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April 20, 2012

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**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Petition for Waiver of Big Bend Telephone Company, Inc., *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, *High-Cost Universal Service Support*, WC Docket No. 05-337, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service Reform – Mobility Fund*, WT Docket No. 10-208

**REDACTED—FOR PUBLIC INSPECTION**

Dear Ms. Dortch:

In response to a request from Wireline Competition Bureau staff, Big Bend Telephone Company, Inc. (“BBTC”) has hand delivered a copy of its 2007-2011 audited financial statements and the consolidated financial statements of BBTC and its affiliates in Microsoft Excel format as supplemental support for the company’s Petition for Waiver of certain universal service fund rules.<sup>1</sup>

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<sup>1</sup> See Petition for Waiver of Big Bend Telephone Company, Inc., WC Docket No. 10-90 et. Al (filed Feb. 6, 2012); see also Wireline Competition Bureau Seeks Comment on Big Bend Telephone Company, Inc. Petition for Waiver of Certain High-Cost Universal Service Rules, DA 12-203, WC Docket No. 10-90, WT Docket 10-208 (rel. Feb. 13, 2012).

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Pursuant to Section 0.459(a) of the Commission's rules,<sup>2</sup> BBTC requests confidential treatment of the financial data, which contain confidential information related to BBTC's finances, including subscriber information, revenues by service type, loan information, and other sensitive financial data. This information is entitled to confidential, non-public treatment under the Freedom of Information Act ("FOIA") and the related provisions of the Commission's rules.<sup>3</sup>

Under Section 0.459 of the Commission's rules, parties who submit confidential information to the Commission may file a request that the FCC not disclose the information to the public. If that information is withholdable by the agency pursuant to an exemption of the FOIA, the Commission's rules require that the information remain confidential unless the Commission identifies a "compelling public interest in disclosure."<sup>4</sup>

In this case, the information in the filing constitutes financial information that the courts and the Commission routinely have found falls within Exemption 4 of the FOIA.<sup>5</sup> Where the information is provided to the Government voluntarily, as is the case here, Exemption 4 protects as confidential any commercial or financial

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<sup>2</sup> 47 C.F.R. § 0.459(a).

<sup>3</sup> 5 U.S.C. § 522; 47 C.F.R. §§ 0.0457 and 0.0459.

<sup>4</sup> Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order, 13 FCC Rcd 24816 ¶ 8 (1998) ("*Confidential Treatment Order*"). Before authorizing release of information, the Commission "'insists upon a showing that the information is a necessary link in a chain of evidence' that will resolve an issue before the Commission." *Id.* (quoting *Classical Radio for Connecticut, Inc.*, 69 FCC Rcd 1517, 1520 n.4 (1978)).

<sup>5</sup> 5 U.S.C. § 552(b)(4); *see, e.g., Center for Public Integrity v. FCC*, 515 F. Supp. 2d 167 (D.D.C. 2007); *Cox Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12,160 ¶ 6 (2004); *Comcast Cable Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12,165 ¶ 6 (2004).

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information that is “of a kind that would not customarily be released to the public by the person from whom it was obtained.”<sup>6</sup>

Here, the commercially sensitive information for which BBTC seeks confidential treatment relates to the company’s finances, which is information that is not publicly available. BBTC treats this information as highly confidential. BBTC would not agree to submit this information in response to a request from the Commission staff without assurances that the information would be kept confidential. It would be highly inappropriate for this commercially sensitive information to be disclosed to the public or third parties absent the protection of a nondisclosure agreement.

Based on the foregoing, BBTC requests confidential treatment pursuant to sections 0.457 and 0.459 of the Commission’s rules and the Protective Order in the above-referenced dockets of the financial data. BBTC has marked the non-redacted version of this filing with the legend “CONFIDENTIAL INFORMATION - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135, 10-90, GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.” Each page of the redacted version of this filing is marked with the legend “REDACTED - FOR PUBLIC INSPECTION.”

Sincerely,

/s/ Thomas J. Navin  
Thomas J. Navin

Enclosures

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<sup>6</sup> *Critical Mass Energy Project v. Nuclear Regulatory Comm’n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (“*Critical Mass*”); *see also Confidential Treatment Order*, 13 FCC Rcd 24816 ¶ 4.

**REDACTED—FOR PUBLIC INSPECTION**

**Big Bend Telephone Company, Inc. Financial Statements 2007-2011 in Microsoft  
Excel Format**

**Nevill Holdings, Inc. Consolidated Financial Statements 2007-2011 in Microsoft  
Excel Format**

**[1 Compact Disc]**