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

In the Matter of Rates for Interstate Inmate Calling Services	WC Docket No. 12-375

SECURUS TECHNOLOGIES, INC.

APPLICATION FOR REVIEW

(DA 14-1432)

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Dated: October 30, 2014

SUMMARY

The Commission should set aside the Bureau Order for a number of reasons, each of which is an independent ground for reversal.

First, the Bureau failed to consider the unique and well-evidenced grounds for Securus's objection to providing its Confidential Data to persons other than Pay Tel's economist. The fact that Pay Tel is a small company, having no inside counsel, is supported by documentary evidence and is not in dispute. The fact that Inmate Calling Services ("ICS") companies previously have worked cooperatively in a related FCC rate proceeding while expressly avoiding the sharing of cost data is likewise not in dispute. The fact that Pay Tel's "Outside Counsel" has introduced himself as the company's General Counsel is not in dispute. And the fact that the Securus Confidential Data is an extremely detailed, disaggregated picture of how Securus serves customers and bids contracts is not in dispute. The Bureau's decision, in the teeth of these undisputed facts, that Securus must hand Confidential Data over to Pay Tel "Outside Counsel" is therefore unreasonable, unsupportable, and should be reversed.

Secondly, the Bureau failed even to address the Commission's historical balancing test when considering whether Confidential Data should be disclosed to a third party. Securus provided several Commission decisions in which it balanced the third party's need for the information against the competitive harm that would befall the submitting party. The Bureau never acknowledged, let alone applied, this balancing test. Had the Bureau done so, it would not have reached the decision to force Securus to disclose the information. Indeed, Securus already had sent all of its Confidential Data to Pay Tel's outside economist. For this independent reason, the Order should be reversed.

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Securus Technologies, Inc. ("Securus"), through counsel and pursuant to 47 C.F.R. § 1.104, applies to the Federal Communications Commission (the "Commission") for review of the Order issued October 1, 2014, by the Wireline Competition Bureau under delegated authority.[1] The Order erred in holding that Securus must disclose its Confidential data to outside counsel for Pay Tel Communications, Inc. ("Pay Tel") which is a direct competitor of Securus and whose outside economist, Don Wood, had already been provided with that data.

BACKGROUND

A brief summary of the pertinent facts and procedural history may assist the Commission with its review of this Application. The data at issue was submitted on July 17, 2014, in compliance with the Commission's Mandatory Data Collection established in this docket ("July 17 Data"). Securus filed a Request for Confidential Treatment along with the July 17 Data.[2]

A. The Protective Order in This Proceeding

On December 19, 2013, the Wireline Competition Bureau issued a Protective Order for this rulemaking proceeding.[3] Its aim was to "give appropriate access to the public while protecting proprietary and confidential information from improper disclosure."[4]

Relying expressly on Commission Rule 0.459, the Protective Order entitles submitting parties to protect data from public disclosure by affixing a Confidential legend, with a

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[1] WC Docket No. 12-375, Order, DA 14-1432 (Wireline Competition Bureau Oct. 1, 2014).

[2] Securus also filed a Public version of the data on July 17. On July 30, in response to objections lodged by the Human Rights Defense Center, Securus submitted a replacement Public version from which many redactions had been removed.

[3] WC Docket No. 12-375, Protective Order, DA 13-2434 (rel. Dec. 19, 2013) ("Protective Order").

[4] *Id*. ¶ 1.

specific syntax, to documents containing information that is privileged, a trade secret, or the disclosure of which could cause competitive harm.[5] Third parties may request copies of such Confidential documents if they are "not involved in Competitive Decision-Making," defined as

> a person's activities, association, or relationship with any of its clients involving advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with or in a business relationship with the Submitting Party.[6]

A Submitting Party has the right to object to the disclosure of Confidential data to any person or entity:

> Each Submitting Party shall have an opportunity to object to the disclosure of its Stamped Confidential Documents or Confidential Information to any such person. A Submitting Party must file any such objection at the Commission and serve it on Counsel representing, retaining or employing such person within three business days after receiving a copy of that person's Acknowledgment (or where the person seeking access is one described in clause 1 or 2 of paragraph 8, file and serve such objection as promptly as practicable after receipt of the Acknowledgment).[7]

B. Prior Conduct of the Relevant Parties

In June 2008, seven companies, now known at the Commission as "Inmate Calling Services" ("ICS") providers, jointly retained Don Wood to do a cost study for the Wireline Competition Bureau.[8] These companies were Securus, Custom Teleconnect, Inc., Public Communications Services, Inc., ATN, Inc., Embarq, NCIC, and Pay Tel. The companies

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[5] 47 C.F.R. § 0.459(b); *see also* Protective Order ¶ 3 & n.1.

[6] Protective Order ¶ 2.

[7] *Id*. ¶ 5.

[8] The resulting study, known as the "Wood Study", was filed on August 15, 2008. CC Docket No. 96-128, Wood, Don J., Inmate Calling Services Interstate Call Cost Study (Aug. 15, 2008).

agreed to submit confidential cost data directly to Mr. Wood, and that Mr. Wood would not disclose any company's data to another company.

Pay Tel has never attempted, in any of its pleadings on this matter, to dispute that ICS carriers had employed this practice for purposes of the Wood Study.

C. Securus's Objection to the Pay Tel Request

Pay Tel made an informal request of Securus for a copy of the Confidential version Securus's July 17 Data. Securus explained that, in keeping with the parties' prior practice, Securus would provide Don Wood with a copy of the Confidential filing. Pay Tel refused that offer.

In accordance with Paragraph 5 of the Protective Order, Securus filed its formal Objection to Pay Tel's Request on August 6, 2014 ("Securus Objection"). Pay Tel responded on August 8, 2014. With the permission of Staff of the Bureau, Securus filed a reply in support of its Objection on August 15, 2014 ("Securus Reply"). Pay Tel then filed a Supplemental Response on August 19, 2014. The Bureau conducted an informal telephonic hearing on this matter on August 27, 2014, at which both parties were present along with their counsel.

On August 28, 2014, Don Wood received a CD containing the Confidential version of the Securus July 17 Data. Securus apprised the Bureau of this fact on September 3, 2014.

D. The Order

The Bureau issued the Order on October 1, 2014. It held that (1) Securus must disclose the Confidential version of its July 17 Data to Pay Tel Outside Counsel, and (2) the Securus Request for Confidential Data was denied to the extent that it sought to prevent disclosure of Confidential data to any third parties.

No other entity has requested Securus's Confidential data since the Order was issued, and Securus has no other objections pending at this time. Accordingly, Securus seeks review of the Bureau's second holding only as it regards Pay Tel.

STANDARD OF REVIEW

Commission Rule 1.115 permits "[a]ny person aggrieved by any action taken pursuant to delegated authority" to "file an application requesting review of that action by the Commission."[9] The Commission will consider, among other things, whether the challenged decision contains "[a]n erroneous finding as to an important or material question of fact," and particularly "a question of law or policy which has not previously been resolved by the Commission."[10]

ARGUMENT

I. THE BUREAU ERRED IN FAILING TO ACKNOWLEDGE THE UNDISPUTED AND UNIQUE FACTS OF THIS DISPUTE

In its Objection and supporting papers, Securus made clear the reasons why only Pay Tel's outside economist should handle the Securus Confidential Data.[11] The Bureau did not give appropriate consideration to these reasons.

Securus and Pay Tel were among seven ICS providers that cooperated to create the Wood Study in 2008. Each provider sent confidential cost data to Mr. Wood with the express agreement that Mr. Wood would not disclose any provider's data to another provider. As Securus has explained, this "course of dealing demonstrates that ICS providers cannot and do not share confidential cost data, not even among persons who are not involved in "'Competitive

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9 47 C.F.R. § 1.115(a).

10 *Id.* § 1.115(b)(iv) & (ii).

11 Securus Objection at 3-5; Securus Reply at 3-4.

Decision-Making.'"[12] Pay Tel did not even attempt to refute these facts.

Securus showed that Pay Tel has "only 20-49 employees" according to public records.[13] Pay Tel serves only 160 correctional facilities according to its filings with the Commission.[14] Pay Tel has no in-house attorneys of any kind.[15] Its "Outside Counsel", Marcus Trathen, has identified himself as "General Counsel" to Pay Tel on occasion.[16] None of these facts are in dispute.

Securus also explained that its Confidential Data is "disaggregated cost data" that "is extremely sensitive in this very competitive [ICS] market in which contracts are awarded after a multi-party bidding process."[17] "Knowing a competitor's detailed, disaggregated costs is akin to seeing their future bids in advance; the substantial and irreparable harm that will result is obvious."[18] Pay Tel fully agrees with these statements.[19]

It is likewise not in dispute that "Pay Tel is a direct competitor of Securus for small facilities in the southeast region of the United States."[20]

Securus fully acknowledged that this matter involves "particular circumstances,"[21] notably that "Pay Tel Outside Counsel is not so distanced from Pay Tel as the

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12 Securus Objection at 4.

13 Securus Reply at 2.

14 *Id*. (citing WC Docket No. 12-375, Pay Tel Communications, Inc.'s Petition for Waiver of Interim Interstate ICS Rates at 14 (Jan. 8, 2014)).

15 Securus Reply at 2.

16 *Id*.

17 Securus Objection at 3.

18 *Id*.

19 WC Docket No. 12-375, Pay Tel Communications, Inc. Response to Securus Technologies, Inc.'s Objection to Disclosure of Confidential Information at 4 (Aug. 8, 2014) ("Certainly Securus has a legitimate interest in ensuring that its confidential information is not used against it for competitive purposes ….").

20 Securus Reply at 2.

outside counsel to other companies may be."[22] The Bureau failed to comprehend these circumstances, and gave no weight at all to the parties' prior, very amiable, course of dealing with regard to cost data. Instead, the Bureau demanded a show of actual, realized harm to Securus, no matter that the harm would be "irreparable" once its "bidding position for years to come would … be destroyed."[23]

It is simply not reasonable for the Bureau to have adopted the blindered position that it shows in the Bureau Order. Securus should not have to suffer irreparable harm in order to then obtain the protection that the Commission already has found necessary when adopting the Protective Order. For these reasons, the Bureau Order should be reversed.

II. THE BUREAU ERRED IN FAILING TO APPLY THE LONGSTANDING BALANCING TEST THAT THE COMMISSION EMPLOYS REGARDING CONFIDENTIAL DATA

Securus provided the Bureau with several Commission precedent in which it balanced the third party's need for Confidential information versus the risk of competitive harm to the party that disclosed it. The Bureau failed to acknowledge or apply it.

When Pay Tel requested the Securus Confidential Data, counsel offered to send it to Don Wood in keeping with the procedure used in 2008. On August 28, Mr. Wood received all of the Securus Confidential Data. As Securus explained, with this method, Pay Tel would be able "to perform the adversarial review that [it] apparently wishes to file,"[24] and Mr. Wood could "write a rebuttal report and submit the unredacted version to the Commission."[25] Mr. Wood also

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21 Securus Reply at 5.

22 *Id*. at 2.

23 *Id*. at 4.

24 *Id*. at 2 (quoting Pay Tel Response at 5).

25 Securus Reply at 2.

was able to "discuss with Pay Tel and its Counsel whatever analytical failings or conceptual problems that he perceives in Securus's documents."[26] Pay Tel was not denied "due process" by Securus's limiting the disclosure of its Confidential Data to Don Wood.[27]

All of these facts matter, because they demonstrate why Securus's Objection should have been upheld under the Commission's historical balancing test. Securus supplied examples in which the Commission refused to order the disclosure of confidential data where the harm to the submitting party outweighed the third party's need for the data.[28] In 1990, the Commission affirmed the decision of the Common Carrier Bureau refusing to disclose confidential MCI data to AT&T.[29] In 2013, in two different proceedings, the Commission affirmed its reliance on this balancing test: one in the context of compiling Form 477 data;[30] and the other in the Rural Call Completion docket.[31]

Securus provided the Bureau with several facts and reasons weighing against the forced disclosure of its Confidential Data to Pay Tel "Outside Counsel". Pay Tel, by contrast, and by virtue of Don Wood's having received the data already, could provide no facts in its own favor. The Bureau thus ignored the balancing test altogether, finding instead that Securus deserved no protection absent prior instances of irreparable harm. Having failed to use

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26 *Id*.

27 *Id*. (citing Pay Tel Response at 4).

28 Securus Reply at 4 n.16.

29 *AT&T Request for Inspection of Records*, 5 FCC Rcd. 2464 ¶ 5 (1990) ("The Bureau concluded that the limited value of the disclosure of this remaining information did not outweigh the potential for substantial competitive harm that would likely result from the information's release.")

30 *Modernizing the FCC Form 477 Data Program*, 28 FCC Rcd. 9887, 9921 ¶ 79 (2013) ("we find that our current approach appropriately balances the filers' disclosure concerns with the public need for access to this information.").

31 *Rural Call Completion*, 28 FCC Rcd. 16,154, 16,199 ¶ 109 (2013) (Commission will protect carriers' rural call completion data pursuant to Rule 0.459).

applicable law or to review germane Commission precedent, the Bureau committed reversible error.

CONCLUSION

For all these reasons, the Commission should grant this Application and set aside the Order as it regards disclosure of Confidential Data to Pay Tel or its "Outside Counsel".

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Dated: October 30, 2014

CERTIFICATE OF SERVICE

I hereby certify on this 30th day of October, 2014, that the foregoing Application for Review, with the Attachment, was served via First Class and electronic* mail on the following persons:

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ATTACHMENT

WC Docket No. 12-375,
Order,
DA 14-1432
(Wireline Competition Bureau
Oct. 1, 2014)

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

In the Matter of	)	
	)	
Rates for Interstate Inmate Calling Services	)	WC Docket No. 12-375
	)	

ORDER

Adopted: October 1, 2014 **Released: October 1, 2014**

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. On September 26, 2013, the Federal Communications Commission (Commission) released the *Inmate Calling Report and Order and FNPRM*.[1] There, the Commission adopted a one-time mandatory data collection (Mandatory Data Collection) "[t]o enable the Commission to take further action to reform rates, including developing a permanent cap or safe harbor for interstate rates as well as to inform [its] evaluation of other rate reform options."[2] The Commission delegated to the Wireline Competition Bureau (Bureau) "the authority to adopt a template for submitting the data and provide instructions to implement the data collection."[3] In anticipation of the data submissions, the Bureau released a *Protective Order* in this proceeding.[4]

2. In the *Protective Order*, the Bureau stated that it "is mindful of the sensitive nature of [confidential filings but is] also mindful of the right of the public to participate in this proceeding in a meaningful way."[5] As such, the *Protective Order* allows In-House Counsel, Outside Counsel and Outside Consultants, as such terms are defined in the *Protective Order*, to access confidential data filed in this proceeding if they submit an Acknowledgment of Confidentiality[6] in which they acknowledge and agree to be bound by the terms of the *Protective Order*, and certify that they are not involved in "Competitive

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[1] *See Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107 (2013) (*Inmate Calling Report and Order and FNPRM* or *Order*), *pets. for stay granted in part sub nom. Securus Techs. v. FCC*, No. 13-1280 (D.C. Cir. Jan. 13, 2014); *pets. for review pending sub nom. Securus Techs. v. FCC*, No. 13-1280 (D.C. Cir. filed Nov. 14, 2013) (and consolidated cases). The following rules are stayed pending resolution of the appeal: 47 C.F.R. §§ 64.6010 (Cost-Based Rates for Inmate Calling Services); 64.6020 (Interim Safe Harbor); and 64.6060 (Annual Reporting and Certification Requirement). The court did not stay the remaining rules and did not issue a general stay of the *Order*.

[2] *Inmate Calling Report and Order and FNPRM*, 28 FCC Rcd at 14172, para. 124.

[3] *Id*. at 14173, para. 126.

[4] *See Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Protective Order, 28 FCC Rcd 16954 (Wireline Comp. Bur. 2013) (*Protective Order*). Pursuant to the Paperwork Reduction Act, the Commission sought and received Office of Management and Budget approval for the Mandatory Data Collection. *See Commission Announces Inmate Calling Services Data Due Date*, WC Docket No. 12-375, Public Notice, 28 FCC Rcd 7326 (Wireline Comp. Bur. 2014).

[5] *See Protective Order*, 28 FCC Rcd at 16954, para. 1.

[6] *See id*. at App. A.

Decision-Making" as defined in the *Protective Order*.[7] Outside Counsel and an Outside Consultant to Pay Tel Communications, Inc. (Pay Tel) previously filed Acknowledgements of Confidentiality pursuant to the *Protective Order*.[8] On July 17, 2014 Securus Technologies, Inc. (Securus) submitted confidential data (Cost Study Documents) in this proceeding pursuant to the *Protective Order*.[9] Securus simultaneously filed a Request for Confidential Treatment.[10]

3. Securus objects to a request by Pay Tel Outside Counsel to receive its unredacted Cost Study Documents because the "confidential information in those documents is competitively sensitive and must not be provided to Pay Tel, a direct competitor of Securus."[11] Securus asserts that if Pay Tel's Outside Counsel receives these documents, Securus will suffer "substantial and irreparable harm."[12]

4. In response, Pay Tel notes that "Securus has presented no explanation of why the Protective Order does not apply in this circumstance or why it should not be subject to its terms."[13] Pay Tel further provides a sworn declaration from its President that Outside Counsel do not "represent Pay Tel or provide counsel to Pay Tel with respect to competitive decision-making within the meaning of the Protective Order issued in this proceeding."[14] Pay Tel also argues that "Securus cannot be permitted, on the one hand, to use its cost data to advance its advocacy in this proceeding and then, on the other hand, deny other parties the opportunity to review and evaluate the basis upon which these arguments are advanced."[15]

II. DISCUSSION

5. The record does not provide any reason to deny Pay Tel's Outside Counsel access to the Cost Study Documents consistent with the terms of the *Protective Order*.[16] Securus argues that Pay Tel's Outside Counsel is involved in Competitive Decision-Making pursuant to the *Protective Order*. Securus

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[7] *Id*. at 16954-55, para. 2 ("'Competitive Decision-Making' means a person's activities, association, or relationship with any of its clients involving advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with or in a business relationship with the Submitting Party.").

[8] *See* Letter from Timothy G. Nelson, Counsel to Pay Tel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 12-375, at Attach. (filed Jan. 17, 2014) (Pay Tel Outside Counsel Acknowledgements of Confidentiality); *see also* Letter from Timothy G. Nelson, Counsel to Pay Tel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 12-375, at Attach. (filed July 31, 2014) (Pay Tel Outside Consultant Acknowledgment of Confidentiality).

[9] Letter from Stephanie A. Joyce, Counsel to Securus, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 12-375 (filed July 17, 2014) (attaching redacted Cost Study Documents) (Cost Study Documents).

[10] Securus Technologies, Inc. Objection to Disclosure of Confidential Information, WC Docket No. 12-375, at Attach. A (filed Aug. 6, 2014) (Securus Objection) (attaching copy of previously filed Request for Confidential Treatment).

[11] *See id*. at 1; *see also generally* Securus Technologies, Inc. Reply in Support of Objection to Disclosure of Confidential Information, WC Docket No. 12-375 (filed Aug. 15, 2014) (Securus Objection Reply).

[12] Securus Objection at 3.

[13] *See* Pay Tel Communications, Inc. Response to Securus Technologies, Inc.'s Objection to Disclosure of Confidential Information, WC Docket No. 12-375, at 7 (filed Aug. 8, 2014) (Pay Tel Response); *see also generally* Pay Tel Communications, Inc. Supplemental Response to Securus Technologies, Inc.'s Objection to Disclosure of Confidential Information, WC Docket No. 12-375 (filed Aug. 19, 2014) (Pay Tel Supplemental Response).

[14] Pay Tel Supplemental Response at Attach.

[15] Pay Tel Response at 5.

[16] We note that unlike with Outside Counsel, Securus has offered to provide the Cost Study Documents to Pay Tel's Outside Consultant. *See* Securus Objection at 1. However, 18 days after the data were requested, Securus had not yet done so. *See* Pay Tel Supplemental Response at 3.

attempts to support this argument with assertions that "Pay Tel is a small company with no in-house attorneys" and "Pay Tel has only 20-49 employees."[17] Securus further claims that Pay Tel's "chief Outside Counsel, Marcus Trathen, acts as Pay Tel's General Counsel and has introduced himself publicly as such,"[18] and that Pay Tel's "Outside Counsel is not so distanced from Pay Tel as the outside counsel to other companies may be."[19]

6. Pay Tel responds that its request "is fully compliant with the terms of the Protective Order and Securus has presented no explanation of why the Protective Order does not apply in this circumstance or why it should not be subject to its terms."[20] Pay Tel asserts that its "counsel are not 'competitors' of Securus nor are they involved in 'competitive decision making' on its behalf."[21] Pay Tel's President declares that Marcus Trathen, the attorney in question, does not "represent Pay Tel or provide counsel to Pay Tel with respect to competitive decision-making within the meaning of the Protective Order issued in this proceeding," and "has never been engaged by Pay Tel as Pay Tel's General Counsel."[22] In fact, Pay Tel's declaration indicates that it employs additional counsel for corporate, litigation and patent matters.[23] Pay Tel's Outside Counsel submitted Acknowledgements of Confidentiality pursuant to the requirements of the *Protective Order*, which includes a certification of a lack of involvement in Competitive Decision-Making.[24]

7. Securus' statements do not persuade us that Pay Tel's Outside Counsel are involved in Competitive Decision-Making as defined by the *Protective Order*. They are unsupported assertions, which Pay Tel has rebutted with a sworn declaration from its President that its Outside Counsel are not involved in Competitive Decision-Making.[25] In addition to being unsupported assertions, Securus' statements, even if true, would not necessarily lead us to conclude that the counsel in question should not have access to the documents: under the terms of the *Protective Order*, In-House Counsel are also permitted access to the documents so long as, like Outside Counsel and Outside Consultants, they are not involved in Competitive Decision-Making.[26] We conclude that Pay Tel's request falls squarely within the confines of the *Protective Order* and is governed by the terms of that document. The terms of the *Protective Order* provide ample protection for Securus' data.

8. We also address Securus' separate Request for Confidential Treatment. As explained in the *Protective Order*, when a Submitting Party[27] "designat[es] documents and information as Confidential under [the] Protective Order, a Submitting Party will be deemed to have submitted a request that the material not be made routinely available for public inspection under the Commission's rules."[28] As such, we grant in part Securus' Request for Confidential Treatment filed concurrently with its Cost Study Documents to the extent it asks that the materials not be made routinely available for public inspection,

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[17] Securus Objection Reply at 2.

[18] *Id*.

[19] *Id*.

[20] Pay Tel Response at 7.

[21] *Id*. at 3.

[22] Pay Tel Supplemental Response at Attach.

[23] *See id*.

[24] *See* Pay Tel Outside Counsel Acknowledgements of Confidentiality.

[25] Securus Objection Reply at 2; Pay Tel Supplemental Response at Attach.

[26] *See Protective Order*, 28 FCC Rcd at 16954-55, para. 2.

[27] "'Submitting Party' means a person or entity who submits a Stamped Confidential Document." *Protective Order*, 28 FCC Rcd at 16954-55, para. 2.

[28] *Id*. at 16955, para. 3 (citing 47 C.F.R. § 0.459(a), 0.459(a)(3)).

and deny it in part to the extent that it seeks to make them unavailable under the *Protective Order*. We reiterate the conclusion of the *Protective Order* that it properly balances the need to protect sensitive information with the right of the public to meaningfully participate in this proceeding, and that it thereby serves the public interest.[29] Additionally, Securus requests that the Commission not disclose its Cost Study Documents to Pay Tel's Outside Counsel.[30] We make clear that, pursuant to the *Protective Order*, it is the Submitting Party that provides the confidential information to the requesting party, not the Commission staff.[31] For the foregoing reasons, we deny Securus' objection and direct Securus to provide the requested data to Pay Tel's Outside Counsel within three business days of the release date above.[32] Copies of this Order will be transmitted to Securus and its outside counsel by electronic mail.

III. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), 5, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 155, and 303(r), and sections 0.91, 0.201(d), and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.201(d), and 0.291, the Securus Technologies, Inc. Objection to Disclosure of Confidential Information, filed on August 6, 2014, IS DENIED.

10. IT IS FURTHER ORDERED that Securus' Request for Confidential Treatment is GRANTED IN PART and DENIED IN PART as discussed above.

11. IT IS FURTHER ORDERED that Securus MUST COMPLY with the terms of the *Protective Order* in this docket and provide Outside Counsel to Pay Tel Communications, Inc. the requested confidential data no later than October 6, 2014.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach
Chief
Wireline Competition Bureau

[29] *Cf.* 47 C.F.R. 0.461(f)(4) (Commission will weigh considerations favoring disclosure and non-disclosure and may conditionally grant or deny request for release of records under the Freedom of Information Act).

[30] *See* Securus Objection at 5; Securus Objection Reply at 5 (both requesting that the Commission not disclose to Pay Tel or its Outside Counsel Securus' Cost Study Documents).

[31] *See Protective Order*, 28 FCC Rcd at 16956, para. 6.

[32] "Until any objection is resolved by the Commission and, if appropriate, by any court of competent jurisdiction, and unless such objection is resolved in favor of the person seeking access, a person subject to an objection from a Submitting Party shall not have access to the relevant Stamped Confidential Documents." *Id.* at 16956, para. 5.