

Received & Inspected

MAR 30 2012

FCC Mail Room

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

)

WC Docket No. 10-90

Connect America Fund)

)

**ALLTEL COMMUNICATIONS, LLC d/b/a VERIZON WIRELESS
REQUEST FOR CONFIDENTIAL TREATMENT OF EXHIBITS TO 2012 ELIGIBLE
TELECOMMUNICATIONS CARRIER CERTIFICATION AND ANNUAL REPORT
FOR THE STATE OF GEORGIA**

MARCH 29, 2012

BRIGGS AND MORGAN, P.A.
Mark J. Ayotte
Matthew A. Slaven
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 977-8400

VERIZON WIRELESS
Elizabeth Kohler
302 Mountain View Drive
Suite 200
Colchester, VT 05446
(802) 654-5093

No. of Copies rec'd
LIST ABOVE

0+5

For the reasons stated herein, Alltel Communications, LLC d/b/a Verizon Wireless (“Alltel” or the “Company”) hereby requests that **Confidential Exhibit B** (Progress Report on Service Improvement Plan), **Confidential Exhibit C** (Coverage Map), **Confidential Exhibit D** (Updated Service Improvement Plan for 2012) and **Confidential Exhibit E** (2011 Actual Support Received and 2012 Projected Support From Federal Universal Service Fund) to the attached 2012 Eligible Telecommunications Carrier Certification and Annual Report for the State of Georgia, be treated as confidential and not routinely available for public inspection pursuant to 47 C.F.R. §§ 0.457(d) and 0.459. Redacted copies of **Confidential Exhibit B**, **Confidential Exhibit C**, **Confidential Exhibit D** and **Confidential Exhibit E** are being filed separately today for inclusion in the public record. In addition, the Company requests that its proprietary, non-public complaint data be treated as confidential and not routinely available for public inspection pursuant to 47 C.F.R. §§ 0.457(d) and 0.459. This confidential data has been redacted from the public version of the Company’s annual report submitted herewith.

Confidential Exhibit B, **Confidential Exhibit C**, **Confidential Exhibit D** and **Confidential Exhibit E** contain information that qualifies as “commercial or financial information” that “would customarily be guarded from competitors,” regardless of whether or not such materials are protected from disclosure by a privilege. *See* 47 C.F.R. § 0.457(d); *see also Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) (“[W]e conclude that financial or commercial information provided to the Government on a voluntary basis is ‘confidential’ for the purpose of Exemption 4 if it is the kind that would customarily not be released to the public by the person from whom it was obtained.”).

The confidential information contained in **Confidential Exhibit B** and **Confidential Exhibit D** relates to the status of historical and proposed infrastructure expenditures and capital

improvements by Alltel in its designated areas in Georgia, as well as operating and maintenance expense information. **Confidential Exhibit C** is a signal coverage map that illustrates, among other things, the location of infrastructure improvements in the designated areas. The Commission has previously determined that information in a Service Improvement Plan is “Confidential” and has granted a Protective Order to allow access to and to protect against the dissemination of such “Confidential” information.¹ **Confidential Exhibit E** reflects the amount of universal service support the Company has received after the application of non-public accounting for adjustments and true-ups associated with the Alltel-Atlantis merger cap and future estimates based on projected baseline support and the application of any anticipated non-public true-ups.

The Commission routinely grants Protective Orders to protect the confidentiality of such information.² Since the information in **Confidential Exhibit B** is a Progress Report on Alltel’s previously filed Service Improvement Plan, **Confidential Exhibit C** is a map showing the location of infrastructure improvements, **Confidential Exhibit D** is an update to the Service Improvement Plan, and **Confidential Exhibit E** sets forth the amount of support received in 2011 and payment to be received in 2012, the Exhibits should be afforded “Confidential” status.

¹ See *In the Matter of High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, Inc. et al. Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, WC Docket 05-337, CC Docket 96-45, Order, 23 FCC Rcd 8834 (2008); *In the Matter of Federal-State Joint Board on Universal Service, RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, CC Docket 96-45, Order, 17 FCC Rcd 23532 (WCB 2002).

² See *In the Matter of Federal-State Joint Board on Universal Service Petition of Cingular Wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of Georgia*, CC Docket No. 96-45, Order, 22 FCC Rcd 15244, ¶¶ 1-3 (WCB 2007); *In the Matter of Federal-State Joint Board on Universal Service NEP Cellcorp, Inc. Application for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania*, CC Docket No. 96-45, Order, 22 FCC Rcd 15252, ¶ 2 (WCB 2007); *In the Matter of Federal-State Joint Board on Universal Service Petition of Centennial USVI Operations Corp. Petition for Designation as an Eligible Telecommunications Carrier in the United States Virgin Islands*, CC Docket No. 96-45, Order, 22 FCC Rcd 16988, ¶ 2 (WCB 2007).

Confidential Exhibit B, Confidential Exhibit C, Confidential Exhibit D, and Confidential Exhibit E contain sensitive information that if disclosed could place Alltel at a competitive disadvantage, including specific information regarding capital and operating expenditures, future construction plans, and anticipated funding levels that warrant protection under 47 C.F.R. § 0.459. Alltel would be placed at a significant disadvantage if this information were revealed to competing service providers, who stand to benefit competitively from any knowledge of the redacted commercial and financial information included in these materials. If the redacted commercial and financial information were disclosed to competitors of Alltel, they could use such information to compete against Alltel or take other action that would place the Company at a substantial competitive disadvantage. In addition, Alltel's future ability to negotiate with vendors could be prejudiced by the disclosure of this information. The redacted material is not and has not previously been made available to the public, and Alltel has taken internal precautions to ensure that such information is not disclosed to the public. Likewise, if made public, the Company's proprietary complaint data could be used by its competitors to derive an unfair competitive financial benefit through targeted marketing or other initiatives.

Respectfully submitted,

BRIGGS AND MORGAN, P.A.

March 29, 2012

By


Mark J. Ayotte

Matthew A. Slaven

2200 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

(612) 977-8400

VERIZON WIRELESS

Elizabeth Kohler

302 Mountain View Drive

Suite 200

Colchester, VT 05446

(802) 654-5093

4548989v2