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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
	)	
Lifeline and Link Up Reform	)	WC Docket No. 11-42
	)	
	)	
ETC Annual Reports and Certification	)	WC Docket No. 14-58

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REQUEST FOR CONFIDENTIAL TREATMENT

City of Barnesville Municipal Telephone, SAC 361353, ("the company") requests that the portion of its Form 481 pertaining to the 5-year build-out plan be granted confidential, non-public treatment pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, and related provisions of the Freedom of Information Act ("FOIA"), including 5 U.S.C. § 552(b)(4) ("Exemption 4"). Form 481 contains information regarding the company's 5-year build-out plan including capital expenditures and operating expenses. Release of such information would supply a roadmap to competitors regarding confidential build-out plans and study area demographics. In addition, the document contains confidential information that is not customarily disclosed to the public or made available within the telecommunications industry. Information in support of the company's request for confidential treatment pursuant to Section 0.459(b) of the Commission's Rules, 47 C.F.R. § 0.459(b), is provided below.

I. CITY OF BARNESVILLE MUNICIPAL TELEPHONE FORM 481 SATISFIES THE REQUIREMENTS OF § 0.459 OF THE COMMISSION'S RULES

The material for which the company seeks confidentiality falls squarely within the requirements of Section 0.459 of the Commission's rules. As demonstrated below, the company has satisfied each of the elements of Section 0.459, and disclosure of this information would result in competitive harm to the company.

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(1) ***Identification of the specific information for which confidential treatment is sought.*** The company requests confidential treatment for the portion of Form 481 required by 47 C.F.R. § 54.313. The Form bears the legend "Confidential-Not for Public Disclosure". The specific information falls into the category.

(2) ***Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.*** The information is required to be produced annually by 47 C.F.R. § 54.313. The proceedings are WC Docket No. 10-90 and WC Docket No. 11-42.

(3) ***Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.*** The information for which confidentiality is requested is "financial"[1] in nature. The information is "confidential" in that it "would customarily not be released to the public."[2] The courts have elaborated that material "is 'confidential' . . . if disclosure of the information is likely to have either the following effects: (1) to impair the government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained."[3] Both of the considerations apply in this instance, as further explained in point (5) below.

(4) ***Explanation of the degree to which the information concerns a service that is subject to competition.*** All of the services provided by the company are subject to intense competition.

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[1] *See Board of Trade of the City of Chicago v. Commodity Futures Trading Comm'n,* 627 F.2d 392, 403 & n.78 (D.C. Cir. 1980) (courts have given the terms "commercial" and "financial, as used in Section 552(b)(4), their ordinary meanings).

[2] *Critical Mass Energy Project v. NRC,* 975 F.2d 871, 873 (D.C. Cir. 1992) (citing the Senate Committee Report).

[3] *Nat'l Parks and Conservation Ass'n v. Morton,* 498 f.2d 764, 770 (D.C. Cir. 1974) (footnote omitted); *see also Critical Mass Energy,* 975 F.2d at 873.

(5) ***Explanation of how disclosure of the information could result in substantial competitive harm.*** If the information were publicly available, it would supply competitors with financial information not ordinarily available to the public. Specifically, rural telephone service has historically lent itself to "cherry picking" by competitors that choose to only serve low cost areas. Release of this specific build-out and operating expense information would allow competitors to gain an unfair advantage.

(6) ***Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*** The information for which the company seeks confidential treatment is information that the company does not customarily release to the public. The company also limits the internal circulation of this information to only those with a need to know.

Consistent with 47 C.F.R. § 0.459(a), the items for which confidentiality is requested are being submitted with, and are covered by, this request. This request for confidentiality – as well as the documents subject to this request – are being filed in hard copy and/or electronic copy.

(7) ***Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*** The documents and information for which confidentiality is sought are not made available to the public and have not been disclosed to third parties, except to those entities identified in 47 C.F.R. § 54.313(i). For those disclosures, the company has requested confidential treatment by the entities for the same information.

(8) ***Justification of the period during which the submitting party asserts that material should not be available for public disclosure.*** Given the sensitive nature of the information for which confidentiality is requested, the prospect of serious competitive harm, the company requests that confidential treatment apply indefinitely.

II. CONCLUSION

For these reasons, pursuant to Sections 0.457 and 0.459 of the Commission's Rules, the company requests that the portion of Form 481 relating to the 5-year build-out plan be treated as confidential under the Commission's rules and precedent and withheld in their entirety from public inspection, and that any distribution of them within the Commission should be limited to a "need to know" basis. In the event that any person or entity requests access to the documents or seeks to make any or all of them part of the public record, the company requests to be notified immediately so that it can oppose such request or take other action as necessary to safeguard its interests and the interests of consumers.

Respectfully Submitted,

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