

## DECLARATION OF RALPH DIAZ

1. My name is Ralph Diaz. I am employed by BIVA Telecommunications, Inc. ("Service Provider") in the position of Director of Engineering. Service Provider is a member of the Wireless Communications Association International ("WCA"). This declaration is being prepared in support of WCA's motion to intervene in *Center for Public Integrity v. Federal Communications Commission*, a lawsuit in Federal District Court seeking disclosure of Forms 477 (Local Telephone Competition and Broadband Reporting Form) filed with the FCC.

2. Service Provider is required by the FCC to file Form 477 and has filed Form 477 with the FCC in accordance with this requirement. In one or more of Service Provider's Form 477 filings, in Item 8 on the cover page the line "Filer certifies that some data in this report is privileged and confidential" has been selected from the dropdown box, thereby indicating that Service Provider requested non-disclosure of some or all of the information in the form.

3. Service Provider has supplied data in the following parts of Form 477 in some or all of its filings to date, in addition to the information on the Cover Page:

Part I-A, Broadband

Part V, Zip Code Listings

4. Service Provider considers all of the information in the foregoing parts of its Forms 477 to be commercial and confidential in nature and seeks non-disclosure of that information.

5. I declare the foregoing to be true and correct, under penalty of perjury.

Executed: January 5, 2007

