contained in the enclosed filing.

Sincerely yours,

A handwritten signature in black ink, appearing to be "Bennett L. Ross", written over a horizontal line. The signature is stylized and somewhat illegible.

Bennett L. Ross

cc: Lisa Gelb
William A. Kehoe III
William Dever
Claudia Pabo
Pam Megna
Gregory Kwan

Enclosures

⁸ See, e.g., *Center for Public Integrity v. FCC*, 515 F. Supp. 2d 167 (D.D.C. 2007).