

HERMAN & WHITEAKER, LLC

DONALD L. HERMAN, JR  
GREGORY W. WHITEAKER  
KENNETH C. JOHNSON<sup>†</sup>  
ROBIN E. TUTTLE<sup>††</sup>  
CARRIE L. DEVIER<sup>†††</sup>  
SUSAN C. GOLDHAR ORNSTEIN  
SARAH L. J. ACEVES<sup>††††</sup>

*†Admitted in DC and VA only*

*††Admitted in DC, SC and FL only*

*†††Admitted in SC only*

*††††Admitted in DC only*

TEL 202-600-7272

FAX 202-706-6056

3204 TOWER OAKS BLVD, STE 180  
ROCKVILLE, MD 20852

**SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT PURSUANT TO  
PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, GN  
DOCKET NO. 09-51, CC DOCKET NOS. 01-92, 96-45, WT DOCKET NO. 10-208  
BEFORE THE FEDERAL COMMUNICATIONS COMMISSION – REDACTED FOR  
PUBLIC INSPECTION**

June 26, 2015

**VIA HAND DELIVERY AND ECFS FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

Re: REQUEST FOR CONFIDENTIAL TREATMENT  
Plateau Telecommunications, Inc., FCC Form 690 Filing, WT Docket No. 10-208

Dear Ms. Dortch:

Enclosed for filing are two copies of the redacted, public version of the Plateau Telecommunications, Inc. (“Plateau”) Federal Communications Commission (“Commission” or “FCC”) Form 690 (“Form 690”). The redacted, public version of the Plateau Form 690 is also being filed today electronically via the Commission’s ECFS. An original of the confidential version of the Form 690, including the Form 690’s Coverage and Performance Report and Project Status Description attachments, is also being filed today under separate cover. The confidential shapefiles that Plateau submitted to the Universal Service Administrative Company (“USAC”) with the Form 690 have also been filed in the Commission’s MFI Geospatial Data Collection interface today.

Pursuant to 47 C.F.R. §§ 0.457 and 0.459 of the Commission’s Rules, Plateau hereby requests that the Commission afford confidential treatment to and withhold from public

inspection certain information included in and attachments to Plateau's Form 690, consistent with and pursuant to the confidential treatment provided in the Commission's Third Protective Order in the above referenced docket,<sup>1</sup> and in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Specifically, Plateau requests that the Commission afford confidential treatment to the following Form 690 information and attachments: Coverage and Performance Report, Project Status Description, and shapefile documents, which provide detailed information about the deployment of Plateau's competitive wireless telecommunications networks and related business plans (the "Confidential Information"). Plateau's Confidential Information meets the requirements for confidential treatment contained in the Commission's rules.<sup>2</sup>

Each page of the confidential version of the Form 690, Coverage and Performance Report, and Project Status Description is marked "CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, GN DOCKET NO. 09-51, CC DOCKET NOS. 01-92, 96-45, WT DOCKET NO. 10-208 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." Where confidential information is included, the relevant portions of the text are marked "[BEGIN CONFIDENTIAL] [END CONFIDENTIAL]." The shapefile documents have been filed electronically with the Commission's MFI Geospatial Data Collection interface today and have been marked as subject to a request for confidential treatment.

Each page of the redacted version of the Form 690 is marked "REDACTED FOR PUBLIC INSPECTION -- SUBJECT TO PROTECTIVE ORDER IN WC DOCKET NOS. 10-90, 07-135, 05-337, 03-109, GN DOCKET NO. 09-51, CC DOCKET NOS. 01-92, 96-45, WT DOCKET NO. 10-208 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." Where confidential information has been removed, the relevant portions of the text is marked "[REDACTED]." The entire contents of the attachments to the Form 690, specifically the Coverage and Performance Report, Project Status Description, and shapefile documents, are confidential information and are wholly redacted in the redacted version.

Plateau submits the following information pursuant to Section 0.459 of the Commission's Rules:

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

Plateau seeks confidential treatment of the Confidential Information, which provides details about Plateau's network deployment and related business plans. This information is competitively sensitive commercial and financial information and constitutes "confidential commercial information" under Exemption 4 of the FOIA, 47 U.S.C. § 552(b)(4).

---

<sup>1</sup> See *Connect America Fund et al.*, Third Protective Order, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208 et al., DA 12-1418 (rel. Aug. 30, 2012) ("Third Protective Order").

<sup>2</sup> See 47 C.F.R. § 0.459.

Accordingly, pursuant to Section 0.459(a) of the Commission's Rules, Plateau requests that such information not be made routinely available for public inspection.

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

The information is being provided to the Commission as part of the required annual report for Mobility Fund Phase I support through the Form 690.

**(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**

As noted above, the information contains competitively sensitive financial and commercial information. Competitors could use this information to gain an unfair competitive advantage.

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

The confidential information being provided to the Commission involves telecommunications services provided by Plateau in competition with other carriers. Plateau is a provider of mobile broadband and voice services in a highly competitive industry. Plateau competes against other providers of broadband and voice services, including mobile services providers, incumbent local exchange carriers, as well as other competitive carriers. The presence of such competition and the likelihood of competitive injury threatened by release of the information provided by Plateau in connection with the Form 690 justify withholding the information from public disclosure.

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

Competitors could use the disclosed information to gain an unfair advantage over Plateau. Specifically, competitors could use this information to learn of Plateau's network deployment and gauge the success of Plateau's marketing efforts and service packages, allowing competitors to adjust their marketing and pricing accordingly, to the detriment of Plateau. Competitors also could gain information regarding the performance of Plateau's mobile broadband and voice networks. Commission precedent has found this type of information to be competitively sensitive and withholdable under the FOIA exceptions. Specifically, the Commission has recognized that competitive harm can result from the disclosure of confidential business information that gives competitors insight into a company's costs, pricing plans, market strategies, and customers.

**(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure;**

Plateau has diligently prevented the unauthorized disclosure of the information, and has kept such information confidential within the company unless otherwise required to be disclosed pursuant to applicable governmental regulations.

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

The information has been disclosed to vendors who are subject to non-disclosure obligations and will be filed with the New Mexico Public Regulation Commission pursuant to the Commission's requirements for filing the Form 690. The Confidential Information will be filed confidentially with the New Mexico Public Regulation Commission.

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

The information regarding Plateau's commercial network deployment information and related business plans must be kept confidential until the public announcement of such information. Confidential treatment must be afforded for this information as long as it would provide a basis for Plateau's competitors to gain insight into Plateau's business operations. At this time, Plateau cannot determine the exact date on which the information could no longer be used by competitors to Plateau's detriment.

**CONCLUSION**

For the above reasons, Plateau respectfully requests that the Commission withhold from public disclosure the proprietary commercial and financial information contained in the Confidential Information in the Form 690. In accordance with Section 0.459(g) of the Commission's rules, Plateau requests telephone and written notification from the Commission if the instant request is denied, so that it may file an Application for Review or request return of the confidential materials pursuant to Section 0.459(e).

Respectfully submitted,



Gregory W. Whiteaker

*Counsel for Plateau Telecommunications, Inc.*

Enclosures