

**CONFIDENTIAL FILING**

October 31, 2013

**VIA OVERNIGHT DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

RE: **Confidential Financial Information Subject to Protective Order in WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Before the Federal Communications Commission**

Dear Ms. Dortch:

Pend Oreille Telephone Company ("COMPANY"), a privately-held rate of return carrier receiving high cost support, has electronically submitted FCC Form 481 to the Commission with redacted Line 3005 financial data. COMPANY respectfully provides the Commission with its confidential financial data so that all its reporting obligations are satisfied.

COMPANY, by its authorized representative, respectfully submits confidential information in compliance with 47 C.F.R. §§ 54.313 and 54.422, under seal, as specified with the Protective Order adopted on November 16, 2012 ("Protective Order") and also in conjunction with 47 C.F.R. §§ 0.457 and 0.459. Further justification for this confidential filing is identified below in accordance with 47 C.F.R. §0.459(b).

COMPANY requests confidential treatment of certain information submitted with its annual reporting requirements as a privately-held rate of return carrier and high-cost recipient in Docket No. 10-90. The confidential information is required by 47 C.F.R. § 54.313(f)(2) and includes detailed financial information that is competitively sensitive. Disclosure of this confidential information would have a substantial negative impact on COMPANY. Such information would not normally be made available to the public for inspection because of the financial information and should be afforded confidential treatment under both 47 C.F.R. §§ 0.457 and 0.459.

47 C.F.R. § 049(b): Information provided by COMPANY includes specific information related to financial data and is subject to protection for the following reasons:

**47 C.F.R. § 0459(b)(1) Identification of the specific information for which confidential treatment is sought:**

COMPANY requests that all financial data, **loop/subscriber counts and route mile data** be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. COMPANY maintains this information is confidential, competitively sensitive data not normally made available to the public. Release of this information would have a substantial negative competitive impact on COMPANY. The non-redacted version of the cover letter for COMPANY's submission and each page of the file containing confidential information is marked, "CONFIDENTIAL FINANCIAL INFORMATION SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, CC DOCKET NOS. 01-92, 96-45, GN DOCKET NO. 09-51, WT DOCKET NO. 10-208, BEFORE THE FEDERAL COMMUNICATIONS COMMISSION."

47 C.F.R. § 0459(b)(2) Identification of the Commission proceeding in which the information was submitted:

The information is being submitted in compliance with 47 C.F.R. § 54.313(f)(2) and is to be filed in WC Docket No. 10-90. Privately held rate of return carriers that receive high-cost support must complete the FCC Form 481 to include a full and complete annual support of the company's financial condition and operations as of the end of the preceding fiscal year (sections of which COMPANY is requesting be afforded confidential treatment).

47 C.F.R. § 0459(b)(3) Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged:

The information designated as confidential is detailed financial information including a balance sheet, income statement, cash flow statement that is competitively sensitive information not normally released to the public. Release of any of this commercial or financial information would have a substantial negative competitive impact on COMPANY.

47 C.F.R. § 0459(b)(4)&(5) Explanation of the degree to which the information concerns a service that is subject to competition and how disclosure of the information could result in substantial competitive harm:

This type of commercial and financial information is generally not subject to routine public inspection under the Commission's rules (47 C.F.R. § 0.457(d)), demonstrating that the Commission already anticipates that the release of this type of information likely would produce competitive harm. Release of the information designated as confidential would allow competitors to become aware of sensitive proprietary information regarding the operation of COMPANY's business and would cause COMPANY substantial competitive harm.

47 C.F.R. § 0459(b)(6)&(7) Identification of measures taken by the Company to prevent unauthorized disclosure: availability of the information to the public and extent of any previous disclosure of the information to third parties:

COMPANY treats and has treated the non-public information included in this submission as confidential and has protected it from disclosure to parties outside the Company. Any financial information required to be submitted to a state regulatory authority has been

filed as confidential information, not available to the public, in accordance with state rules and/or statutes.

47 C.F.R. § 0459(b)(8) Justification of the period during which the Company asserts that material should not be available for public disclosure:

**COMPANY** cannot determine any date on which this information should not be considered confidential. However **COMPANY** does believe that this information should be treated confidential for a minimum of 10 years.

47 C.F.R. § 0459(b)(8) Other information the Company believes may be useful in assessing whether its request for confidentiality be granted:

Under applicable Commission rules and court rulings, the information designated by the Company as confidential should be withheld from public disclosure. Exemption 4 of the Freedom of Information Act protects information that is commercial or financial in nature; obtained from a person outside government; and privileged or confidential.

As specified in the Protective Order, two copies of the redacted confidential information are being filed simultaneously with the non-redacted confidential information. The redacted information for this filing and each page of the file where confidential information has been omitted is marked "REDACTED - FOR PUBLIC INSPECTION"

Please feel free to contact me with any questions regarding this particular matter.

Sincerely,



Susan Case

Enclosures

.cc Mr. Charles Tyler, FCC Telecommunications Access Policy Division  
**ANY STATE PUC/PSC HERE**