



80 South Jefferson Road
Whippany, NJ 07981

Regina McNeil
Vice President of Legal,
General Counsel &
Corporate Secretary
PH 973-884-8168
FX 973-884-8372
rmcneil@neca.org

FILED/ACCEPTED

May 25, 2011

MAY 25 2011

Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street S.W.

Washington, DC 20534

Federal Communications Commission
Office of the Secretary

Lynne Hewitt Engledow
Pricing Policy Division
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20534

Re: CC Docket No. 01-92; GN Docket No. 09-51; WC Docket Nos. 05-337, 07-135, 10-90;
Data Related to Universal Service and Intercarrier Compensation Reform

Dear Ms. Dortch and Ms. Hewitt Engledow:

Attached is the supplemental response of the National Exchange Carrier Association (NECA) to a request, dated March 29, 2011, from Sharon E. Gillett, Chief – Wireline Competition Bureau.¹ This information is being filed pursuant to the Protective Order issued in this proceeding.² In accordance with the Protective Order, this information has been marked:

REDACTED – FOR PUBLIC INSPECTION

Enclosures

CC: Sharon E. Gillett – Chief, WCB

¹ Letter from Sharon E. Gillett, Chief - WCB to Regina McNeil, NECA, CC Docket No. 01-92; GN Docket No. 09-51; WC Docket Nos. 05-337, 07-135, 10-90, 26 FCC Rcd 4968 (2011).

² *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *et. al.*, Protective Order, 25 FCC Rcd 13160 (2010).

No. of Copies rec'd 0+1
List A B C D E
FEDERAL COMMUNICATIONS COMMISSION



80 South Jefferson Road
Whippany, NJ 07981

Regina McNeil
Vice President of Legal,
General Counsel &
Corporate Secretary
PH 973-884-8168
FX 973-884-8372
mcneil@neca.org

May 25, 2011

Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street S.W.

Washington, DC 20534

FILED/ACCEPTED

MAY 25 2011

Federal Communications Commission
Office of the Secretary

Lynne Hewitt Engledow

Pricing Policy Division

Federal Communications Commission

445 12th Street S.W.

Washington, DC 20534

Re: CC Docket No. 01-92; GN Docket No. 09-51; WC Docket Nos. 05-337,
07-135, 10-90; Data Related to Universal Service and Intercarrier
Compensation Reform

Dear Ms. Dortch and Ms. Hewitt Engledow:

Enclosed please find the National Exchange Carrier, Inc. (NECA) supplemental response to a request, dated March 29, 2011, from Sharon E. Gillett, Chief – Wireline Competition Bureau (Bureau) to Regina McNeil, Vice President and General Counsel – National Exchange Carrier Association, Inc.¹ NECA is filing this information to supplement its previous data filings of May 11, 2011 and April 6, 2011 in the above captioned proceeding (collectively, “NECA’s data filings”). NECA’s data filings are being filed pursuant to the Protective Order issued in this proceeding.²

The supplemental information supplied by NECA is contained on a CD-Rom accompanying this letter. NECA’s data filings were compiled from data received in the normal

¹ Letter from Sharon E. Gillett, Chief – WCB to Regina McNeil, NECA, CC Docket No. 01-92, GN Docket No. 09-51, WC Docket Nos. 05-337, 07-135, 10-90, 26 FCC Rcd 4968 (2011).

² *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *et. al.*, Protective Order, 25 FCC Rcd 13160 (2010).

course of business, as well as data obtained through voluntary data requests. In addition, Universal Service data was obtained from the High Cost Disbursement tool available on the Universal Service Administrative Company (USAC) website. The data used for access tariff administration is complete, reliable, and available for all pool members; however, in some instances the Commission has requested data at a more granular level than what NECA collects for access tariff development and pooling settlements. Data from voluntary data requests may not be available for all years requested and is available only for the companies that responded to the voluntary surveys. This voluntary data is included pursuant to the Commission's request but has not been fully verified and may not be completely reliable. A full description of data availability is contained in Attachment 1, as well as a cross reference between the data items and the Excel spreadsheet contained on the CD-Rom. A template for the data contained on the CD-Rom is included in Attachment 2.

NECA seeks confidential treatment of the information provided on the CD-Roms comprising *NECA's data filings* under the Protective Order. Notwithstanding the Protective Order, the information provided on the CD-Rom is entitled to confidential, non-public treatment under the Freedom of Information Act (FOIA) and related provisions of the Commission's rules.³ The information satisfies the requirement of FOIA Exemption 4 (trade secrets or commercial/financial information).

NECA submits the following information pursuant to section 0.459 in support of its request for confidential treatment of the data on the CD-Roms comprising *NECA's data filings*.

- Identification of the specific information for which confidential treatment is sought:

NECA seeks confidential treatment for the information on the CD-Rom, which contains confidential and proprietary information related to inter- and intrastate intercarrier compensation revenues, expenses, line counts, usage patterns, other regulated and non-regulated revenues, and long-term debt of NECA pool members.

- Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:

This information was submitted in response to a Wireline Competition Bureau request in connection with CC Docket No. 01-92, GN Docket No. 09-51, WC Docket Nos. 05-337, 07-135, and 10-90.

³ 47 C.F.R. §§ 0.457 and 0.459; 5 U.S.C. § 552, et. seq. Section 0.457(d)(iii) specifically identifies information submitted in connection with audits, investigations, and examination of records pursuant to 47 U.S.C. 220 as material that has been accepted by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4).

- Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged:

The information on the CD-Rom contains sensitive study area specific information provided by pool members to NECA in its capacity as interstate access tariff and pool administrator. At the study area level, the information is granular and highly confidential to the reporting pool members.

The information provided also includes supplemental items beyond the scope of interstate access administration, including items concerning non-regulated lines of business, that were provided to NECA in conjunction with data requests under the understanding that such information would be kept confidential.

The interstate access and supplemental data is treated as a confidential trade secret by pool members. NECA would not agree to submit the data in response to the Commission staff's request without assurances that the information will be kept confidential. It would be highly inappropriate for the data to be disclosed to the public or third parties.

- Explanation of the degree to which the information concerns a service that is subject to competition:

Rural telephone service has historically lent itself to "cherry picking" by competitors that choose to serve only the low cost areas within a study area. Detailed information about revenues and expenses may help prospective competitors to gain insight to incumbent LEC (ILEC) market strategies and gain competitive advantage. In addition, data on non-regulated services (e.g., video, Internet, etc.) is highly sensitive and commercially valuable. Public disclosure would harm the respondent's competitive position.

- Identification of any measures taken by the submitting party to prevent unauthorized disclosure:

The information provided in the attached CD-Rom is made available only to NECA representatives on a need to know basis. Any public information is only made available on an aggregate basis.

- Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:

The information in the Excel spreadsheet on the CD-Rom is not publicly available.

- Justification of the period during which the submitting party asserts that material should not be available for public disclosure:

NECA requests that all of the data provided on the CD-Rom be treated as confidential indefinitely. Because of the sensitive nature of the data, it would not be appropriate for public disclosure at any time in the foreseeable future.

- Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted:

By addressing the data request to NECA, the Commission avoided the burden of seeking out the data for 1100+ study areas. However, the Commission should take care to not deprive those ILECs of the opportunity to speak for themselves in the event of a FOIA request for access to data. NECA requests that the Commission notify carriers of any FOIA request and allow them to be given a reasonable opportunity to file detailed information supporting continued confidential treatment of their respective data.

Accordingly, NECA requests confidential treatment of the data provided on the attached CD Rom pursuant to section 0.457 and 0.459 of the Commission's rules and paragraph 4 of the Protective Order. Pursuant to the Protective Order, NECA has marked the Excel spreadsheet on the CD-Rom and each page of the non-redacted version of this filing as follows:

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) -
SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET
NOS. 05-337, 07-135, 10-90, GN DOCKET NO. 09-51 BEFORE THE FEDERAL
COMMUNICATIONS COMMISSION

NECA has also complied with the requirement of the Protective Order for delivery of both the confidential and redacted copies of the filing.



Enclosures

CC: Sharon E. Gillett – Chief, WCB

Data Summary

Supplemental Data Filing
 May 25, 2011

	Ref # (as shown in row 2 of data file)	Source	2008	2009	2010	Study Area Availability	Comments
1) Interstate Switched Access							
--MOU by originating and terminating							
2) Residential Rates and Line Counts							
--Local Service Rate							
--Residential Lines							
3) Intrastate Switched Access							
--Revenue by Study Area							
--Revenue by originating and terminating							
--MOU by Study Area							
--MOU by originating and terminating							
4) Reciprocal Compensation & Transit							
--Revenue by Study Area							
--MOU by Study Area - Originating							
--MOU by Study Area - Terminating							
--Expense by Study Area							
--Recip Comp per Minute Rate							
--Transit MOU							
--Transit Per MOU Rate							
--Transit Revenues							
5) Additional annual data							
--Local Revenue							
--State USF revenue							
--Intrastate Special Access revenue							
--Other regulated revenue							
--Total regulated revenue							
--Interstate SPA revenue not in TS							
--Interstate SWA revenue not in TS							
--Intra Pool Settlement							

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET
 NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL
 COMMUNICATIONS COMMISSION.

	1	2	3	4	5	6	7
	Study Area Code	2008 Inter SPA Rev not in TS	2008 Inter-SWA Total Rev not in TS	2008 Local Service Residential Rate	2008 Local Revenues	2008 Other Regulated revenues	2008 Residential Lines
Obs	SAR_ID	_2008B2_INTER _SP_REV_NONT S	_2008B2_INTER _SW_REV_NON TS	_2008B2_LOCA L_RETAIL_RAT E	_2008B2_LOCA L_REVENUE	_2008B2_OTHE R_REG_REVEN UE	_2008B2_RES_L INE

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

1	8	9	10	11	12	13
Study Area Code	2008 Intra-SWA Tot MOU	2008 Intra-SWA Orig MOU	2008 Intra-SWA Term MOU	2008 Intra SPA Rev	2008 Intra-SWA Total Rev	2008 Intra USF
Obs SAR_ID	_2008B2_STATE _MOU	_2008B2_STATE _MOU_ORIG	_2008B2_STATE _MOU_TERM	_2008B2_STATE _SP_REVENUE	_2008B2_STATE _SW_REVENUE	_2008B2_STATE _USF_REVENUE

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

1	14	15	16	17	18	19
Study Area Code	2008 Total Reg Rev	2009 Inter SPA Rev not in TS	2009 Inter-SWA Total Rev not in TS	2009 Local Service Residential Rate	2009 Local Revenues	2009 Other Reg Rev
Obs SAR_ID	<u>_2008B2_TOTAL</u> <u>_REG_REVENUE</u>	<u>_2009B2_INTER</u> <u>_SP_REV_NONT</u> <u>S</u>	<u>_2009B2_INTER</u> <u>_SW_REV_NON</u> <u>TS</u>	<u>_2009B2_LOCA</u> <u>L_RETAIL_RAT</u> <u>E</u>	<u>_2009B2_LOCA</u> <u>L_REVENUE</u>	<u>_2009B2_OTHE</u> <u>R_REG_REVENUE</u>

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

1	20	21	22	23	24	25
Study Area Code	2009 Residential Lines	2009 Intra-SWA Tot MOU	2009 Intra-SWA Orig MOU	2009 Intra-SWA Term MOU	2009 Intra SPA Rev	2009 Intra-SWA Total Rev
Obs SAR_ID	_2009B2_RES_L INE	_2009B2_STATE _MOU	_2009B2_STATE _MOU_ORIG	_2009B2_STATE _MOU_TERM	_2009B2_STATE _SP_REVENUE	_2009B2_STATE _SW_REVENUE

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

	1	26	27	28	29	30	31
	Study Area Code	2009 Intra USF	2009 Total Reg Rev	2010 Inter SPA Rev not in TS	2010 Inter-SWA Total Rev not in TS	2010 Local Service Residential Rate	2010 Local Revenues
Obs	SAR_ID	_2009B2_STATE_USF_REVENUE	_2009B2_TOTAL_REG_REVENUE	_2010B2_INTER_SP_REV_NONT S	_2010B2_INTER_SW_REV_NON TS	_2010B2_LOCA L_RETAIL_RAT E	_2010B2_LOCA L_REVENUE

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

1	32	33	34	35	36	37
Study Area Code	2010 Other Reg Rev	2010 Residential Lines	2010 Intra-SWA Tot MOU	2010 Intra-SWA Orig MOU	2010 Intra-SWA Term MOU	2010 Intra SPA Rev
Obs SAR_ID	_2010B2_OTHE R_REG_REVEN UE	_2010B2_RES_L INE	_2010B2_STATE _MOU	_2010B2_STATE _MOU_ORIG	_2010B2_STATE _MOU_TERM	_2010B2_STATE _SP_REVENUE

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

1	38	39	40	41	42	43
Study Area Code	2010 Intra-SWA Total Rev	2010 Intra USF	2010 Total Reg Rev	2008 Inter-SWA Orig MOU	2008 Inter-SWA term MOU	2008 Intra-SWA Orig Rev
Obs SAR_ID	<u>_2010B2_STATE_SW_REVENUE</u>	<u>_2010B2_STATE_USF_REVENUE</u>	<u>_2010B2_TOTAL_REG_REVENUE</u>	<u>_2008SB_SWM_OU_ORIG</u>	<u>_2008SB_SWM_OU_TERM</u>	<u>_2008SB_STATE_SWREV_ORIG</u>

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

	44	45	46	47	48	49
Study Area Code	2008 Intra-SWA Term Rev	2008 Recip Comp Total Exp	2008 Recip Comp per Minute Rate	2008 Recip Comp Total Rev	2008 Recip Comp Orig MOU	2008 Recip Comp Term MOU
Obs SAR_ID	<u>_2008SB_STAT</u> <u>E_SWREV_TER</u> <u>M</u>	<u>_2008SB_RECC</u> <u>OMPPYMT</u>	<u>_2008SB_RECIP</u> <u>_COMP_PER_MI</u> <u>N_RT</u>	<u>_2008SB_RECC</u> <u>OMP</u>	<u>_2008SB_RECC</u> <u>OMPOMOU</u>	<u>_2008SB_RECC</u> <u>OMPTMOU</u>

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

1	50	51	52	53	54	55
Study Area Code	2008 Intra Pool Settlement	2008 Transit MOU	2008 Transit Per MOU Rate	2008 Transit Revenues	2009 Inter-SWA Orig MOU	2009 Inter-SWA term MOU
Obs SAR_ID	_2008SB_SETT_W_INTRA_POOL	_2008SB_TRAN_SIT_MINUTES	_2008SB_TRAN_SIT_PER_MIN_R T	_2008SB_TRAN_SIT_REVENUE	_2009SB_SWM_OU_ORIG	_2009SB_SWM_OU_TERM

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

1	56	57	58	59	60	61
Study Area Code	2009 Intra-SWA Orig Rev	2009 Intra-SWA Term Rev	2009 Recip Comp Total Exp	2009 Recip Comp per Minute Rate	2009 Recip Comp Total Rev	2009 Recip Comp Orig MOU
Obs SAR_ID	<u>_2009SB_STAT</u> <u>E_SWREV_ORI</u> <u>G</u>	<u>_2009SB_STAT</u> <u>E_SWREV_TER</u> <u>M</u>	<u>_2009SB_RECC</u> <u>OMPPYMT</u>	<u>_2009SB_RECIP</u> <u>_COMP_PER_MI</u> <u>N_RT</u>	<u>_2009SB_RECC</u> <u>OMP</u>	<u>_2009SB_RECC</u> <u>OMPOMOU</u>

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET
 NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL
 COMMUNICATIONS COMMISSION.

1	62	63	64	65	66	67
Study Area Code	2009 Recip Comp Term MOU	2009 Intra Pool Settlement	2009 Transit MOU	2009 Transit Per MOU Rate	2009 Transit Revenues	2010 Inter-SWA Orig MOU
Obs SAR_ID	_2009SB_RECC_OMPTMOU	_2009SB_SETT_W_INTRA_POOL	_2009SB_TRAN_SIT_MINUTES	_2009SB_TRAN_SIT_PER_MIN_R T	_2009SB_TRAN_SIT_REVENUE	_2010SB_SWM_OU_ORIG

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET
 NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL
 COMMUNICATIONS COMMISSION.

1	68	69	70	71	72	73
Study Area Code	2010 Inter-SWA term MOU	2010 Intra-SWA Orig Rev	2010 Intra-SWA Term Rev	2010 Recip Comp Total Exp	2010 Recip Comp per Minute Rate	2010 Recip Comp Total Rev
Obs SAR_ID	<u>_2010SB_SWM</u> <u>OU_TERM</u>	<u>_2010SB_STAT</u> <u>E_SWREV_ORI</u> <u>G</u>	<u>_2010SB_STAT</u> <u>E_SWREV_TER</u> <u>M</u>	<u>_2010SB_RECC</u> <u>OMPPYMT</u>	<u>_2010SB_RECIP</u> <u>_COMP_PER_MI</u> <u>N_RT</u>	<u>_2010SB_RECC</u> <u>OMP</u>

CONFIDENTIAL INFORMATION (ADDITIONAL COPYING PROHIBITED) - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135 AND 10-90 AND GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.

1	74	75	76	77	78	79
Study Area Code	2010 Recip Comp Orig MOU	2010 Recip Comp Term MOU	2010 Intra Pool Settlement	2010 Transit MOU	2010 Transit Per MOU Rate	2010 Transit Revenues
Obs SAR_ID	_2010SB_RECC_OMPOMOU	_2010SB_RECC_OMPTMOU	_2010SB_SETT_W_INTRA_POOL	_2010SB_TRAN_SIT_MINUTES	_2010SB_TRAN_SIT_PER_MIN_RT	_2010SB_TRAN_SIT_REVENUE