

REQUEST FOR CONFIDENTIAL TREATMENT



May 26, 2015

VIA HAND DELIVERY

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

Re: Request for Confidential Treatment of Ex Parte filed in *Telecommunications Carriers Eligible to Receive Universal Service Support; Boomerang Wireless, LLC's Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Maine, New Hampshire, New York, North Carolina, Tennessee and Virginia*, WC Docket No. 09-197

Dear Ms. Dortch:

Enclosed please find an Ex Parte filed on behalf of Boomerang Wireless, LLC (“Boomerang”) in the above-captioned matter. Boomerang 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 the Ex Parte because it contains sensitive trade secrets, commercial and financial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”).¹ Boomerang 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, Boomerang would suffer substantial competitive harm if this information were disclosed.³

Boomerang’s Ex Parte Letter accordingly is marked with the header “SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSPECTION.”

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

¹ 5 U.S.C. § 552(b)(4) & (7).

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).

⁴ 47 C.F.R. § 0.459(b).

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1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁵

Boomerang seeks confidential treatment of certain information contained in its Ex Parte.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁶

Boomerang is submitting this information in support of its above-captioned request that it be designated as an Eligible Telecommunications Carrier for the purpose of providing Lifeline service.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁷

The information for which Boomerang seeks confidential treatment contains sensitive trade secrets, commercial and financial information which would customarily be guarded from competitors. The Ex Parte contains proprietary commercial information concerning Boomerang services and customer information.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION⁸

Boomerang's Ex Parte contains information relating to commercial and financial matters that could be used by competitors to Boomerang's disadvantage. Boomerang has numerous competitors in the wireless industry in which it operates. Services and related information of the type provided by Boomerang could compromise Boomerang's position in this highly competitive industry by giving its competitors critical data relating to Boomerang operations. Release would therefore result in substantial competitive harm to Boomerang.

⁵ *Id.* § 0.459(b)(1).

⁶ *Id.* § 0.459(b)(2).

⁷ *Id.* § 0.459(b)(3).

⁸ *Id.* § 0.459(b)(4).

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5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM⁹

Competitors could use Boomerang's proprietary commercial and financial information to Boomerang's detriment as they would gain access to sensitive and closely-guarded financial and commercial information that is not normally disclosed to the public.

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹⁰

Boomerang has not distributed the confidential information included in the Ex Parte 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 PARTIES¹¹

Boomerang has not previously disclosed the confidential information included in the Ex Parte to the public.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹²

Boomerang requests that the confidential information included in the Ex Parte be treated as confidential for a period of ten years. This period is necessary due to the sensitive nature of the information in the Ex Parte.

9. OTHER INFORMATION THAT THE PARTY BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹³

This disclosure of proprietary revenue information could be used by Boomerang's competitors to its detriment.

⁹ *Id.* § 0.459(b)(5).

¹⁰ *Id.* § 0.459(b)(6).

¹¹ *Id.* § 0.459(b)(7).

¹² *Id.* § 0.459(b)(8).

¹³ *Id.* § 0.459(b)(9).

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Should you have any questions regarding the foregoing, please contact the undersigned at (202) 730-1346, or bstrandberg@hwglaw.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BDSW', with a long horizontal flourish extending to the right.

Brita D. Strandberg
Counsel to Boomerang Wireless, LLC

cc: Julie Veach
Jon Wilkins
Matthew Del Nero
Trent Harkrader
Ryan Palmer



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Dear Ms. Dortch:

On May 21, Dennis Henderson, Co-Founder and Chief Executive Officer, Kim Lehrman, President and Chief Marketing Officer, and Scott Blake Harris and the undersigned of this firm, on behalf of Boomerang Wireless, LLC ("Boomerang") met with Julie Veach, Chief of the Wireline Competition Bureau, Jon Wilkins, Managing Director, and Matthew Del Nero, Trent Harkrader, and Ryan Palmer of the Wireline Competition Bureau. During the meeting we discussed Boomerang's above-captioned request that it be designated as an Eligible Telecommunications Carrier to provide Lifeline service.

Mr. Henderson and Ms. Lehrman described strategies Boomerang has adopted to meet its Lifeline customers' needs and close the digital divide. In particular, Boomerang seeks to ensure that its Lifeline customers have unfettered access to government and educational services.

[BEGIN CONFIDENTIAL]

[REDACTED]

[REDACTED]

[END CONFIDENTIAL].

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As demonstrated by its unique approach to the customer relationship, Boomerang is a careful Lifeline provider committed to careful stewardship of the Lifeline program and the needs of Lifeline customers. Approval of Boomerang's ETC Petition would allow Boomerang to substantially expand the areas where it can serve customers, thereby expanding the availability of broadband for low income consumers.

If you have any questions, please do not hesitate to contact me at (202) 730-1346, or bstrandberg@hwglaw.com.

Respectfully submitted,

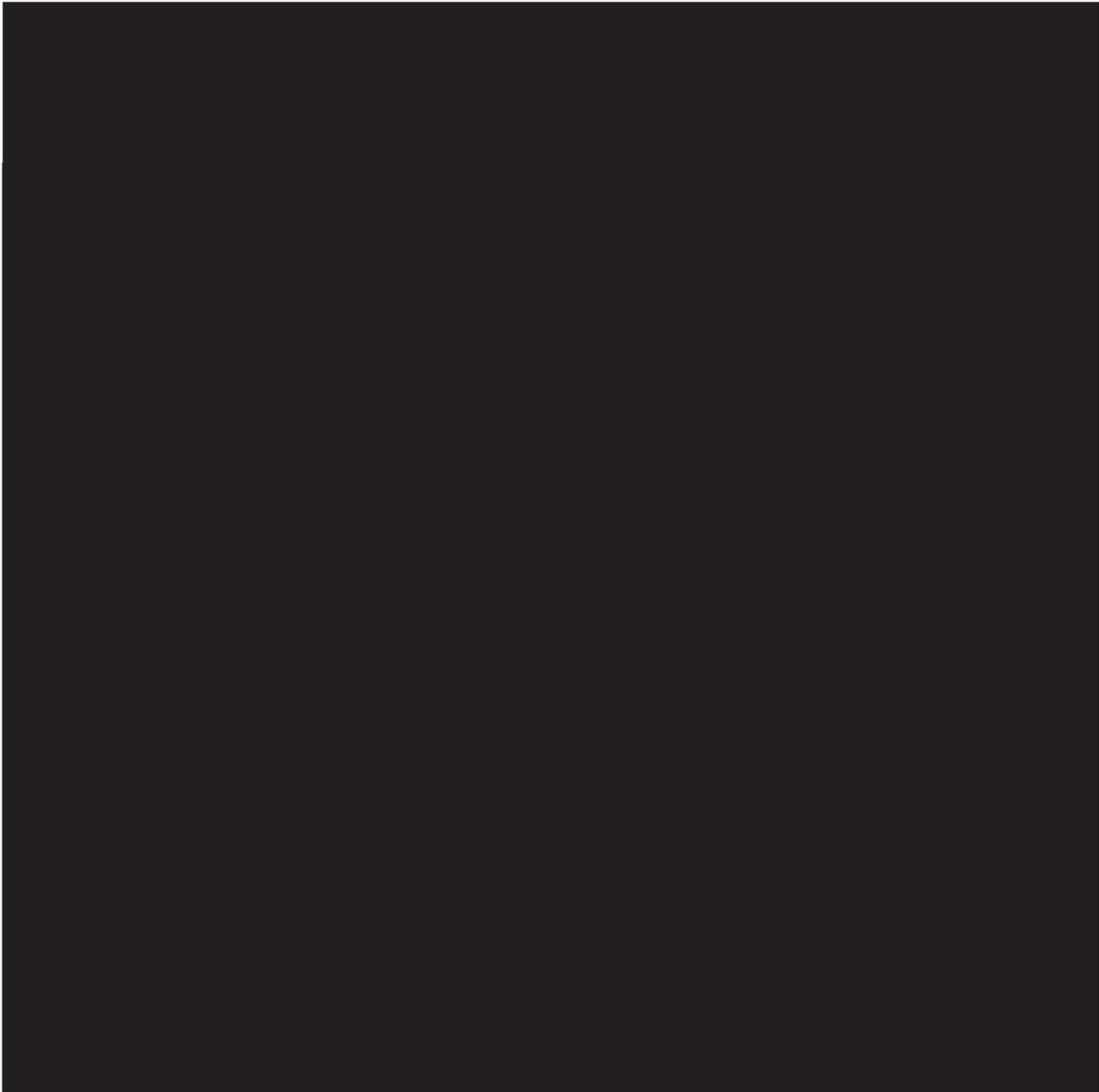


Brita D. Strandberg
Counsel to Boomerang Wireless, LLC

cc: Julie Veach
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company confidential.



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