



August 10, 2015

**PUBLIC VERSION**

*Via ECFS*

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20054

RE: *In the Matter of Worldcall Interconnect, Inc. a/k/a Evolve Broadband, Complainant v. AT&T Mobility, LLC, Defendant*, File No. EB-14-MD-011, Proceeding No. 14-221 – WCX Merits Brief

Dear Ms. Dortch,

Pursuant to the Commission’s scheduling order of July 7, 2015, Worldcall Interconnect, Inc. (“WCX”) hereby submits for filing the WCX Merits Brief, which also contains the Supplemental Declaration of Dr. Martyn Roetter (hereinafter collectively “WCX Merits Brief”) in the above-captioned complaint proceeding. WCX requests Confidential and Highly Confidential treatment of certain information contained in the WCX Merits Brief, submitted pursuant to 47 C.F.R. §§ 1.726, 1.731, and the protective order entered in this proceeding.

WCX provides justification for the Confidential and Highly Confidential treatment of the WCX Merits Brief in the Appendix to this letter, pursuant to 47 C.F.R. §§ 0.457 and 0.459. In accordance with 47 C.F.R. § 1.731(b), WCX agrees that the Highly Confidential information in the WCX Merits Brief may be disclosed to the persons listed in this subsection, including counsel of record for Defendant, to the extent necessary solely for the purpose of this action.

Along with this public version of the WCX Merits Brief, WCX is simultaneously submitting, under separate covers, a partially-redacted Confidential version and a more extensively redacted Highly Confidential version. The non-redacted and partially-redacted versions of the WCX Merits Brief are marked “DO NOT RELEASE, NOT FOR INCLUSION IN THE PUBLIC RECORD” and “Highly Confidential Information included pursuant to Protective Order, *Worldcall Interconnect, Inc. v. AT&T Mobility, LLC*, File No. EB-14-MD-011.” The redacted version of the WCX Merits Brief is marked “PUBLIC VERSION.” All versions of the WCX Merits Brief are the same except that, in the public version, the Highly Confidential and Confidential information has been omitted and the Confidential version omits all Highly Confidential information. This cover letter does not contain any Highly Confidential or Confidential information.

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WCX is simultaneously delivering two courtesy copies of the WCX Merits Brief (non-redacted, highly confidential) to Market Disputes Resolution Division staff.

Please do not hesitate to contact us with any questions using the information in the letterhead.

Respectfully,

/s/W. Scott McCollough

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Enclosures

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### APPENDIX

#### Confidentiality Request and Justification

WCX requests Confidential and Highly Confidential treatment of specific information contained in the WCX Merits Brief associated with this correspondence. In accordance with 47 C.F.R. § 0.459(b) and in support of its request, WCX provides the following information:

#### 47 C.F.R. § 0.457(d)

Information contained in the WCX Merits Brief is Confidential and Highly Confidential and proprietary to WCX as “commercial information” not routinely available for public inspection or is otherwise confidential under Section 0.457(d). These materials constitute descriptions of the terms and conditions of a roaming agreement between WCX and another carrier. Therefore, in the normal course of Commission practice, this material should be considered “Records not routinely available for public inspection.”

#### 47 C.F.R. § 0.459

Specific information included in WCX’s WCX Merits Brief is also subject to protection under 47 C.F.R. § 0.459, as demonstrated below.

#### Information for which confidential treatment is sought

WCX requests confidential treatment of specific information contained in parts of the WCX Merits Brief as containing Confidential and Highly Confidential information. The Highly Confidential information includes descriptions the terms and conditions of a roaming agreement between WCX and another carrier. The information is identified as Confidential and Highly Confidential when it appears within the submission, and pages containing confidential information have been marked pursuant to the October 9, 2014 order and the protective order in place in this proceeding: “DO NOT RELEASE, NOT FOR INCLUSION IN THE PUBLIC RECORD.” Consistent with the protective order, the material marked as protected also includes a legend designating the material as Confidential and Highly Confidential.

#### Commission proceeding in which the information was submitted

The information is being submitted in *In the Matter of Worldcall Interconnect, Inc. a/k/a Evolve Broadband, Complainant v. AT&T Mobility, LLC, Defendant*, File No. EB-14-MD-011.

#### Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The material designated as Confidential and Highly Confidential contains sensitive commercial information of complainant that WCX maintains as confidential. It includes



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descriptions of the terms and conditions of a roaming agreement between WCX and another carrier.

### Degree to which the information concerns a service that is subject to competition

The Confidential and Highly Confidential information that WCX seeks to protect is related to its provision of mobile wireless services. The mobile wireless industry is somewhat competitive.

### How disclosure of the information could result in substantial competitive harm

Disclosure of the Confidential and Highly Confidential information would result in substantial competitive harm because it would give competitors insight into WCX's contractual arrangements, business model, network construction, business plans, and business relationships.

### Identification of any measures taken by the submitting party to prevent unauthorized disclosure

WCX has treated and treats the information disclosed in this material as Confidential and Highly Confidential and has protected it from public disclosure to parties (other than Defendant and the Commission) outside of the company.

### Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties

The designated information had not been previously made available to the public or provided to third parties (other than the Defendant and the Commission now).

### Justification of the period during which the submitting party asserts that material should not be available for public disclosure

WCX cannot determine at this time any date on which this material should not be considered Confidential and Highly Confidential or would become stale for purposes of the current action. Therefore, the information should be treated as Confidential and Highly Confidential indefinitely.

### Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable Commission and court rulings, the material in question should be withheld from public disclosure. Exemption 4 of the Freedom of Information Act, 5. U.S.C. § 552(b)(4), shields commercial or financial information.

