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COMMISSION CLERK

May 16, 2012

- claim of confidentiality
- notice of intent
- request for confidentiality
- filed by OPC

Ann Cole, Commission Clerk
 Office of Commission Clerk
 Florida Public Service Commission
 2540 Shumard Oak Boulevard
 Tallahassee, Florida 32399

For DN 03133-12, which
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120000-07

RE: RNK Inc. d/b/a RNK Communications, Inc. (Company Code TX942) Request for Confidential Information on RNK's responses to the Data Requests associated with the Commission's 2012 Local Competition Report Data Request

Dear Clerk Cole:

According to the procedures contained in the Commission's rules,¹ RNK requests confidential treatment of some of its responses to the Data Requests associated with the Commission's Year 2012 Local Competition Report Data Request. In particular, RNK submits that responses to Parts II-A (information regarding its local voice grade equivalent channels), II-B (information pertaining to its Voice over Internet Protocol ("VoIP") customers) and V (Zip Codes of its customers) included with its Form 477 filings to the FCC for the period ending December 31, 2011, be kept confidential.

In particular, Part II-A of its FCC Form 477, which was filed under a confidentiality request with the FCC, states the number of Voice Grade Equivalents RNK provides to its customers in Florida, and various other statistics regarding the same, including how they are provisioned and whether RNK is the presubscribed long distance carrier. Part II-B of its FCC Form 477 states the number of its interconnected VoIP customers, the percentage of those customers that are "nomadic," and how many resellers of RNK's VoIP service have end users in the state of Florida. Part V of its FCC Form 477 consists of a list of ZIP codes of RNK's customers.

The information that is requested by the Commission is confidential and is treated as such by RNK. This information is not known to the public or to RNK's competitors and is maintained by specifically authorized individuals within the RNK. When it is necessary for RNK to release this information to a third party, it does so only under a strict Non-Disclosure Agreement signed by the receiving party placing them under a contractual duty to maintain confidentiality regarding RNK's competitive information. Furthermore, RNK has requested, and received, similar treatment for similar reports submitted to other State Public Utility Commissions, and to the FCC.

- COM _____
- APA _____
- ECR _____
- GCL _____
- RAD 1
- SRC _____
- ADM _____
- OPC _____
- CLK 1

The Commission requires RNK to divulge information that is competitively sensitive and confidential. It requests RNK to provide information that would provide detailed intelligence regarding the location and nature of RNK's customer base. Any one (or part of any one) of these alone would be cause for

¹ Rule 25-22.006(5), F.A.C.

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May 16, 2012

RNK to demand confidentiality, but in the aggregate it gives competitors a detailed picture of RNK's business plan. Piecing this information together, in conjunction with other, publicly available information will give competitors detailed insight regarding the thrust of RNK's competitive endeavors and, perhaps, use it to their business advantage to undermine or unfairly target RNK's services or prices, or duplicate RNK's business plan, among other actions they might take. Simply stated, maintaining the confidentiality of customer information and network structure is in the public interest and does not deprive the citizens of Florida of any vital information necessary for an informed choice.

As required by the Commission's rules, included with this letter is a sealed envelope containing a CD with one copy of all confidential materials, and one copy in which the specific information claimed as confidential has been highlighted, in pdf.

Also included are two hard copies of a redacted public version of the Form 477 report. The redacted public version will also be filed via email.

RNK apologizes that it is submitting its report late. Due to events relating to its chapter 11 bankruptcy reorganization, and departure of key regulatory reporting personnel, it was unable to meet the Commission's deadline. RNK understands the Commission cannot grant an extension to the statutory deadline, but has been in contact with Commission staff who are aware of RNK's situation.

If you have any questions, feel free to contact me at (781) 613-9148 or by email at mtennis@rnkcom.com.

Sincerely,



Matthew Tennis
Sr. Counsel
Manager of Regulatory Affairs

Cc: Jeff Bates [compreport@psc.state.fl.us] – Public
Greg Shafer - Public

2012 Competitive Local Exchange Carrier (CLEC) Questionnaire
(Due by April 15, 2012)¹

Legal Company Name: _____ RNK Inc. d/b/a RNK Communications, Inc. _____

D/B/A: _____ RNK Communications _____

FPSC Company Code _____ TX942 _____

Contact name & title: _____ Matthew Tennis, Sr. Counsel/Manager of Regulatory Affairs _____

Telephone number: _____ (781) 613-9148 _____

E-mail address: _____ mtennis@rnkcom.com _____

Stock Symbol (if company is publicly traded): _____ n/a _____

Services Provided in Florida

1. Do you currently serve local telephone customers in Florida? Please check yes or no.

Residential	Business
_____ Yes	___X___ Yes
___X___ No	_____ No

2. Please complete all applicable data tables.

3. If you submitted data tables in 2011, please provide an explanation below of any differences in the number of access lines by category that occur in your 2012 submission that exceed 10 percent.

Any differences are attributable to market fluctuations in our business. An increase in the number of reported lines is due to increased number provisioning to meet customer subscriptions to RNK products and services.

¹ The due date is established by Section 364.386(1)(b), Florida Statutes. Failure to comply with this rule may result in the Commission assessing penalties of up to \$25,000 per offense, with each day of noncompliance constituting a separate offense per Section 364.285(1), Florida Statutes.

4. How is your local service provisioned? Please mark the appropriate response(s).

- Resold lines from ILEC
- Wholesale platform (formerly known as UNE-P)
- UNEs (other than wholesale platform) from ILEC
- Elements (e.g., loops, switching) from other than ILEC (e.g., other CLECs)
- Completely self-provisioned
- Other (please describe) VoIP _____

5. What services, other than local service, does your company currently provide in Florida? Please check all that apply.

- | | |
|---|--|
| <input type="checkbox"/> Private line/special access | <input type="checkbox"/> Wholesale loops |
| <input checked="" type="checkbox"/> VoIP | <input type="checkbox"/> Fiber or copper based video service |
| <input type="checkbox"/> Wholesale transport | <input type="checkbox"/> Cable television |
| <input checked="" type="checkbox"/> Interexchange service | <input type="checkbox"/> Satellite television |
| <input type="checkbox"/> Cellular/wireless service | <input type="checkbox"/> Broadband Internet access |

6. This question concerns **prepaid** local telephone service in Florida. Please place a check by the response that most accurately reflects whether or not you offer **prepaid** local telephone service.

- Company offers ONLY prepaid local telephone service in Florida
- Company offers prepaid AND non-prepaid local telephone service in Florida
- Company does NOT offer prepaid local telephone service in Florida

Bundled Services

7. What percentage of your Florida residential and business customers purchase bundled (i.e. voice service packaged with additional services such as internet or video service) offerings? Please provide the percentage below. Do not include bundles of telecom-only services. If you do not offer bundled services, indicate "not applicable."

- Residential
- Business
- Not applicable

VoIP

8. Indicate below whether you are currently providing VoIP service to end users in Florida. VoIP service is defined as IP-based voice service over a digital connection. Please check all that apply.

Not providing VoIP service to end users
 Providing VoIP services to business end users
 Providing VoIP services to residential end users

9. If you are providing VoIP service in Florida, please check all that apply:

Peer-to-Peer only (no interconnection with PSTN)
 Use of public Internet
 Use of private IP network

Broadband

10. Do you offer broadband to residential customers in Florida?
 Yes
 No
11. If you do offer broadband to residential customers in Florida, please provide your best estimate of the percentage of residential end user premises in your Florida service area for which your broadband services are available.

12. How many residential broadband subscribers do you have in Florida?

13. Please list the method(s) of broadband provisioning utilized in Florida by your company (i.e. DSL, cable modem, fiber, etc.).
14. What are the typical downstream and upstream speeds for your most popular broadband service?
15. What is the monthly price for your most popular residential broadband service?

Fiber Deployment

16. Did you deploy fiber to homes or businesses in Florida between January 1, 2011 and December 31, 2011?

_____ Yes
 X No

17. Please provide the number of new residential and business subscribers served by Fiber to the Home, Fiber to the Premises, and/or Fiber to the Curb technology since the last reporting period.

_____ Residential Subscribers
_____ Business Subscribers
_____ Total

18. Please provide your company's total number of residential and business subscribers currently served by Fiber to the Home, Fiber to the Premises, and/or Fiber to the Curb technology.

_____ Residential Subscribers
_____ Business Subscribers
_____ Total

Miscellaneous

19. In calendar year 2011, how much money did you invest in your network directly serving Florida's local service customers? Please check the applicable answer.

- 1. X \$0
- 2. _____ \$1 - \$249,999
- 3. _____ \$250,000 - \$999,999
- 4. _____ \$1,000,000 - \$9,999,999
- 5. _____ \$10,000,000 or more

20. Are you currently operating under Chapter 7 or Chapter 11 protection? Please check yes or no.

 X Yes
_____ No

21. Please provide a copy of the Form 477 you filed with the FCC with data as of **December 31, 2011**

Comments

22. Have you experienced any significant barriers in entering Florida's local exchange markets? Please list and describe any major obstacles or barriers encountered that you believe may be impeding the growth of local competition in the state, along with any suggestions as to how to remove such obstacles. Any additional general comments or information you believe will assist staff in evaluating and reporting on the development of local exchange competition in Florida are welcome.

RNK's greatest concern regarding the present and future regulatory environment in Florida, as it pertains to furthering competition in the Florida telecommunications market, is the level of market power exerted by the merged ILECs (BellSouth-AT&T-SBC; Verizon-MCI) and the potential (and actual) abuse of that market power.

2012 LOCAL COMPETITION DATA REQUEST RESPONSE CHECKLIST

RESPONSE TO DATA REQUEST QUESTIONNAIRE:

Note: For those CLECs NOT providing local telephone services, you may check the box on the cover page and fax it to (850) 413-6392. Since the attached CLEC questionnaire contains questions of a general nature, you may wish to respond to any applicable questions.

Does your response include:

- A CD or diskette containing a Word (.doc) file or a paper hardcopy of the questionnaire along with your written response to each question?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESPONSE TO DATA REQUEST TABLES FOR DATA AS OF DECEMBER 31, 2011:

Does your response include:

- A CD or diskette containing an Excel (.xls) file of the data requested in **Tables 1-5**, or
- A copy of your 2011 calendar year FCC Form 477?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you opt to e-mail or fax your response to us, please e-mail it to compreport@psc.state.fl.us or fax to (850) 413-6392.