

**REDACTED – FOR PUBLIC INSPECTION, SUBJECT TO REQUEST FOR
CONFIDENTIAL TREATMENT**

May 1, 2013

VIA ELECTRONIC FILING

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

Re: In the matter of FairPoint Communications, Inc. Petition For Declaratory Ruling Or, In The Alternative, Petition For Waiver To Provide Broadband Internet Access Service On A Non-Common Carrier Basis, CC Docket No. 03-22 and WC Docket No. 10-90

Dear Ms. Dortch:

Enclosed for filing are an original and four copies of the confidential version of the FairPoint Communications, Inc. Petition For Declaratory Ruling Or, In The Alternative, Petition For Waiver To Provide Broadband Internet Access Service On A Non-Common Carrier Basis (“Petition”). The redacted, public version of the Petition is being filed today under separate cover.

Each page of the confidential version of the Petition and its Attachment 1 is marked “CONFIDENTIAL – NOT FOR PUBLIC INSPECTION, SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT.” The redacted version of the Petition is marked “REDACTED – FOR PUBLIC INSPECTION, SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT.” The entire contents of Attachment 1 to the Petition are confidential information and are wholly redacted in the redacted version.

Pursuant to 47 C.F.R. § 0.459 of the Commission’s Rules, FairPoint Communications, Inc. (“FairPoint”) hereby requests that the Commission afford confidential treatment to certain information included in the FairPoint’s Petition. Specifically, FairPoint requests that the Commission afford confidential treatment to Attachment 1 of the Petition, which provides detailed information about the Part 69 interstate separations for one of its subsidiaries (the

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“Confidential Information”). FairPoint’s Confidential Information meets the requirements for confidential treatment contained in the Commission’s rules.¹

FairPoint has included the Confidential Information in its Petition to demonstrate the cost allocation procedures it has adopted even though Part 69 rules have not been modified to address the separation of broadband Internet access services from other special access services. This Confidential Information is competitively sensitive information as it sets forth proprietary business revenues and costs. For the same reasons, this Confidential Information is commercially sensitive.

Disclosure of this Confidential Information could result in substantial competitive harm to FairPoint. If competitors could view this information, they would have key inputs for FairPoint’s investments and expenses related to special access services. Competitors could use this Confidential Information to unfairly compete against FairPoint.

FairPoint has carefully protected this Confidential Information from commercial disclosure. This Confidential Information is not published in this form in any SEC reports or FCC reports. It is not in the public record.

FairPoint has provided this Confidential Information solely as support for its Petition. FairPoint requests that if the Commission does not grant this request, it should be permitted to remove the Confidential Information from the Petition.

Respectfully submitted,



Karen Brinkmann
Counsel for FairPoint Communications, Inc.

¹ See 47 C.F.R. § 0.459.