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

June 19, 2018

Via Hand Delivery

Marlene H. Dortch, Secretary

Federal Communications Commission

445 Twelfth Street, S.W.

Washington, DC 20554

Re: Amendment to Limited Waiver Request and Supplement to Comments of
Sprint Corporation – 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 Amendment to Limited Waiver Request and Supplement to Comments (“June 19 Amendment and Supplement”), 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 June 19 Amendment and Supplement and redacted in the

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”).

public version of the June 19 Amendment and Supplement (“Sprint Information”), which contains 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 June 19 Amendment and Supplement 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

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)).

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.

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 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
Scott R. Freiermuth
Counsel, Government Affairs,
Federal Regulatory

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, ‘would customarily not be released to the public by the person from whom it was obtained’”) (citation omitted).

**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)	

**AMENDMENT TO LIMITED WAIVER REQUEST AND
SUPPLEMENT TO COMMENTS OF SPRINT CORPORATION**

On May 29, 2018, 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”) requested 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 Also on May 29, 2018, Sprint filed comments that included a request for a compensation rate for IP Relay service of \$1.37 per minute.³ Sprint hereby amends its waiver request and supplements its comments to request an additional \$0.06 per minute in the IP Relay compensation rate, which would provide

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

² Request for Renewal of Limited Waiver of Sprint Corporation, CG Docket Nos. 03-123 and 10-51 (May 29, 2018) (“Waiver Request”); *see 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”); *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”).

³ Comments of Sprint Corporation, CG Docket Nos. 03-123 and 10-51, at 3-5 (May 29, 2018). *See also 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) (seeking comment on a proposed IP Relay rate of \$1.36 per minute).

funding for an additional dedicated full-time employee to assist with outreach efforts to the deaf-blind community.

I. BACKGROUND AND INTRODUCTION

As Sprint discussed in its Waiver Request, 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.

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.”⁴ This waiver was extended again for the Fund Year 2017-18.⁵ These waivers continue to be needed today because Sprint incurs unique costs for deaf-blind outreach in connection with its IP Relay service that are not otherwise addressed by the Commission’s National Outreach Program.

In its recent Waiver Request, Sprint provided detailed information that justified extension of the current waiver and supported an IP Relay rate of \$1.37 per minute for the 2018-19 funding

⁴ 2016 TRS Rate Order ¶ 19.

⁵ 2017 TRS Rate Order ¶ 11.

year.⁶ Sprint hereby provides supplemental information regarding the additional costs related to the hiring of a second full-time employee dedicated to deaf-blind outreach efforts. Sprint respectfully submits that these additional costs will provide additional benefits to the deaf-blind community and therefore support an IP Relay rate of \$1.43 per minute.

II. SPRINT WILL INCUR COSTS OF \$0.13 PER MINUTE IF IT DEVOTES A SECOND EMPLOYEE TO DEAF-BLIND OUTREACH

As discussed in its Waiver Request, Sprint has relied on the current and previous waivers to commence several outreach initiatives focused on raising awareness within the community of deaf-blind individuals who can benefit most from access to IP Relay.⁷ To facilitate these initiatives, Sprint has employed a single full-time employee who is devoted to this outreach. While this individual has made tremendous strides, a single individual simply does not have the capacity to engage in nationwide outreach. To ensure that its outreach message is spread throughout the United States, Sprint believes that a second full-time employee should be dedicated to deaf-blind outreach efforts. In particular, if the instant rate request is granted, Sprint will hire a new full-time employee to perform outreach on the Eastern half of the United States, with its existing employee focusing on the Western half of the United States. After doing so, Sprint's representatives will be able to attend even more local and national events, distribute informational materials to more people, and assist an increased number of potential users with the registration process.

⁶ Waiver Request at 5-6 and Attachment (confidential version). Sprint herein incorporates by reference the Waiver Request in its entirety.

⁷ Waiver Request at 3-4.

The attached chart details the costs for all of Sprint's proposed deaf-blind outreach efforts, which fall in the following categories: (i) salary and benefits for two dedicated full-time employees; (ii) travel and related expenses; (iii) professional fees/interpreter support; (iv) advertising/promotional outreach; and (v) miscellaneous direct costs. As set forth in the Waiver Request, Sprint calculated the costs for its current outreach efforts at [BEGIN

CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED]. [END CONFIDENTIAL INFORMATION] Adding the costs associated with a second employee would require Sprint to incur additional costs approximating [BEGIN

CONFIDENTIAL INFORMATION] [REDACTED].

[END CONFIDENTIAL INFORMATION] Therefore, total costs incurred would be estimated at [BEGIN CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED]. [END CONFIDENTIAL INFORMATION] Assuming that these costs are incurred evenly throughout the year, Sprint estimates that it would 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.

Sprint further 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

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CONFIDENTIAL INFORMATION [REDACTED] **[END CONFIDENTIAL INFORMATION]** minutes of IP Relay use in Fund Year 2018-19.

After dividing Sprint's proposed deaf-blind outreach costs by this estimated number of minutes, Sprint concludes that its outreach expenses with a second full-time employee will be a bit more than \$0.13 per minute for the upcoming funding year.⁸ In order to be fully compensated for an expanded outreach program and related costs incurred to promote IP Relay, Sprint hereby requests an increase of the IP Relay compensation rate for the 2018-19 Fund Year to \$1.43 per minute.

III. CONCLUSION

For the foregoing reasons, Sprint reiterates its request 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. Additionally, Sprint requests that the per-minute compensation rate be adjusted to permit Sprint to hire an additional full-time employee and expand its deaf-blind outreach program as discussed herein. Accordingly, Sprint requests an increase of the IP Relay compensation rate for the 2018-19 Fund Year to \$1.43 per minute.

⁸ **[BEGIN CONFIDENTIAL INFORMATION]** [REDACTED] **[END CONFIDENTIAL INFORMATION]** = \$0.1306.

Respectfully submitted,

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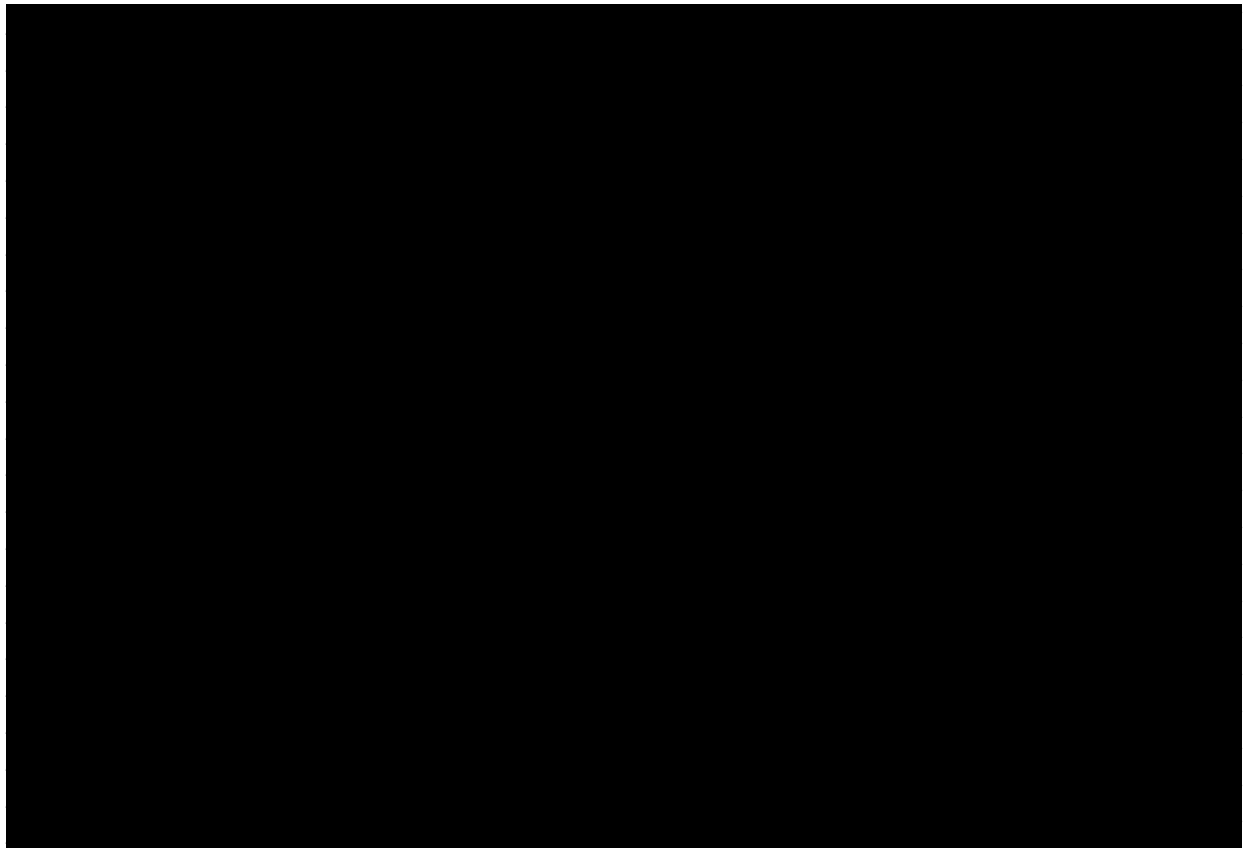
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ATTACHMENT

The information below regarding the costs associated with Sprint's deaf-blind outreach with respect to IP Relay is organized as follows:

- The section labeled "Filed Outreach Expenses" is the same as previously reported in Sprint's Waiver Request and is excerpted from the information that Sprint submitted to Rolka Loube in February 2018.
- The section labeled "Additional Outreach Expenses" sets forth the costs that would be associated with a second full-time employee and his or her outreach activities.
- The section labeled "Total Outreach Expenses" reflects the total costs of an expanded outreach program.

[BEGIN CONFIDENTIAL INFORMATION]



[END CONFIDENTIAL INFORMATION]

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