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Vice President  
Federal Regulatory Affairs

EX PARTE OR LATE FILED



March 23, 2012

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Ex Parte

Federal Communications Commission  
Office of the Secretary

ORIGINAL

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

**Re: In the Matter of Connect America Fund A National Broadband Plan for Our Future High-Cost Universal Service Support, WC Docket No. 10-90**

Dear Ms. Dortch:

In recent meetings to discuss the pending petition for reconsideration or clarification filed by Windstream and Frontier on the proper originating access rate for PSTN-VoIP calls under the *USF-ICC Transformation Order*,<sup>1</sup> Verizon was asked about its percentage of VoIP usage (“PVU”) factors that will apply under the new rules for VoIP intercarrier compensation. To fully respond to these questions, the attached matrix (Attachment A) contains the state-specific PVUs applicable to Verizon Business as well as the PVUs applicable to the Verizon ILECs. The PVUs were derived from objective and verifiable FCC Form 477 data.

Verizon seeks confidential treatment of specific PVU data presented in Attachment A under the *Protective Order*.<sup>2</sup> Notwithstanding the *Protective Order*, this 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 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,

<sup>1</sup> *Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, ¶¶ 513-520 (2011).

<sup>2</sup> *Connect America Fund, et al.*, Protective Order, 25 FCC Rcd 13160 (2010) (“*Protective Order*”).

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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). That is the case here. Verizon is subject to actual and potential competition with respect to all wireline and wireless products and services. Therefore, public disclosure of the enclosed matrix reflecting all of Verizon’s VoIP percentages across its national footprint could harm Verizon in a number of ways. This information would, for instance, give actual and potential competitors an artificial competitive advantage by helping them to understand Verizon’s business strategies and to tailor their entry or expansion strategies in particular without the usual market trial and error.

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

Sincerely,



cc: (via e-mail)  
Sharon Gillett  
Rebekah Goodheart  
Randy Clarke  
Travis Litman

Attachment A

| Verizon %VoIP Factors<br>( Effective January 2012 ) |                                |                                 |                         |                       |     |
|---|--------------------------------|---------------------------------|-------------------------|-----------------------|-----|
| State   | Verizon Business<br>Global LLC | Verizon State<br>Specific ILECs | Verizon<br>North<br>LLC | Verizon South<br>Inc. |     |
|   | Non-ILECs                      |                                 | ILECs                   |                       |     |
| AK  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| AL  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| AR  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| AZ  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| CA  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| CO  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| CT  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| DC  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| DE  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| FL  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| GA  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| HI  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| IA  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| ID  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| IL  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| IN  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| KS  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| KY  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| LA  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| MA  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| MD  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| ME  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| MI  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| MN  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| MO  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| MS  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| MT  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| NC  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| ND  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| NE  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| NH  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| NJ  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| NM  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| NV  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| NY  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| OH  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| OK  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| OR  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| PA  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| RI  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| SC  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| SD  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| TN  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| TX  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| UT  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| VA  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| VT  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| WA  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| WI  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| WV  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| WY  | *[                             | ]**                             | *[                      | ]**                   | ]** |
| Nationwide Avg :                                    | *[                             | ]**                             | *[                      | ]**                   | ]** |

\*BEGIN CONFIDENTIAL  
\*\*END CONFIDENTIAL