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**REDACTED FOR PUBLIC INSPECTION
REQUEST FOR CONFIDENTIAL TREATMENT
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

May 29, 2018

Via Hand Delivery

Marlene H. Dortch, Secretary

Federal Communications Commission

445 Twelfth Street, S.W.

Washington, DC 20554

Re: Sprint Request for Renewal of Limited Waiver –
Request for Confidential Treatment
CG Docket Nos. 03-123 & 10-51

Dear Ms. Dortch:

Sprint Corporation (“Sprint”) hereby submits the attached confidential version of its Request for Renewal of Limited Waiver (“Waiver Request”), the redacted version of which has been filed today in the above-referenced dockets. Pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ Sprint requests confidential treatment for the information that has been marked confidential in the attached Waiver Request and redacted in the public version of the Waiver Request (“Sprint Information”), which contains

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure “to any extent not authorized by law” of “information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association”).

commercially sensitive information. The Sprint Information relates to Sprint's provision of Telecommunications Relay Services ("TRS") and includes company-specific, confidential commercial information, including information that is protected from disclosure by FOIA Exemption 4² and the Commission's rules protecting information that is not routinely available for public inspection and that would customarily be guarded from competitors.³

1. *Identification of the specific information for which confidential treatment is sought.* Sprint requests that the Sprint Information be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission's rules, which protect confidential commercial and other information not routinely available for public inspection. The Sprint Information concerns the company's provision of IP Relay, a form of TRS, and includes information about Sprint's operations and the costs of providing the service. This is company-specific, competitively-sensitive, business confidential and/or proprietary commercial and financial information concerning Sprint's operations that would not routinely be made available to the public.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* Sprint is submitting its Waiver Request for inclusion in the record of the Commission's docketed proceeding regarding Telecommunications Relay Services, CG Docket Nos. 03-123 and 10-51.

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Sprint Information contains company-specific, competitively-sensitive, confidential and/or proprietary, commercial and financial information.⁴ This information can be used to determine information about Sprint's operations and finances that is sensitive for competitive and other reasons. This information would not customarily be made available to the public and would be guarded from all others.

² 5 U.S.C. § 552(b)(4).

³ 47 C.F.R. §§ 0.457(d) and 0.459.

⁴ The Commission has broadly defined commercial information, stating that "[c]ommercial' is broader than information regarding basic commercial operations, such as sales and profits; it includes information about work performed for the purpose of conducting a business's commercial operations." *Southern Company Request for Waiver of Section 90.629 of the Commission's Rules*, Memorandum Opinion and Order, 14 FCC Rcd 1851, 1860 (1998) (citing *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates to the provision of IP Relay, which was once subject to vigorous competition from other TRS providers, and may again be subject to vigorous competition when the current regulatory and market forces are addressed. If the information is not protected, Sprint's competitors and potential competitors will be able to use it to their competitive advantage.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* Since this type of information generally would not be subject to public inspection and would customarily be guarded from competitors, the Commission's rules recognize that release of the information is likely to produce competitive harm.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Sprint Information is not available to the public, and has not otherwise been disclosed previously to the public. Sprint takes precautions to ensure that this type of information is not released to the general public or obtained by its competitors and potential competitors through other means.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Sprint requests that the Sprint Information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* Under applicable Commission and federal court precedent, the information provided by Sprint on a confidential basis should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The commercial and financial information in question clearly satisfies this test.

Additionally, where disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information.⁵ Failure to accord confidential treatment to this information is likely to

⁵ See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that "for whatever reason,

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dissuade providers from voluntarily submitting such information in the future, thus depriving the FCC of information necessary to evaluate facts and market conditions relevant to applications and policy issues under its jurisdiction.

If a request for disclosure occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Sprint to pursue appropriate remedies to preserve the confidentiality of the information.

If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Respectfully submitted,

/s/ Scott R. Freiermuth
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‘would customarily not be released to the public by the person from whom it was obtained’”) (citation omitted).

**REDACTED FOR PUBLIC INSPECTION
REQUEST FOR CONFIDENTIAL TREATMENT
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals with)	
Hearing and Speech Disabilities)	
)	
Structure and Practices of the Video Relay)	CG Docket No. 10-51
Service Program)	

REQUEST FOR RENEWAL OF LIMITED WAIVER

Pursuant to sections 1.1, 1.3, and 1.41 of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) rules,¹ Sprint Corporation (“Sprint”) hereby timely requests that the Commission renew and extend the existing waiver that permits Sprint to recover its costs associated with deaf-blind outreach via the IP Relay compensation rate.²

I. BACKGROUND AND INTRODUCTION

IP Relay is a valuable form of Telecommunications Relay Service (“TRS”) that is uniquely beneficial to deaf-blind users. For example, IP Relay does not require the ability to see an interpreter on a screen, and the service can be enhanced with adaptive technologies such as Braille or screen readers. Unfortunately, there traditionally has been limited awareness in the deaf-blind community about the dramatic, positive impact that access to IP Relay can have on its members.

¹ 47 C.F.R. §§ 1.1, 1.3, 1.41. *See also* 47 U.S.C. § 225.

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 32 FCC Rcd 5142, ¶ 11 (CGB 2017) (“*2017 TRS Rate Order*”); *see also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 31 FCC Rcd 7246, ¶ 19 (CGB 2016) (“*2016 TRS Rate Order*”).

To address this issue, the Commission granted Sprint a “temporary, limited waiver of the prohibition on recovery of provider-directed outreach for Fund Year 2016-17, to permit Sprint to recover the costs ... for outreach activities and dedicated staff specifically targeted at outreach to the deaf-blind community.”³ This waiver was extended again for the Fund Year 2017-18.⁴ The justification for these waivers remains in place today – namely, Sprint incurs unique costs for deaf-blind outreach that are not otherwise addressed by the Commission’s National Outreach Program. Sprint herein provides detailed information that justifies extension of the current waiver for the next funding year and respectfully submits that this information also supports an IP Relay rate of \$1.37 per minute for the 2018-19 funding year.⁵

II. RENEWAL OF THE EXISTING WAIVER IS IN THE PUBLIC INTEREST

Waiver of Commission rules is permitted upon a showing of “good cause.”⁶ Specifically, the Commission may waive its rules where the particular facts would make strict compliance inconsistent with the public interest, taking into account, *inter alia*, considerations of “hardship, equity, or more effective implementation of overall policy on an individual basis.”⁷ Waiver is

³ 2016 TRS Rate Order ¶ 19.

⁴ 2017 TRS Rate Order ¶ 11.

⁵ In a separate filing, Sprint submitted comments urging the Commission to adopt an IP Relay compensation rate of \$1.37 per minute rather than the proposed \$1.36 per minute compensation rate for IP Relay, which would not fully recover Sprint’s deaf-blind outreach costs. Comments of Sprint Corporation, CG Docket Nos. 03-123 and 10-51, at 1, 3-4 (May 29, 2017) (“Sprint 2018 Rate Comments”).

⁶ 47 C.F.R. § 1.3.

⁷ *Numbering Resource Optimization; Petition of California Public Utilities Commission for Waiver of the Federal Communications Commission’s Contamination Threshold Rule*, Order, 18 FCC Rcd 16860, ¶ 9 (2003) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir.

particularly appropriate where “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”⁸

In this case, the Commission already has determined that “there is good cause to grant a temporary, narrowly limited waiver of the outreach cost recovery prohibition to allow recovery of . . . the projected costs of Sprint’s specific outreach activities targeting the deaf-blind community.”⁹ This same “good cause” exists today, as Sprint continues to incur significant costs to engage in IP Relay outreach activities designed to make the deaf-blind community aware of this potentially life-changing technology. Moreover, the same “special circumstances” created by having only one IP Relay provider continue to exist. Just as when the Commission initially granted this waiver in 2016, the “absence of other providers in the IP Relay market continues to have a significant impact on deaf-blind consumers.”¹⁰

III. SPRINT INCURS COSTS OF \$0.07 PER MINUTE IN UNDERTAKING ONGOING OUTREACH ACTIVITIES

Pursuant to the current waivers, Sprint has commenced several outreach initiatives focused on raising awareness within the community of deaf-blind individuals who can benefit most from access to IP Relay. Among other activities, Sprint has:

- Provided outreach on a local level in the 35 states and territories where Sprint is the 7-1-1 provider, attending hundreds of local events alone at which it distributed

1969), *cert. denied*, 409 U.S. 1027 (1972) (“*WAIT Radio*”); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

⁸ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d at 1166 (referencing *WAIT Radio*).

⁹ 2016 TRS Rate Order ¶ 18.

¹⁰ *Id.*

informational materials and assisted interested potential users with the registration process;¹¹

- Provided outreach on a national level, attending over 50 deaf-centric events to disseminate information about IP Relay and assist individuals with the registration process; and
- Promoted the availability of IP Relay through social media outlets.

As the Commission is aware, without the waiver, none of the expenses associated with these outreach activities would be reimbursed as part of the IP Relay rate. Sprint further notes that it has relied on the Commission's waiver (and renewal of that waiver) to hire a full-time employee who is dedicated to deaf-blind outreach. This individual's devotion to, and ties with, the deaf-blind community demonstrates Sprint's commitment to "walk the talk." Importantly, Sprint's ongoing outreach is paying concrete dividends as more deaf-blind people are utilizing IP Relay.

As detailed in the attached spreadsheet, the costs Sprint has incurred, and will continue to incur, fall into five categories: (i) salary and benefits for a dedicated full-time employee; (ii) travel and related expenses; (iii) professional fees/interpreter support; (iv) advertising/promotional outreach; and (v) miscellaneous direct costs. Together, Sprint has calculated these costs at [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] for calendar year 2018 and [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] for calendar year

¹¹ Even when those who would benefit from IP Relay are aware of the service, their attempts to use it often are complicated by the restrictive registration process, which many individuals find quite difficult to navigate without assistance. As a result, the registration process alone materially increases the time needed to fully educate potential users about the IP Relay program.

2019. Assuming that these costs are incurred evenly throughout the year, Sprint estimates that it will spend [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] for the 2018-19 funding year – *i.e.*, six months of costs in 2018 and six months of costs in 2019.

In turn, Sprint projects that there will be [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] minutes of IP Relay use in calendar year 2018 and [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] minutes in 2019. Again assuming that these minutes of use are spread evenly throughout the year, Sprint estimates that there will be [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] minutes of IP Relay use in Fund Year 2018-19.

After dividing Sprint's deaf-blind outreach costs by this estimated number of minutes, Sprint concludes that its outreach expenses will be a bit more than \$0.07 per minute for the upcoming funding year.¹² The TRS Fund Administrator, however, estimated these costs at only \$0.06 per minute.¹³ Consequently, in order to be fully compensated for its expected outreach and related costs incurred to promote IP Relay, Sprint has requested an increase of the IP Relay compensation rate from the proposed \$1.36 per minute to \$1.37 per minute.¹⁴

¹² [BEGIN CONFIDENTIAL INFORMATION] [REDACTED] [END CONFIDENTIAL INFORMATION] = \$0.07468.

¹³ *Rolka Loube Associates Submits Payment Formulas and Funding Requirement for the Interstate Telecommunications Relay Services Fund for the 2018-2019 Fund Year*, CG Docket Nos. 03-123 and 10-51, Public Notice, DA 18-494, at 3 (rel. May 14, 2018).

¹⁴ Sprint 2018 Rate Comments at 3-4.

IV. CONCLUSION

For the foregoing reasons, Sprint requests that the Commission renew and extend the existing waiver that permits Sprint to recover the costs it incurs to engage in deaf-blind outreach via the IP Relay compensation rate.

Respectfully submitted,

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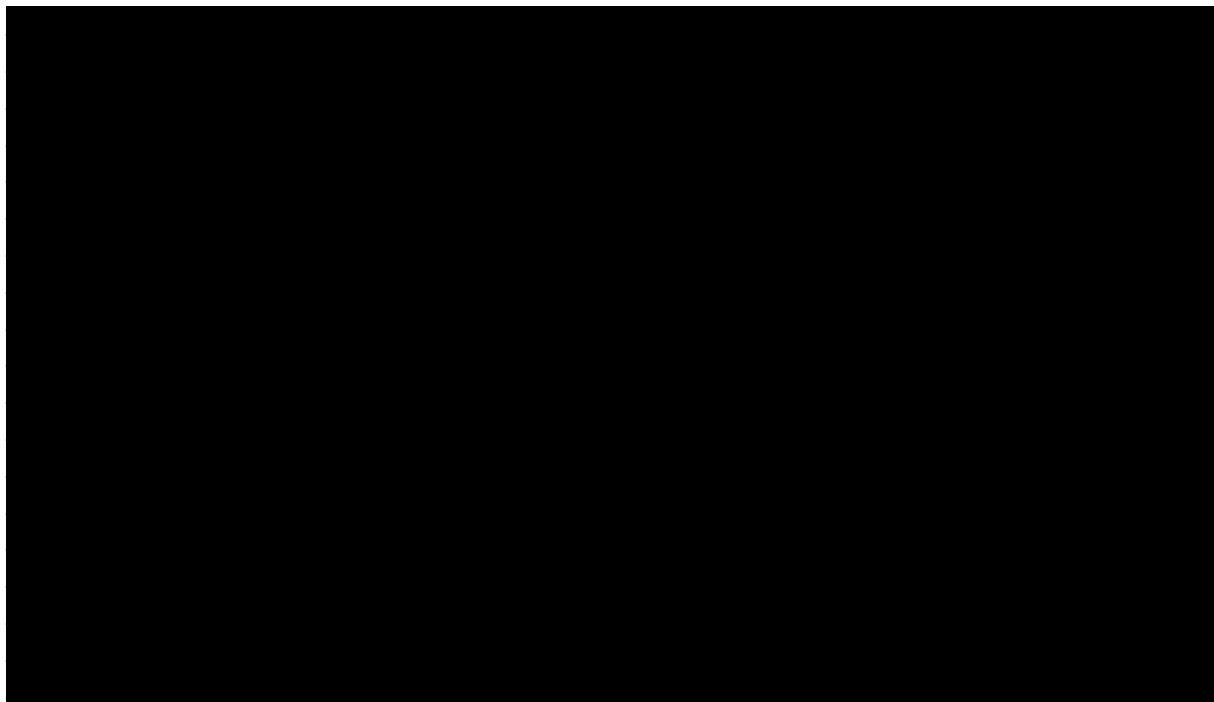
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**REDACTED FOR PUBLIC INSPECTION – SUBJECT TO REQUEST FOR
CONFIDENTIAL TREATMENT PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

ATTACHMENT

The information below regarding the costs associated with Sprint's deaf-blind outreach with respect to IP Relay is excerpted from the information that Sprint submitted to Rolka Loubé in February 2018.

[BEGIN CONFIDENTIAL INFORMATION]



[END CONFIDENTIAL INFORMATION]