



Federal Communications Commission
Washington, D.C. 20554

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FCC Mail Room

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DA 12-199

Via First-Class Mail and E-Mail

Ms. Donna Epps, Vice President, Federal Regulatory Affairs
Verizon
1300 I Street, NW, Suite 400 West
Washington, D.C. 20005

Re: Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25;
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent
Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593

Dear Ms. Epps:

By your letter of December 5, 2011,¹ Verizon requests highly confidential treatment for certain data that it filed with the Commission on that same day. Though Verizon did not follow the procedure implied in the *Second Protective Order* and used in this proceeding for obtaining such treatment, we grant Verizon's request in part and deny it to the extent that it seeks highly confidential treatment of public information.²

The *Second Protective Order* clearly states that only those categories of information specifically described in that Order are entitled to enhanced confidentiality, and therefore any information and data outside the scope of those categories are not protected.³ However, when justified, we have broadened those categories when parties in this proceeding have made a

¹ Letter from Donna Epps, Vice President Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, Dec. 5, 2011 (*Verizon Letter*).

² See *Special Access Rates for Price Cap Local Exchange Carriers*, Second Protective Order, 25 FCC Rcd 17725 (2010) (*Second Protective Order*); see also *Special Access for Price Cap Local Exchange Carriers*, Letter from Sharon E. Gillett, Chief, Wireline Competition Bureau, to Paul Margie, Wiltshire & Grannis LLP, 26 FCC Rcd 6571 (2011) (*Supplement to the Second Protective Order*). We note that other parties to this proceeding included requests to expand the categories recognized by the *Second Protective Order*, including AT&T, CenturyLink and Fairpoint. See Letter from Christopher Heimann, General Attorney, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, Dec. 14, 2011; Letter from Jeffrey S. Lanning, Assistant Vice President, Federal Regulatory Affairs, CenturyLink to Marlene H. Dortch, Secretary, Federal Communications Commission, Dec. 5, 2011; Letter from Karen Brinkmann (for FairPoint) to Marlene H. Dortch, Secretary, Federal Communications Commission, Dec. 5, 2011. This letter incorporates all the requests for highly confidential treatment made in those letters, as well as two additional categories that are justified in light of requests for data and information made in the *Competition Data Request Public Notice*. See *Competition Data Request in Special Access NPRM*, Public Notice, 26 FCC Rcd 14000 (2011) (*Competition Data Request Public Notice*).

³ See *Second Protective Order*, 25 FCC Rcd at para. 6.

documents (or portions thereof) fall within the categories of information listed below *and* contain Highly Confidential Information, as defined in the *Second Protective Order*,⁷ then such information and documents (or portions thereof) may be designated and submitted as “Highly Confidential” under the *Second Protective Order*.⁸ To the extent that portions of the data or documents do not contain Highly Confidential Information, they are to be produced in unredacted format or submitted as “confidential” under the *Modified First Protective Order*,⁹ as appropriate.

Categories Eligible for Highly Confidential Treatment:

Data, information, a document, or portion of a document that contains highly detailed or granular customer or geographic information regarding:

- A. Revenues, including disaggregated revenue information that is not otherwise publicly available, related to *DS1* and *DS3* services, including but not limited to revenues related to *One Month Term Only Rates*, *Term Discounts*, *Tariff Benefit Plans*, *Tariff Discount Plans*, *Contract-Based Tariffs*, *Prior Purchase-Based Discounts*, and other discounts;¹⁰
- B. Revenues related to *PSDS* service;¹¹
- C. Data based on the Price Cap Tariff Review Plan (TRP), to the extent that the information is not present in the TRPs filed with the Commission;
- D. The number of subscribers (customers) and revenues associated with *Tariff Discount Plans*, per *Listed Statistical Area (LSA)*, information regarding the number of customers who failed to meet certain commitments related to a *Tariff Discount Plan*,

⁷ “Highly Confidential Information” means information contained in Stamped Highly Confidential Documents or derived there from that is not otherwise available from public sources and that the Submitting Party has kept strictly confidential, and that, the Submitting Party claims, constitutes some of its most sensitive business data which, if released to competitors, would allow those competitors to gain a significant advantage in the marketplace. See *Second Protective Order* at paras. 2, 5.

⁸ In addition to Verizon, all parties in this proceeding may submit data, information, a document, or a portion of a document that contain highly detailed or granular customer or geographic information regarding the categories of information listed in this letter and obtain enhanced confidential treatment. In other words, this letter adds the thirteen categories listed below to paragraph 6 of the *Second Protective Order*. See *id.* at para. 6.

⁹ See *Special Access Rates for Price Cap Local Exchange Carriers*, Modified Protective Order, 25 FCC Rcd 15168 (2010) (*Modified First Protective Order*).

¹⁰ Italicized terms are as defined in the *Competition Data Request Public Notice*, *supra*, note 2.

¹¹ *Id.*

M. Information and data related to terms and conditions contained in a carrier's *Contract-Based Tariff, Tariff, Tariff Benefit Plan, or Tariff Discount Plan* that, whether alone or in combination with other confidential or non-confidential information, would reveal the identity of a customer, the services purchased by a customer, the geographic area in which such services were bought, or other information and data designated as Highly Confidential in the *Second Protective Order* or its amendments.¹⁹

Sincerely,



Sharon E. Gillett
Chief, Wireline Competition Bureau

¹⁹ *Id.*; see also *Second Protective Order*, *supra* note 2; see also *Supplement to Second Protective Order*, *supra* note 2.