



June 30, 2016

**VIA ECFS to:**

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

Re: COMMIO,LLC, APPLICANT FOR AUTHORIZATION TO OBTAIN NUMBER RESOURCES PURSUANT TO SECTION 52.15(G) OF THE COMMISSION'S RULES

Dear Ms. Dortch:

Pursuant to Section 52.15(g)(3)(i) of the Commission's Rules, commio, LLC. hereby submits additional information to the full application filed on April 25, 2016.

The information includes that after receipt of numbering authorization, commio, LLC intends to request numbers over time in at least the following states: Arizona, California, Colorado, Nevada, New York, Oregon, Pennsylvania, Texas, Utah, and Washington.

commio confirms that no foreign governments, individuals, or corporations has 10% or more ownership of commio, LLC.

In reference to FCC's Report & Order 15-70 Telephone Number Requirements for IP-Enabled Services Providers footnote 131<sup>1</sup> commio's Filer 499 ID is 831621, and the current status on universalservice.org is Active and not in a "red light" status. The term 'entity'<sup>2</sup> in Form 477 does not apply to commio because commio does not currently provide interconnected VoIP service to revenue-generating end-user customers or have broadband connections in service to an end user, therefore commio currently is not required to file Form 477 at this time. commio will file Form 477 once the term 'entity' is applicable to commio.

Sam Shiffman, commio's President, meets the application requirement of providing the applicant's key technical and management personnel as required by 47 CFR 52.15(g)(3)(i)(F). Mr. Shiffman is not being and has not been investigated by the FCC, or any law enforcement, or regulatory agency for failure to comply with any law, rule, or order.

commio, respectfully requests that, pursuant to Sections 0.457 and 0.459 of the

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<sup>1</sup> Footnote 131 – "Bureau staff will check the applicant's status under the Commission's "red light rule," which restricts processing of applications filed by parties with outstanding debts owed to the Commission. See 47 C.F.R. § 1.1910. Bureau staff will also verify that the applicant filed its Form 477 and Form 499 forms, if **applicable**"

<sup>2</sup> <https://transition.fcc.gov/form477/WhoMustFileForm477.pdf>

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-Statement to the application because that document contain sensitive trade secrets and commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA")<sup>3</sup>. commio, LLC is voluntarily providing this information, "of a kind that would not customarily be released to the public"; therefore, this information is "confidential" under FOIA<sup>4</sup>. Moreover, commio would suffer substantial competitive harm if this information were disclosed<sup>5</sup>.

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

In support of this request and pursuant to Section 0.459(b) of the Commission's rules<sup>6</sup>, commio hereby states as follows:

**1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT.<sup>7</sup>**

commio seeks confidential treatment of Exhibit A to the enclosed application.

**2. DESCRIPTION OF THE CIRCUMSTANCE GIVING RISE TO THE SUBMISSION.<sup>8</sup>**

commio is submitting as Exhibit A it's agreement between commio and its Carrier partner for routing to ILECs as requested by Commission staff.

**3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGE.<sup>9</sup>**

The information for which commio seeks confidential treatment contains sensitive commercial information "which would customarily be guarded from competitors."<sup>10</sup> Exhibit A describes the agreement between commio and our Carrier Partner in support of commio's Proof of Readiness. This description contains proprietary commercial information.

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<sup>3</sup> 5 u.s.c. § 552(b) (4).

<sup>4</sup> See *Critical Mass Energy Project v. NRC*, 915 F.2d 871, 879 (D.C. Cir. 1992).

<sup>5</sup> See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 165 (D.C. Cir. 1974).

<sup>6</sup> 47 C.F.R. § 0.459(b).

<sup>7</sup> 41 C.F.R. § 0.459(b) (1).

<sup>8</sup> 47 C.F.R. § 0.459(b) (2).

<sup>9</sup> 47 C.F.R. § 0.459(b) (3).

<sup>10</sup> 47 C.F.R. § 0.457(d) (2).

**4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION.<sup>11</sup>**

Exhibit A contains information relating to commercial matters that could be used by competitors to commio's disadvantage. Detailed operations and commercial information of the type provided by commio could compromise commio's position in this highly competitive industry. Release would therefore result in substantial competitive harm to commio.

**5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM.<sup>12</sup>**

Competitors could use commio proprietary commercial and operational information to commio's detriment as they would gain access to sensitive information about how commio provides services as well as about commio'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.<sup>13</sup>**

commio 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.<sup>14</sup>**

commio 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.<sup>15</sup>**

commio requests that Exhibit A be treated as confidential for a period of 10 years. This period is necessary due to the proprietary nature of the information in Exhibit A.

**9. OTHER INFORMATION THAT COMMIO BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED.<sup>16</sup>**

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<sup>11</sup> 47 C.F.R. § 0.459(b) (4).

<sup>12</sup> 47 C.F.R. § 0.459(b)(5).

<sup>13</sup> 47 C.F.R. § 0.459(b)(6).

<sup>14</sup> 47 C.F.R. § 0.459(b)(7).

<sup>15</sup> 47 C.F.R. § 0.459(b)(8).

<sup>16</sup> 47 C.F.R. § 0.459(b)(9).

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

For any questions regarding this application please contact me at 512-524-1595 or [abrown@bbatx.com](mailto:abrown@bbatx.com).

Sincerely,

A handwritten signature in black ink that reads "Andrew S. Brown". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

Andrew S. Brown

REDACTED FOR PUBLIC INSPECTION

EXHIBIT A

AGREEMENT BETWEEN COMMIO AND CARRIER PARTNER