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September 28, 2011

REQUEST FOR CONFIDENTIAL TREATMENT

Via Hand Delivery

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Request for Confidentiality for the Annual ETC Report of Allied Wireless Communications Corporation, Federal-State Joint Board on Universal Service, WC Docket No. 09-197

Dear Ms. Dortch:

On behalf of Allied Wireless Communications Corporation (“AWCC”), enclosed please find AWCC’s Annual Eligible Telecommunications Report (“ETC Report”) concerning its designation as an eligible telecommunications carrier in certain areas in North Carolina, submitted in the above-referenced proceeding pursuant to Sections 54.209 of the Commission’s rules.¹ The ETC Report contains highly confidential commercial information, including information about AWCC’s business and finances that is critical to the company and its provision of services, which is highly sensitive. Accordingly, pursuant to Section 0.459 of the Commission’s rules² and Section 552(b)(4) of the Freedom of Information Act (“FOIA”),³ AWCC requests that the ETC Report be given confidential treatment. A public redacted copy of the ETC Report also is being submitted to your office via ECFS.

¹ 47 C.F.R. § 54.209.

² *Id.* § 0.459.

³ 5 U.S.C. § 552(b)(4) (exemption 4 of the FOIA provides that an agency need not disclose “trade secrets and commercial of financial information obtained from a person which is privileged or confidential”).

The information contained in the ETC Report is confidential commercial information and information that is carefully guarded and not disclosed to the public or disclosed within the industry. As further discussed below, the ETC Report reveals details regarding AWCC's business plans, facilities, and finances. These details are trade secrets of AWCC and competitively sensitive business information, the disclosure of which would cause significant harm to AWCC and its customers. Specifically, the ETC Report includes a confidential five-year service improvement plan that discusses AWCC's build out and business plans, a progress report on a previously submitted service improvement plan, and information regarding unfulfilled service requests.

This type of information is private to AWCC and is competitively sensitive and of a nature that is not made public by AWCC or other industry members. Any release of sensitive commercial, trade or customer information would result in substantial customer harm and thus substantial competitive harm to AWCC, particularly because the CMRS marketplace in which AWCC competes is highly competitive.

The information identified above constitutes trade secrets and/or sensitive commercial information that "would customarily be guarded from competitors."⁴ Such private and competitively sensitive information is exempted from mandatory disclosure under "Exemption 4" of the FOIA,⁵ and Section 0.457(d) of the Commission's rules.⁶ Exemption 4 also allows the withholding of commercial or financial information that is privileged or confidential.⁷ The confidentiality requirement is satisfied if substantial competitive injury would likely result from disclosure.⁸ AWCC has taken steps to safeguard from disclosure the information in the ETC Report for which confidential treatment is sought, and public disclosure of the information identified herein would cause substantial customer and competitive harm to AWCC,⁹ more than satisfying the Exemption 4 standard for nondisclosure¹⁰ as well as the criteria set forth in Section 0.459(b) of the Commission's rules.¹¹ AWCC accordingly requests confidential treatment of the ETC Report indefinitely.

⁴ 47 C.F.R. § 0.457(d)(2).

⁵ 5 U.S.C. § 552(b)(4).

⁶ 47 C.F.R. § 0.457(d). See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974) ("*National Parks*"); *Southern Company*, 14 FCC Rcd 1851, 1860 (WTB 1998) ("*Southern Company*").

⁷ 5 U.S.C. § 552(b)(4).

⁸ *Public Citizen Research Group v. FDA*, 704 F.2d 1280, 1290-91 (D.C. Cir. 1983) ("*Public Citizen*").

⁹ See *National Parks*, 498 F.2d at 770; *Southern Company*, 14 FCC Rcd at 1860.

¹⁰ See *Public Citizen*, 704 F.2d at 1290-91.

¹¹ 47 C.F.R. § 0.459(b).

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In the event that any person or entity requests disclosure of any confidential portion of the ETC Report or copies of those materials, AWCC requests that it be so notified immediately so that it can oppose such request or take such other action to safeguard its interests as it deems necessary. Please direct any questions regarding this request for confidential treatment to the undersigned.

Sincerely,



Jennifer L. Kostyu
*Counsel to Allied Wireless
Communications Corporation*

Enclosure

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I. INTRODUCTION

Pursuant to 47 U.S.C. §54.209 and Federal Communications Commission (“FCC” or “Commission”) Order issued August 30, 2010 in WC Docket No. 09-197, Allied Wireless Communications Corporation (“AWCC” or “Company”) -with Study Area Code 239023 - submits this Eligible Telecommunications Carrier (“ETC”) Certification and 2011 Annual Report with regards to its operations in the state of North Carolina and respectfully requests the Commission to certify its eligibility to receive high-cost support from the federal universal service fund during calendar year 2012. The data in this report and the attached exhibits represent commercial and financial trade secrets regarding AWCC’s network build-out plans and other matters that are highly sensitive due to the competitive nature of the commercial wireless industry. Accordingly, AWCC respectfully requests that the Commission treats this data as confidential and withhold it from public inspection, pursuant to Sections 0.457(d)(1) and 0.459 of the Commission’s Rules.

II. BACKGROUND

Pursuant to 47 U.S.C. § 214(e)(6), the Commission has designated AWCC as an ETC in certain non-rural wire centers of Bell South/AT&T and the rural study areas of Central Telephone Company of North Carolina and Ellerbe Telephone Company, Inc.¹ A complete listing of the areas in which AWCC has been designated as an ETC, and is requesting federal universal service support, is contained in **Exhibit A** (“Designated Area”). The Commission Order that designated AWCC as an ETC requires the Company to submit this report annually, beginning October 1 of 2010.²

¹ Petition of Allied Wireless Communications Corporation for ETC Designation in the State of North Carolina, WC Docket No. 09-197, Order released August 30, 2010 (“*Designation Order*”).

² See *Designation Order*, Footnote 34.

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III. AWCC'S ANNUAL REPORT IN ACCORDANCE WITH SECTION 54.209

47 U.S.C. § 54.209(a) requires a common carrier designated by the Commission as an ETC pursuant to 47 U.S.C. § 214(e)(6) to annually report certain information no later than October 1 of each calendar year. AWCC respectfully submits the following information in satisfaction of the Commission's annual reporting requirement.

A. Progress Report on its Service Improvement Plan

47 U.S.C. § 54.209(a)(1) requires an ETC to file a progress report on its Service Improvement Plan. 47 U.S.C. § 54.209(a)(1) specifically requires:

A progress report on its five-year service quality improvement plan, including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. The information shall be submitted at the wire center level

AWCC submitted its proposed Five-Year Service Improvement Plan ("Service Improvement Plan"), which covers the time period January 1, 2010 through December 31, 2015, as Confidential Attachment B to its Certification and Annual Report filed October 1, 2010. Attached hereto as **Confidential Exhibit B** is AWCC's progress report on the Service Improvement Plan for 2010. AWCC's progress report includes a map detailing its progress toward meeting its plan targets in 2010, an explanation of how much universal service support was received in 2010 and how the support was used to improve signal quality, coverage or capacity on a wire center-by-wire center basis in 2010. Further, AWCC will continue to utilize federal high-cost universal service support it receives for the provision, maintenance and upgrading of facilities and service for which the support is intended consistent with §254(e) of the Telecommunications Act of 1996 and §54.7 of the Commission's rules. Additionally, AWCC has updated the remaining years of the Service Improvement Plan. The updated Service

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Improvement Plan is attached hereto as **Confidential Exhibit C**. Confidential Exhibit C identifies AWCC's proposed investments and expenditures in the North Carolina ETC designated area for the period 2011 through 2015.

The projected investments and expenditures in the Service Improvement Plan are based on the assumption that AWCC will receive the amount of federal high-cost universal service support identified on Confidential Exhibit B during the calendar year 2011 and beyond. Beyond 2011, it is difficult, if not impossible, for AWCC to predict with any amount of certainty, how much the Company may receive from the high cost federal universal service fund. There are various factors that affect the total amount of support AWCC may receive, including but not limited to, the per line support that is available, state and company specific caps on high universal service that determines the amount of funding that is available to competitive eligible telecommunications carriers in the state of North Carolina, federal policy changes, USAC reconciliations, and other factors beyond AWCC's control. If actual receipts differ from those assumed in this report, AWCC reserves the right to modify its projected capital and operating expenditures in the Company's Designated Area.

B. Network Outages In Designated Area

47 U.S.C. § 54.209(a)(2) requires an ETC to annually report network outages within its Designated Area. 47 U.S.C. § 54.209(a)(2) specifically requires:

detailed information on any outage, as that term is defined in 47 C.F.R. § 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (i) at least ten percent of the end users served in a designated service area; or (ii) a 911 special facility, as defined in 47 C.F.R. § 4.5(e). Specifically, the eligible telecommunications carrier's annual report must include information detailing: (A) the date and time of onset of the outage; (B) a brief description of the outage and its resolution; (C) the particular services affected; (D) the geographic areas affected by the outage; (E) steps taken to prevent a similar situation in the future; and (F) the number of customers affected.

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AWCC did not experience any outages that met the above criteria during the period August 30, 2010 through December 31, 2010.

C. Unfulfilled Requests For Service

47 U.S.C. § 54.209(a)(3) requires an ETC to annually report the number of requests for service from potential customers within the ETC's designated area that were unfulfilled during the past year. The filing must also detail how the ETC attempted to provide service to those potential customers as set forth in FCC Rule 54.202(a)(1)(i). The required information concerning AWCC's unfulfilled requests for service within the Designated Area from August 30, 2010 through December 31, 2010 is contained in **Confidential Exhibit D**.

D. Complaints Per 1,000 Handsets Or Lines

47 U.S.C. § 54.209(a)(4) requires an ETC to annually report the number of complaints per 1,000 handsets or lines. In the entire state of North Carolina, AWCC received .0372 complaints³ per 1,000 handsets between August 30, 2010 and December 31, 2010.

E. Certification Regarding Applicable Service Quality Standards And Consumer Protection Rules

47 U.S.C. § 54.209(a)(5) requires an ETC to certify that it is complying with applicable service quality standards and consumer protection rules. The Commission found that a wireless carrier's compliance with the CTIA Consumer Code for Wireless Service ("CTIA Code") satisfies this requirement. As indicated in the Company's Petition for Designation as an ETC in the State of North Carolina, AWCC certifies that it will comply with the provisions outlined identified in the CTIA Code.

³ Complaints consist of written complaints from AWCC customers to the FCC, North Carolina Utilities Commission, the North Carolina Attorney General, the Better Business Bureau or other third party agency and AWCC's Executive Complaint Department.

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F. Certification Regarding Ability to Function in Emergency Situations

47 U.S.C. § 54.209(a)(6) requires an ETC to certify an ability to function in emergency situations as set forth in FCC Rule 54.202(a)(2). As outlined in the Company's Petition for Designation as an ETC in North Carolina, AWCC certifies that is able to remain functional in emergency situations as set forth FCC Rule 54.202(a)(2).

G. Certification Regarding Its Provision Of A Comparable Local Usage Plan

47 U.S.C. § 54.209(a)(7) requires an ETC to certify that it is offering a local usage plan comparable to the incumbent LEC in the relevant service areas. AWCC is committed to offering local usage plans that are comparable to those offered by the incumbent LEC through-out the Designated Area. As demonstrated in the Company's Petition for Designation as an ETC in North Carolina, AWCC certifies that it is offering and will continue to offer at least one comparable local usage plan as required by Section 54.209(a)(7).

H. Certification Regarding The FCC's Ability To Provide Equal Access

47 U.S.C. § 54.209(a)(8) requires an ETC to certify it may be required to provide equal access to long distance carriers in the event no other ETC is providing equal access within the service area. AWCC certifies that the Commission, pursuant to 47 U.S.C. § 332(c)(8), may require the Company to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the Designated Area.

IV. CONCLUSION

Based on the foregoing information, AWCC respectfully requests the Commission to certify the Company's – Study Area Code 239023 - eligibility to receive federal high universal service support for calendar year 2012 in accordance with 47 C.F.R. §§ 54.313 and 54.314.

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September 28, 2011



Rohan Ranaraja
Director – Regulatory Compliance
Allied Wireless Communications Corporation
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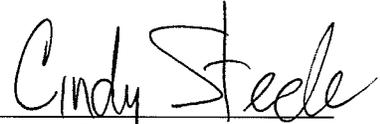
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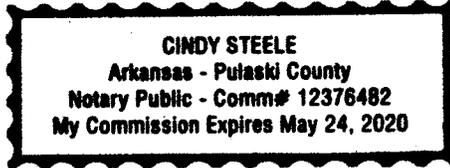
Jeffrey Humiston

Subscribed and sworn to before me
this 27 day of September, 2011.

(NOTARY SEAL)



Notary Public



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SUMMARY OF EXHIBITS

Exhibit A – Designated Service Area for Study Area Code 239023.

Confidential Exhibit B – 2010 Progress Report on Service Improvement Plan.

Confidential Exhibit C - Updated Five-Year Service Improvement Plan for Study Area Code 239023.

Confidential Exhibit D – Unfulfilled Requests for Service

EXHIBIT A

Allied Wireless Communications Corporation
Study Area Code 239023
Exhibit A - ETC Designated Area in the State of North Carolina

Incumbent SAC	Company	Wirecenter
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CLMTNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	DNVRNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	DVSNNCPO
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GBSNNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GRVRNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	HMLTNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	KGMTNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LENRNCHA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LENRNCHU
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LNTNNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LNTNNCVA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LRBGNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LTMRNCCE
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LWDLNCCE
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MADNNCCE
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MGTNNCGL
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	MGTNNCGR
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	NWTNNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RCHMNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SHLBNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SSVLNCJE
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SSVLNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	STPNNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	TRMNNCMA
235193	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	TYVLNCMA
230471	CENTRAL TEL. CO. OF NC	BHLHNCXA
230471	CENTRAL TEL. CO. OF NC	BISCNCXA
230471	CENTRAL TEL. CO. OF NC	CNDRNCXA
230471	CENTRAL TEL. CO. OF NC	CTWBNCXA
230471	CENTRAL TEL. CO. OF NC	GRFLNCXA
230471	CENTRAL TEL. CO. OF NC	HCKRNCXA
230471	CENTRAL TEL. CO. OF NC	HCKRNCXB
230471	CENTRAL TEL. CO. OF NC	HLDBNCXB
230471	CENTRAL TEL. CO. OF NC	MTGLNCXA
230471	CENTRAL TEL. CO. OF NC	MTVWNCXA
230471	CENTRAL TEL. CO. OF NC	SEGVNCXA
230471	CENTRAL TEL. CO. OF NC	SHFRNCXA
230471	CENTRAL TEL. CO. OF NC	TROYNCXA
230471	CENTRAL TEL. CO. OF NC	VLDSNCXA
230471	CENTRAL TEL. CO. OF NC	WENDNCXB
230478	ELLERBE TELEPHONE CO., INC.	ELRBNCXA