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September 1, 2011

FILED/ACCEPTED

SEP - 1 2011

Federal Communications Commission
Office of the Secretary

EX PARTE OR LATE FILED

WRITER'S CONTACT INFORMATION
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202-828-5554

ORIGINAL

**REDACTED - FOR PUBLIC INSPECTION**

VIA HAND DELIVERY

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

RE: CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER
GN Docket No. 09-51;
WC Dockets No. 10-90, 07-135, 05-337;
CC Dockets No. 01-92, 96-45;
Notice of Ex Parte

Dear Ms. Dortch:

The law firm of Blooston, Mordkofsky, Dickens, Duffy, & Prendergast, LLP submits this request for confidentiality on behalf of Golden West Telecommunications Cooperative, Inc., pursuant to the September 16, 2010 Protective Order in GN Docket No. 09-51; WC Dockets No. 05-337, 07-135, and 10-90; and CC Docket No. 01-92.[1] Confidential treatment is expressly requested of the exhibit included with the attached Notice of Ex Parte.

Pursuant to the Protective Order, non-redacted and redacted versions of the information provided are filed herewith. Each page of the confidential, non-redacted submission is marked,

[1] *See Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Protective Order, 25 FCC Rcd 13160 (WCB 2010)

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"CONFIDENTIAL INFORMATION – 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". Each page of the redacted submission is marked "REDACTED – FOR PUBLIC INSPECTION".

Golden West is also seeking confidentiality pursuant to 0.457, §0.459, and §1.1206(b)(2)(ii) of the Commission's rules, under separate cover.

If you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

Mary J Sisak /ST

Mary J. Sisak

Attachment

Cc: Lynne Hewitt Engledow, Wireline Competition Bureau (two copies, confidential / non-redacted).

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VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation
WC Docket No. 10-90
GN Docket No. 09-51
WC Docket No. 07-135
WC Docket No. 05-337
CC Docket No. 01-92
CC Docket No. 96-45

Dear Ms. Dortch:

Pursuant to §0.457, §0.459, and §1.1206(b)(2)(ii) of the Commission's rules, Golden West Telecommunications Cooperative, Inc. ("Golden West"), by its attorneys, hereby requests that the following materials and information be withheld from public inspection. Specifically, Golden West requests confidential treatment of the exhibit attached to the ex parte notice included herewith.

Data provided in the exhibit is commercially sensitive information concerning Golden West, and its disclosure would put the company at a competitive disadvantage in the marketplace. The data includes financial information about Golden West and information about Golden West's access lines, route miles, and telecommunications plants. Golden West has labeled the exhibit "Confidential – Not for Public Inspection", and in light of the sensitivity of the confidential information, Golden West requests that additional copying of the confidential information be prohibited.

Because the disclosure of this information likely would cause substantial competitive and financial harm to Golden West, it is therefore exempted from mandatory disclosure under Exemption 4 of the Freedom of Information Act ("FOIA Exemption 4)[1] and § 0.457(d) of the

[1] 5 U.S.C. § 552(b)(4). *See Public Citizen Health Research Group* v. *FDA,* 704 F.2d 1280, 1290-91 (D.C. Cir,

Commission's rules.[2] Accordingly, pursuant to §§ 0.457 and 0.459 of the Commission's rules,[3] Golden West requests the Commission to withhold from public inspection and accord confidential treatment to the exhibit attached to the included Notice of Ex Parte. In support of its request for confidential treatment and pursuant to the requirements under § 0.459(b) of the Commission's rules, Golden West states the following:

1. *Identification of the specific information for which confidential treatment is sought.*

Golden West seeks confidential treatment of the exhibit attached to the Notice of Ex Parte filing accompanying this letter, which cointains sensitive financial information about Golden West as well as information about Golden West's access lines, route miles, and telecommunications plants.

2. *Identification of the Commission proceeding in which the information was submitted or description of the circumstances giving rise to the submission.*

The documents are being submitted as part of a Notice of Ex Parte, as required by § 1.1206 of the Commission's rules.

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.*

The data described is highly confidential and sensitive commercial and financial information which constitutes trade secrets or sensitive commercial and financial information that "would customarily be guarded from competitors,"[4] and is therefore exempted from mandatory disclosure under FOIA Exemption 4 and Section 0.457(d) of the Commission's rules.[5]

4. *Explanation of the degree to which the information concerns a service that is subject to competition.*

The Confidential Information relates to telecommunications services provided by Golden West; the telecommunications industry is a highly competitive industry.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.*

Disclosure of the confidential information is likely to result in substantial competitive harm to Golden West because the confidential information could provide competitors with commercially sensitive insights related to Golden West's operations, service offerings, and costs.

6. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*

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1983).
[2] 47 C.F.R. § 0.457(d).
[3] *Id.* §§ 0.457, 0,459.
[4] *Id.* § 0.457(d)(2).
[5] 5 U.S.C. § 552(b)(4): 47 C.F,R. § 0.457(d).

Golden West does not make the confidential information publically available and the employees that have access to this information are subject to strict non-disclosure obligations.

7. *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*

Golden West does not make the confidential information available to the public and it has not previously allowed disclosure of the confidential information to third parties that are not otherwise bound by confidentiality obligations.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.*

The confidential information should be treated as confidential for an indefinite period, as Golden West will always be subject to competition and the competitive harms associated with the disclosure of the confidential information.

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

In its Report and Order and Further NPRM in GC Docket No. 10-43,[6] the Commission expressly recognized the continuing need for confidential treatment of information presented or discussed during ex parte meetings by allowing parties to continue to file confidential information by paper.

In order to provide adequate protection from public disclosure, the Commission should strictly limit distribution of the confidential information within the Commission on a "need to know" basis and not allow any distribution outside of the Commission. In the event that any person or entity outside the Commission requests disclosure of the confidential information, Golden West requests that it be so notified immediately so that it can oppose such request or take other action to safeguard its interests as it deems necessary.

Golden West is submitting a redacted copy of the Notice of Ex Parte electronically via ECFS.

Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,

Mary J. Sisak /ST

Mary J. Sisak

[6] *In the Matter of Amendment of the Commission's Ex Parte Rules and Other Procedural Rules*, Report and Order and Further Notice of Proposed Rulemaking, GC Docket No. 10-43, released February 2, 2011.

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Ms. Marlene H. Dortch, Secretary
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445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation
WC Docket No. 10-90
GN Docket No. 09-51
WC Docket No. 07-135
WC Docket No. 05-337
CC Docket No. 01-92
CC Docket No. 96-45

Dear Ms. Dortch:

This notice is submitted in compliance with Section 1.1206(b) of the Commission's rules.

On August 30, 2011, Denny Law and Greg Oleson of Golden West Telecommunications Cooperative, Inc., (Golden West) met with Commissioner Robert McDowell and Christine Kurth, Commissioner McDowell's Policy Advisor and Wireline Counsel. Also in attendance were Jason Van Beek, Jessica Yearous and Jim Long of Senator John Thune's (R-SD) staff, Rich Coit and Greg Dean of the South Dakota Telecommunications Association, Randy Houdek of Venture Communications, and Golden West customers Jill Hansen, Buskerud Construction and Todd Schuver, LG Everist, Inc.

The meeting occurred in the Golden West offices located in Dell Rapids, South Dakota. The subject of the discussion was the impact of proposed universal service and intercarrier

compensation reforms on Golden West's operations. Mr. Law gave an overview of Golden West's operations and the services provided rural customers in South Dakota. Highlighted were Golden West's broadband deployment in rural areas including tribal lands, the importance of broadband in rural communities and surrounding areas, and the investment required to provide these services. Specific items discussed are contained in the attachment.

A request that confidential material be withheld from public inspection pursuant to §0.457 and 0.459 of the Commission's rules has been submitted along with this notice and a redacted version has been filed online through the Commission's ECFS system, pursuant to §1.1206(b)(2)(ii) of the Commission's rules.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/ Mary J. Sisak

Mary J. Sisak

cc: Commissioner Robert McDowell
Christine Kurth

# Golden West
TELECOMMUNICATIONS

*CONFIDENTIAL DATA----REDACTED COPY TO BE FILED*

Golden West
TELECOMMUNICATIONS

- Golden West began providing service in 1916
- Golden West Telecommunications Cooperative formed in 1952
- Multiple acquisitions and mergers over many years
- Largest independent telecommunications provider in South Dakota

REDACTED - For Public Inspection

Golden West
TELECOMMUNICATIONS

# Service Area

Golden West
TELECOMMUNICATIONS

Golden West Serves 1/3rd of South Dakota's geography

| | Sq. Miles | Population |
|---|---|---|
| Golden West Area | 24,535 | |
| South Dakota (All) | 75,885 | 812,383 Entire State |

| STATE | Sq. Miles | Population |
|---|---|---|
| Delaware | 1,954 | 900,877 |
| Connecticut | 4,845 | 3,581,628 |
| New Jersey | 7,417 | 8,807,501 |
| Maryland | 9,774 | 5,789,929 |
| **4 States** | **23,990** | **19,079,935** |

Golden West
TELECOMMUNICATIONS

- {REDACTED} Access Lines *(12-31-2010)*
- {REDACTED} Access Lines Per Sq. Mile
- 57 Exchanges
- Exchange Density ranges from 0.09 to 13.48 access lines per square mile
- Largest Community: Hot Springs, SD 4,093 pop.
- Serve many tribal areas across South Dakota

Golden West
TELECOMMUNICATIONS

| Services | Customers |
| --- | --- |
| Local Service | Residential |
| Broadband/DSL | Business |
| T-1 to OCxx | Government |
| ATM | Schools/Education |
| Frame Relay | Health Care Facilities |
| Fast/E | Wireless Towers |
| GIG/E | Tribal Locations |

Golden West
TELECOMMUNICATIONS

## Consumer Broadband Services

- DSL Available to 95+% of subscribers, including rural and tribal areas.

- Residential Broadband Penetration = 62%

- Residential Broadband Penetration on Tribal Lands = 56%

Golden West
TELECOMMUNICATIONS

{REDACTED}Copper Route Miles

{REDACTED} Fiber Route Miles

**{REDACTED}Total Route Miles**

{REDACTED} Access Lines Per Route Mile

{REDACTED} Telecommunications Plant in Service as of 2010

Golden West
TELECOMMUNICATIONS

{REDACTED}Telecommunications Plant in Service as of 2010

**REDACTED**

Golden West
TELECOMMUNICATIONS

REDACTED

Golden West
TELECOMMUNICATIONS

# THANK YOU

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