



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

June 21, 2019

Anne E. Callenbach
816-572-4760
acallenbach@polsinelli.com

VIA ECFS & FIRST-CLASS MAIL

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: Request for Confidential Treatment of Filing of Brightlink Communications, LLC, WC Docket No. 19-17

Dear Ms. Dortch,

Pursuant to 47 C.F.R. 52.15(g)(3)(i), Brightlink Communications, LLC (“Brightlink”), hereby submits a Supplement to its Application requesting authorization to obtain numbering resources.

This filing includes confidential information. As contemplated by the Commission’s rules, we are filing the public version electronically and the confidential version via first-class mail. Brightlink respectfully requests that, pursuant to 47 C.F.R. 0.457 and 0.459, the Commission withhold from public inspection and grant confidential treatment to **Exhibit A**, a document that contains sensitive trade secrets and commercial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”).¹ Brightlink is voluntarily providing this information, “of a kind that would customarily not be released to the public;” therefore, this information is “confidential” under FOIA.² Moreover, Brightlink would suffer substantial competitive harm if this information were disclosed.³ As such, **Exhibit A** is marked with the header “SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSPECTION.”

In support of this request and pursuant to 47 C.F.R. 0.459(b), Brightlink hereby states as follows:

1. Identification of the specific information for which confidential treatment is sought

Brightlink seeks confidential treatment of Exhibit A to the enclosed Supplement to Application.

2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission

¹ 5 U.S.C. § 552(b)(4).

² *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992)

³ *See Nat’l Parks & Conservation Ass’n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

As proof of Brightlink's facilities readiness as required by 47 C.F.R. 52.15(b)(3)(i)(D), Brightlink is submitting a service agreement between itself and its carrier partner as **Exhibit A** to the enclosed Supplement to Application.

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 Brightlink seeks confidential treatment contains sensitive commercial information which would customarily be guarded from competitors.⁴ **Exhibit A** contains proprietary commercial information concerning the operations and pricing of Brightlink's carrier partner and Brightlink's network, services, and operating costs and expenses.

4. Explanation of the degree to which the information concerns a service that is subject to competition

Exhibit A contains information relating to commercial matters that could be used by competitors to Brightlink's disadvantage. Brightlink has numerous competitors in the Voice over Internet Protocol ("VoIP") services sector in which it operates. Detailed operations and commercial information of the type provided by Brightlink could compromise Brightlink's position in this highly competitive industry. Release would therefore result in substantial competitive harm to Brightlink.

5. Explanation of how disclosure of the information could result in substantial competitive harm

Competitors could use Brightlink's proprietary commercial and operational information to Brightlink's detriment as they would gain access to sensitive information about how Brightlink provides services as well as about Brightlink's commercial agreements with others in the market that are not normally disclosed to the public.

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure

Brightlink has not distributed the information in Exhibit A to the public.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties

Brightlink has not previously disclosed the information in Exhibit A to the public or to third parties.

8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure

⁴ 47 C.F.R. §§ 0.457(d) and 0.459.

Brightlink requests that **Exhibit A** be treated as confidential for a period of ten years. This period is necessary due to the proprietary nature of the information in **Exhibit A**.

9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted

The information concerns Brightlink's proprietary network information, related to current and planned commercial and operational information, and, as such, is commercially sensitive.

Please address any questions you may have regarding this filing to the undersigned at 816-572-4760 or acallenbach@polsinelli.com.

Respectfully submitted,

/s/ Anne E. Callenbach
Anne E. Callenbach
Polsinelli PC
900 W. 48th Place, Ste. 900
Kansas City, MO 64112
(816) 572-4760
acallenbach@polsinelli.com

BEFORE THE FEDERAL COMMUNICATION COMMISSION

Washington, D.C. 20554

Application of Brightlink Communications,)
LLC for Certification as a VOIP Provider) WC Docket No. 19-17
For Direct Access to Numbering Resources)
Pursuant to Section 52.15(g)(3) of the)
Commission's Rules, 47 C.F.R. §52.15(g)(3))

SUPPLEMENT TO APPLICATION

On December 11, 2018, pursuant to 47 C.F.R. §52.15(g)(3), Brightlink Communications, LLC ("Brightlink") filed its application for authorization from the Federal Communication Commission ("Commission") to obtain telephone numbers directly from the North American Numbering Plan Administrator ("NANPA") and the Pooling Administrator. In support of its Application, Brightlink, an Interconnected VoIP provider, by and through its counsel, submitted the information required by 47 C.F.R. 52.15(g)(3)(i)(A)-(F). In further compliance with 47 C.F.R. 52.15(g)(3)(i)(D) and the *Direct Access Order*, FCC 15-70, 30 FCC Rec 6839, ¶ 24 n.74, ¶ 37 (June 22, 2015), Brightlink hereby files this Supplement to its Application. In support of this Supplement, Brightlink states the following:

I. Proof that the applicant is or will be capable of providing service within sixty (60) days of the numbering resources activation date in accordance with 47 CFR §52.15(g)(2)

In compliance with Paragraph 37 of the *Direct Access Order*, Brightlink hereby supplements its Application by providing proof of a commercial arrangement that provides access to the Public Switched Telephone Network ("PSTN"). The Master Service Agreement between Neutral Tandem, Inc. and 365 Wireless, LLC is attached hereto as **Exhibit A**. As explained in its original Application, Brightlink acquired 365 Wireless, LLC in 2016 and has integrated the staff and technology used to manage numbering resources obtained from the

NANPA. Further, the Master Services Agreement was assigned from 365 Wireless, LLC to Brightlink as part of the acquisition in 2016. See **Exhibit B**. BrightLink has requested confidential treatment under the Commission's rules for **Exhibit A**.

II. List of the states in which Brightlink intends to request numbers

In compliance with Paragraph 24, n.74 of the *Direct Access Order*, Brightlink states that it intends to request numbers from the following states (which list includes all 50 states, plus the District of Columbia): Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

III. Conclusion

Pursuant to 47 C.F.R. 52.15(g)(3) of the Commission's Rules, Brightlink respectfully requests that the Commission grant its application for authorization to obtain numbering resources, as supplemented herein.

Respectfully submitted,

/s/ Anne E. Callenbach
Anne E. Callenbach
Polsinelli PC
900 W. 48th Place, Ste. 900
Kansas City, MO 64112
(816) 572-4760
acallenbach@polsinelli.com

Scott Allen
Director of Regulatory Affairs
Brightlink Communications, LLC
2859 Paces Ferry Road, Suite 1800
Atlanta, Georgia, 30339.
(404) 344-1122
Scott.allen@brightlink.com

EXHIBIT A

CONFIDENTIAL MATERIALS OMITTED

AGREEMENT BETWEEN NEUTRAL TANDEM, INC. AND 365 WIRELESS, LLC

**SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT
NOT FOR PUBLIC INSPECTION**

EXHIBIT B

NOTIFICATION OF ASSIGNMENT OF CONTRACT



January 18, 2017

Neutral Tandem, Inc. d/b/a Inteliquent
550 West Adams, 9th Floor
Chicago, IL 60661
ATTN: Legal Department

via email and certified mail

Subject: Notification of Assignment of Contract

Dear 365 Wireless Vendor:

Your company and 365 Wireless, LLC ("365 Wireless") are parties to the Master Service Agreement executed by your company and effective March 8, 2012 (the "Agreement"). Pursuant to the "Assignment" paragraph on page 2 of the Agreement, 365 Wireless hereby provides notice that 365 Wireless has assigned the Agreement to 365 Wireless' affiliate, Brightlink Communications, LLC d/b/a Brightlink IP ("Brightlink IP").

This assignment shall be effective December 1, 2016 and is inclusive of any associated amendments, addendums, service schedules and any other attachments to the Agreement. Brightlink IP will assume all of 365 Wireless' rights and obligations under the Agreement. Brightlink IP hereby accepts the assignment of the Agreement and agrees to be bound by all terms and conditions of the Agreement.

Please institute the following changes as soon as possible:

- Invoices should be sent to ap@brightlinkIP.com
- Notices should be sent to legal@brightlinkIP.com
- Support request should be sent to NOC@brightlinkIP.com
- Rate notices should be sent to rates@brightlinkIP.com

If you have any questions concerning this assignment, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Allen".

Scott Allen
Chief Financial Officer
Brightlink IP
404.334.1122
scott.allen@brightlinkIP.com