



June 23, 2017
Via ECFS Filing

REDACTED FOR PUBLIC INSPECTION

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Request for Confidential Treatment of Filing of HD Carrier, LLC; *Application of HD Carrier, LLC for Authorization to Obtain Numbering Resources Pursuant to Section 52.15(g) of the Commission's Rules, WC Docket No. 17-_____*

Dear Ms. Dortch:

Pursuant to Section 52.15(g)(3)(i) of the Commission's Rules, HD Carrier, LLC ("HD Carrier") hereby submits its application requesting authorization to obtain numbering resources.

HD Carrier respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457 and 0.459, the Commission withhold from public inspection and accord confidential treatment to **Exhibit A** to the application because that document contains sensitive trade secrets and commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").¹ HD Carrier is voluntarily providing this information, "of a kind that would not customarily be released to the public"; therefore, this information is "confidential" under FOIA.² Moreover, HD Carrier would suffer substantial competitive harm if this information were disclosed.³

Exhibit A is accordingly marked with the header "SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT - NOT FOR PUBLIC INSPECTION."

¹ 5 U.S.C. § 552(b)(4).

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

³ See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

In support of this request and pursuant to Section 0.459(b) of the Commission's rules⁴, HD Carrier hereby states as follows:

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT.⁵

HD Carrier seeks confidential treatment of Exhibit A to the enclosed application.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION.⁶

HD Carrier is submitting as Exhibit A the agreement between it and its carrier partner, as proof of HD Carrier's facilities readiness as required by Section 52. 15(g)(3)(i)(D) of the Commission's rules.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED.⁷

The information for which HD Carrier seeks confidential treatment contains sensitive commercial information "which would customarily be guarded from competitors"⁸. Exhibit A describes the agreement between HD Carrier and its carrier partner and contains proprietary commercial information concerning HD Carrier's network, customers, and services.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION.⁹

Exhibit A contains information relating to commercial matters that could be used by competitors to HD Carrier's disadvantage. HD Carrier 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 HD Carrier could compromise HD Carrier's position in this highly competitive industry. Release would therefore result in substantial competitive harm to HD Carrier.

⁴ 47 C.F.R. § 0.459(b).

⁵ 47 C.F.R. § 0.459(b)(1).

⁶ 47 C.F.R. § 0.459(b)(2).

⁷ 47 C.F.R. § 0.459(b)(3).

⁸ 47 C.F.R. § 0.457(d)(2).

⁹ 47 C.F.R. § 0.459(b)(4).

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹⁰

Competitors could use HD Carrier's proprietary commercial and operational information to HD Carrier's detriment as they would gain access to sensitive information about how HD Carrier provides services as well as about HD Carrier'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.¹¹

HD Carrier 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.¹²

HD Carrier has not previously disclosed the information in Exhibit A.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE.¹³

HD Carrier 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.

¹⁰ 47 C.P.R. § 0.459(b)(5).

¹¹ 47 C.P.R. § 0.459(b)(6).

¹² 47 C.F.R. § 0.459(b)(7).

¹³ 47 C.F.R. § 0.459(b)(8).

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9. **OTHER INFORMATION THAT HD CARRIER BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED.**¹⁴

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

Any questions you may have regarding this filing should be directed to my attention at 407-740-3006 or via email to croesel@tminc.com. Thank you for your assistance in this matter.

Sincerely,

/s/ Carey Roesel

Carey Roesel
Consultant to HD Carrier, LLC

cc: Josh Lowenthal - HD Carrier
tms: FCCx1701

CR/gs

¹⁴ 47 C.F.R. § 0.459(b)(9).

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
HD Carrier, LLC)
) WC Docket No. 17-_____
For Authorization to Obtain Numbering)
Resources Pursuant to Section 52.15(g) of)
The Commission’s Rules)

**APPLICATION OF HD CARRIER, LLC
FOR AUTHORIZATION TO OBTAIN NUMBERING RESOURCES**

HD Carrier, LLC (“HD Carrier”), pursuant to Section 52.15(g)(3)(i) of the Commission’s Rules, respectfully requests authorization to obtain numbering as described below.

Under the Commission’s *Numbering Order*,¹ an interconnected VoIP provider may obtain numbering resources from the Numbering Administrator upon a showing that it is authorized to provide service in the area for which the numbering resources are requested. Such authorization may be obtained upon an application to the Commission containing the information detailed in Section 52.15.(g)(3)(i)(A)-(G) of the Commission’s Rules. HD Carrier hereby requests the Commission grant it that authorization. In support of this application, HD Carrier provides the following information:

I. INFORMATION REQUIRED BY SECTION 52.15(g)(3)(i)

A. § 52.15(g)(3)(i)(A)

Name: HD Carrier, LLC
Address: 170 S. Green Valley Parkway
Suite 300
City: Henderson
State: Nevada
ZIP Code: 89074
Telephone: 725-333-1011

Contact for Regulatory Requirements, Compliance, 911 and Law Enforcement:

Name:	Josh Lowenthal
Address:	170 S. Green Valley Parkway Suite 300
City:	Henderson
State:	Nevada
ZIP Code:	89074
Telephone:	725-333-1011
Facsimile:	725-333-1015

B. § 52.15(g)(3)(i)(B)

HD Carrier hereby acknowledges that authorization to obtain numbering resources under Section 52.15(g) of the Commission's Rules is subject to compliance with applicable Commission numbering rules as well as to the numbering authority delegated to the states. HD Carrier hereby also acknowledges that this authorization is subject to compliance with industry guidelines and practices regarding numbering, as applicable to telecommunications carriers. The numbering resources that are the subject of this Application will be used to provide interconnected VoIP services initially in CA and NY.

C. § 52.15(g)(3)(i)(C)

HD Carrier hereby acknowledges that it must file requests for numbers with the relevant state commission(s) at least 30 days before requesting numbers from the Numbering Administrators.

D. § 52.15(g)(3)(i)(D)

HD Carrier hereby sets forth its capability to provide service within 60 days of the numbering resources activation date.

To demonstrate its facilities readiness, HD Carrier will have the following resources available at its disposal: a fully integrated back office support system with the ability to schedule and process LNP orders from customers and an experienced provisioning department capable of handling bulk number ports with over 10 years LNP experience. HD Carrier has an agreement in place with a CLEC partner to route traffic

to the ILECs. HD Carrier has attached to this application, as *Exhibit A*, an agreement between HD Carrier and its carrier partner providing that the carrier partner will host HD Carrier's numbers on its switches and provide connectivity to the PSTN for inbound calls to HD Carrier numbers. HD Carrier has requested confidential treatment under the Commission's rules for *Exhibit A*. Also attached, as *Exhibit B*, is evidence of interconnection agreements between HD Carrier's carrier partner and local exchange carriers in CA and NY.

E. § 52.15(g)(3)(i)(E)

HD Carrier hereby certifies that it complies with its Universal Service Fund contribution obligations under 47 CFR part 54, subpart H, its Telecommunications Relay Service contribution obligations under 47 CFR § 64.604(c)(5)(iii), its North American Numbering Plan and Local Number Portability Administration contribution obligations under 47 CFR §§ 52.17 and 52.32, its obligations to pay regulatory fees under 47 CFR § 1.1154, and its 911 obligations under 47 CFR part 9.

F. § 52.15(g)(3)(i)(F)

HD Carrier certifies that it has the financial, managerial, and technical expertise to provide reliable service. It is financially stable, led by a strong, experienced management team with substantial managerial experience in the telecommunications industry, and has sufficient technical expertise and infrastructure in place to provide reliable numbering services. HD Carrier's key management and technical personnel are listed below. None of the identified personnel are being or have been investigated by the Commission or any law enforcement or regulatory agency for failure to comply with any law, rule, or order.

Key Personnel:

Chief Operating Officer – Josh Lowenthal

G. § 52.15(g)(3)(i)(G)

HD Carrier hereby certifies that no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

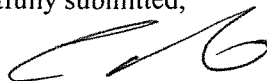
II. ACKNOWLEDGEMENT OF CONDITIONS IN SECTION 52.15(g)(3)(iv)

As required by Section 52.15(g)(3)(iv), HD Carrier will maintain the accuracy of all contact information and certifications in this application and will file a correction with the Commission and each applicable state within 30 days of any changes. HD Carrier will also furnish accurate regulatory and numbering contact information to each state commission when requesting numbers in that state.

III. CONCLUSION

Pursuant to Section 52.15(g)(3)(i) of the Commission's Rules, HD Carrier respectfully requests the Commission grant this application for authorization to obtain numbering resources.

Respectfully submitted,



Carey Roesel, Technologies Management, Inc.
Consultant to HD Carrier, LLC
(407) 740-3006
croesel@tminc.com

And

Josh Lowenthal, Chief Operating Officer
HD Carrier, LLC
170 S. Green Valley Parkway, Suite 300
Henderson, Nevada 89074

June 23, 2017

Exhibit A

**AGREEMENT BETWEEN HD CARRIER, LLC, AND
CARRIER PARTNER**

(Confidential exhibit submitted separately)

Exhibit B

(for each state listed)

INTERCONNECTION AGREEMENTS BY AND

BETWEEN

CARRIER PARTNER

AND

VERIZON NEW YORK INC.

AND

**PACIFIC BELL TELEPHONE COMPANY D/B/A AT&T
CALIFORNIA**



February 11, 2011

VIA E-MAIL (sthomas@tminc.com)

Sharon Thomas
Consultant
Technologies Management, Inc.
2600 Maitland Center Parkway
Suite 300
Maitland, FL 32751

Re: Wide Voice, LLC's Adoption Request under Section 252(i) of the Act

Dear Sharon Thomas:

On February 01, 2011, AT&T received your letter dated February 01, 2011, via facsimile, in which you requested on behalf of Wide Voice, LLC ("Wide Voice") to adopt the California Interconnection Agreement between Pacific Bell Telephone Company d/b/a AT&T California¹ ("AT&T California") and Comity Communications, LLC ("Comity") (the "Separate Agreement"). The adoption will include any and all approved amendments to the Separate Agreement (collectively the "MFN Agreement") pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "Act") and Resolution ALJ-181 Rule 6.

AT&T California accepts Wide Voice's request to adopt the Separate Agreement.²

The entire MFN Agreement between Wide Voice and AT&T California shall expire on November 27, 2011. Please note that the MFN Agreement may be terminated by either Party in writing in accordance with its terms.

In entering into this MFN Agreement, the Parties acknowledge and agree that neither Party waives, and each Party expressly reserves, any of its rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in this MFN Agreement (including intervening law rights asserted by either Party via written notice as to the Separate Agreement), with respect to any orders, decisions, legislation or proceedings and any remands by the FCC, state utility commission, court, legislature or other governmental body including, without limitation, any such orders, decisions, legislation, proceedings, and remands which were issued, released or became effective prior to the Effective Date of this MFN Agreement, or which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further government review.

AT&T California notes that pursuant to the SBC/Ameritech Merger Conditions, approved by the FCC its Memorandum Opinion and Order, CC Docket 98-141, rel. (October 8, 1999), SBC/Ameritech was obligated to transition the provisioning of certain Advanced Services, as that term is defined in such Conditions, to one or more separate Advanced Services affiliates under certain conditions. Because SBC/Ameritech has transitioned such Advanced Services to its structurally separate affiliate(s), AT&T California has no further obligation to make available such Advanced Services for resale or to interconnect its Frame Relay network with CLEC and has no

¹ Pacific Bell Telephone Company, a California corporation, is now doing business in California as "AT&T California".

²AT&T's agreement that Carrier may adopt the MFN Agreement in its entirety, including the rates, terms and conditions for ISP Bound Traffic and all legitimately related terms, shall not constitute or otherwise be interpreted as a waiver of AT&T's position that All Traffic Adopting FCC Interim Terminating Compensation Plan is not governed by Section 251(b)(5) of the Act. Rather, AT&T fully reserves all of its rights and arguments as to its position that, consistent with the FCC's ISP Compensation Order, All Traffic Adopting FCC Interim Terminating Compensation Plan is not governed by Section 251(b)(5) of the Act.

further obligation to make available such Advanced Services for resale or to provision Frame Relay interconnection under the rates, terms and conditions set forth in the MFN Agreement (to the extent applicable).

Finally, it is AT&T California's position that this MFN Agreement (including all attachments thereto) and every interconnection, service and network element provided hereunder, is subject to all other rates, terms and conditions contained in the MFN Agreement (including all attachments/appendices thereto), and that all of such provisions are integrally related and non-severable.

It is with this understanding and on these terms that AT&T California is hereby accepting Wide Voice's request to adopt the MFN Agreement. Should the foregoing not accurately reflect your understanding of the Parties' agreement, please contact Suzette Quate at (214) 858-0726 or Eric Peterson at (214) 858-0716 on or before 3:00 p.m. C.S.T. on February 14, 2011. If AT&T California does not hear from you on or before that time, AT&T California will assume that the Parties have reached a final agreement as to Wide Voice's adoption request based upon the terms and conditions set forth herein.

Sincerely,

 **TENA RYLANDER**

Bill Bockelman
Director

cc: John M. Leutza, Director
Telecommunications Division
California Public Utilities Commission
505 Van Ness Avenue, 3rd Floor
San Francisco, CA 94102

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
www.dps.ny.gov

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July 17, 2012

Keefe B. Clemons
General Counsel – Northeast Region
Verizon New York Inc.
140 West Street - 27th Floor
New York, NY 10007-2109

RE: Case 12-00681– Petition of Verizon New York Inc. for approval of an
Interconnection Agreement with Wide Voice, LLC.

Dear Mr. Clemons:

This is to inform you that the interconnection agreement executed February 6, 2012, between Verizon New York Inc. and Wide Voice, LLC has been reviewed by Department of Public Service Staff. This agreement, received by the Department on March 26, 2012 became effective 90 days from receipt by the Department on June 24, 2012 by operation of law in accordance with the provisions of §252(e)(4) of the Telecommunications Act of 1996.

If you have any questions, please contact Dave Kitchen at (518) 486-2819 or via e-mail at david.kitchen@dps.ny.gov.

Sincerely,

Chad G. Hume
Director - Office of Telecommunications

cc: Tara Odenthal
Wide Voice, LLC
410 South Rampart
Suite 390
Las Vegas, NV 89145