

Maggie McCready  
Vice President  
Federal Regulatory

EX PARTE OR LATE FILED



March 7, 2012

1300 I Street, NW, Suite 400 West  
Washington, DC 20005

Phone 202 515-2543  
Fax 202 336-7922  
Maggie.M.McCready@Verizon.com

**VIA HAND DELIVERY**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Lynne Hewitt Engledow  
Pricing Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

FILED/ACCEPTED

MAR - 7 2012

Federal Communications Commission  
Office of the Secretary

**RE: Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Connect America Fund, WC Docket No. 10-90; High-Cost Universal Service Support, WC Docket No. 05-337; and A National Broadband Plan for our Future, GN Docket No. 09-51**

Dear Ms. Dortch:

On March 5 and March 7 the undersigned of Verizon spoke by telephone with Rebekah Goodheart of the Wireline Competition Bureau. On these calls we discussed certain confidential information regarding Verizon's intercarrier compensation billing disputes involving VoIP traffic. Under the protection of the Protective Order in these proceedings, the undersigned submits the following information regarding the dollar amount of these disputes:

<u>CARRIER</u>	<u>VoIP TRAFFIC DISPUTED</u>	<u>AMOUNT</u>
[BEGIN CONFIDENTIAL]		

[END CONFIDENTIAL]

No. of Copies rec'd 0+6  
List ABCDE

REDACTED FOR PUBLIC INSPECTION

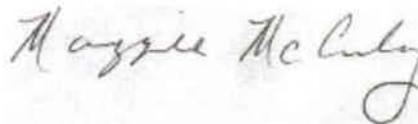
Verizon seeks confidential treatment of the above information under the Protective Order. Notwithstanding the Protective Order, the above information is entitled to confidential, non-public treatment under the Freedom of Information Act (FOIA) and related provisions of the Commission's rules. See 47 C.F.R. §§ 0.457 and 0.459; 5 U.S.C. § 552, *et seq.* This data constitutes sensitive commercial information related to intercarrier compensation services between Verizon and other individual providers. The Commission has consistently held that similar data satisfy the requirements of FOIA Exemption 4 (trade secrets or commercial/financial information). See, e.g., *Cox Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12160, ¶ 6 (2004) ("Cox"); see also *Comcast Cable Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12165, ¶ 6 (2004); *Time Warner Cable; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12170, ¶ 5 (2004); and *Altrio Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12176, ¶¶4-5 (2004). In addition, Verizon treats this data as confidential. As in the *Cox* case, Verizon does not customarily release this information to the public. *Cox*, ¶ 5. Verizon also limits the internal circulation of this information to only those with a "need-to-know." *Id.*

Moreover, information in the possession of a public entity is considered to be "confidential" if disclosure is likely to substantially harm the competitive position of the person from whom the information was obtained. See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); and *Critical Mass Energy Project v. Nuclear Regulatory Commission*, 975 F.2d 871, 873 (D.C. Cir. 1992).

Verizon is subject to actual and potential competition with respect to all wireline and wireless products and services. The above information provides a roadmap describing Verizon's intercarrier compensation disputes with specific providers, and, therefore, the exchange of voice traffic between Verizon and those providers. Competitors reviewing the data could gain access to Verizon's confidential intercarrier strategies and business dealings with other providers.

Please let me know if you have any questions regarding this letter.

Sincerely,



Cc: Michael Steffen  
Sharon Gillett  
Rebekah Goodheart