

# LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200  
MCLEAN, VIRGINIA 22102  
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ\*  
ELIZABETH R. SACHS\*  
DAVID A. LAFURIA  
PAMELA L. GIST  
TODD SLAMOWITZ\*  
BROOKS E. HARLOW\*  
TODD B. LANTOR\*  
STEVEN M. CHERNOFF\*  
KATHERINE PATSAS NEVITT\*

CONSULTING ENGINEERS  
ALI KUZEHKANANI  
LEILA REZANAVAZ  
—  
OF COUNSEL  
GEORGE L. LYON, JR.  
LEONARD S. KOLSKY\*  
JOHN CIMKO\*  
J. K. HAGE III\*  
JOHN J. MCAVOY\*  
HON. GERALD S. MCGOWAN\*  
TAMARA DAVIS BROWN\*  
JEFFREY A. MITCHELL\*  
ROBERT S. KOPPEL\*  
MARC A. PAUL\*  
—  
\*NOT ADMITTED IN VA

September 27, 2012

## VIA HAND DELIVERY

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, DC 20554

Re: Smith Bagley, Inc.  
WC Docket No. 11-42; WC Docket No. 03-109  
CC Docket No. 96-45; WC Docket No. 12-23

Madam Secretary:

On behalf of Smith Bagley, Inc. (“SBI”), we write to provide information requested by the Wireline Competition Bureau as a follow up to our recent meeting. The WCB has asked SBI to submit data indicating the expiration dates of those Lifeline-eligible customers that have not yet recertified eligibility pursuant to the Commission’s new Lifeline program rules.

Enclosed with this letter is a chart providing the requested information. As set forth below, we ask the Commission to provide confidential treatment of the submission. In support of this request, the following is respectfully shown:

### Information for which confidential treatment is sought

SBI requests that information in the enclosure be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. The information designated as confidential contains commercially sensitive business data concerning the expiration of customer contracts that would be very valuable to SBI’s present and future competitors. SBI treats this information as highly confidential and does not share it in any public forum.

The enclosed document is marked “**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**” Release of the information would have a substantial negative impact on SBI since it would provide competitors with commercially sensitive information.

Commission proceeding in which the information was submitted

The information in the document is being submitted to Commission staff in an ex parte meeting in the above-captioned proceedings.

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The information in question is competitively sensitive commercial information which is not normally released to the public as such release would have a substantial negative competitive impact on SBI.

Degree to which the information concerns a service that is subject to competition and manner in which disclosure of the information could result in substantial harm

The release of the confidential and proprietary information contained in the enclosure would cause SBI competitive harm by allowing its current and potential competitors to become aware of how many SBI customers have contracts expiring in each month, and SBI's customer acquisition trends, at a level of detail not currently available to the public.

Measures taken to prevent unauthorized disclosure and availability of the information to the public and extent of any previous disclosures of the information to third parties

SBI has treated and continues to treat information in the enclosed document as confidential and has protected it from public disclosure to parties outside of the company. SBI has never provided the enclosed information to any third party.

Justification of the period during which SBI asserts that the material should not be available for public disclosure

SBI cannot determine at this time any date on which this information should not be considered confidential.

Other information SBI believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable Commission decisions, the information in question should be withheld from public disclosure. The Commission's request to view this information is entirely reasonable, however SBI would never provide it to any outside party without the assurance that its present and future competitors would not have access to it.

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If this request for confidentiality is denied, then it is hereby requested, pursuant to 47 C.F.R. § 0.459(e), that the Commission return to SBI each copy of the enclosed document without consideration.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,



David A. LaFuria  
Counsel for Smith Bagley, Inc.

Enclosure

cc: K. Scardino, Esq.  
D. Shenoy, Esq.

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CONFIDENTIAL EXHIBIT