

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

Rates for Interstate Inmate Calling Services

WC Docket No. 12-375

**SECURUS TECHNOLOGIES, INC.
OBJECTION TO DISCLOSURE OF CONFIDENTIAL INFORMATION**

Securus Technologies, Inc. (“Securus”), through counsel and pursuant to Paragraph 5 of the Protective Order entered in this docket,¹ objects to the request of counsel for Correct Solutions, LLC (“Correct Solutions”) to obtain the confidential version of the Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 15-136, released November 5, 2015, in this docket (“*Second Report and Order*”).²

BACKGROUND

The *Second Report and Order* contains company-specific cost data in several places. Although Securus does not have the confidential version of the *Order*, it believes that its data appears in Paragraphs 49, 55, 63, 64, 74, and 75, and Footnotes 174, 186, 192-202, 204, 217, and 221. This data appears to report Staff’s analysis of Securus’s cost data submitted in July 2014 in response to the Mandatory Data Collection. That data is protected from public disclosure by DA 14-2434.

¹ WC Docket No. 12-375, Protective Order, DA 13-2434 (rel. Dec. 19, 2013).

² Counsel for Correct Solutions served the undersigned counsel with a request for confidential data via electronic mail on February 17, 2016.

STANDARD OF REVIEW

Rule 0.459 permits a submitting party to seek confidential treatment for particular documents due to “the degree to which the information is commercial or financial, or contains a trade secret or is privileged” and “how disclosure of the information could result in substantial competitive harm.”³ The Protective Order was adopted pursuant to this Rule.⁴

DISCUSSION

Securus’s cost data, including what was reported in the *Second Report and Order*, warrants confidential treatment. Data about the costs of providing Inmate Calling Services (“ICS”) is extremely sensitive, particularly the data which Securus was required to submit for the Mandatory Data Collection. As the Commission is aware, almost all ICS contracts are awarded after a multi-party bidding process. Knowing a competitor’s detailed, disaggregated costs is akin to seeing their future bids in advance. Securus would suffer substantial and irreparable harm if its data were improperly disclosed by any means, including via the confidential version of the *Second Report and Order*.

The Commission will protect from disclosure any “competitively sensitive, highly confidential financial and commercial information that is not of the type customarily disclosed to the public.”⁵ For example, it refused to disclose a carrier’s “financial projections for the coming years” on the ground that “disclosure of this information is likely to cause substantial harm to Comsat’s competitive position.”⁶ In addition, the Commission protects “information revealing

³ 47 C.F.R. § 0.459(b)(3) & (5).

⁴ Protective Order ¶ 3 & n.1-4.

⁵ *WorldCom, Inc. and its Subsidiaries*, 18 FCC Rcd. 26338, 26339 ¶ 7 (Dec. 19, 2003).

⁶ *Comsat Corporation’s Request for Approval of 1996 Capitalization Plan*, 11 FCC Rcd. 13231, 13234-35 ¶ 10 (1996).

“the types and deployment of [carriers’] equipment and the traffic” that they carry.⁷ Here, the Commission has received disaggregated cost data and detailed equipment information as well as cost forecasts from Securus, all of which were required for the Mandatory Data Collection. That data has been reported by Staff specifically as to each other ICS company, including Securus, in the *Second Report and Order*. Those calculations by Staff deserve the same level of protection as the raw data from which they were derived.

Correct Solutions is an ICS company which competes with Securus. It has requested the confidential *Second Report and Order* by filing an executed Appendix A (DA 13-2434) from its counsel. Correct Solutions makes no statement as to why, months after the *Second Report and Order* was issued, it requires the extremely sensitive cost data of other ICS companies. Correct Solutions is not, for example, a petitioner in the consolidated appeals brought to the U.S. Court of Appeals for the D.C. Circuit. *Global Tel*Link, et al. v. FCC*, Cases No. 15-1461 and consolidated cases (D.C. Cir. filed Dec. 18, 2015).

The Protective Order states that it covers confidential, commercially sensitive information “filed in this proceeding” which is needed “to develop a more complete record on which to base the Commission’s decision.”⁸ The Commission wished to ensure that third parties could access confidential data under the appropriate circumstances, thus enabling them “to participate *in this proceeding* in a meaningful way.”⁹ The ratemaking portion of this proceeding is, however, over and, as stated above, Correct Solutions has not attempted to participate in the appeal from the *Second Report and Order*. It is therefore not appropriate for Correct Solutions

⁷ *Improving the Resiliency of Mobile Wireless Commc’ns Networks*, 28 FCC Rcd. 14373, 14391 ¶ 50 (2013).

⁸ Protective Order ¶ 1.

⁹ *Id.* (emphasis added).

to obtain the confidential data of any carrier in any format, including by procurement of the confidential version of the *Second Report and Order*.

CONCLUSION

For the foregoing reasons, the Commission should not provide Correct Solutions, LLC with the confidential version of the *Second Report and Order* (FCC 15-136).

Dated: February 22, 2016

Respectfully submitted,

By: s/Stephanie A. Joyce
Stephanie A. Joyce
Arent Fox LLP
1717 K Street, N.W.
Washington, D.C. 20006
stephanie.joyce@arentfox.com
Tel. 202.857.6081
Fax. 202.857.6395

Counsel to Securus Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify on this 22nd day of February, 2016, that the foregoing Objection to Disclosure of Confidential Information was served via First Class * or electronic** mail on the following persons:

Lynne Engledow **
Acting Deputy Chief
Wireline Competition Bureau
Federal Communications Commission
Lynne.Engledow@fcc.gov

Pamela Arluk **
Chief, Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
Pamela. Arluk@fcc.gov

Gayle Thomasson Busch * **
Roedel, Parsons, Koch, Blache, Balhoff &
McCollister, ALC
8440 Jefferson Highway, Suite 301
Baton Rouge, LA 70809
GBusch@roedelparsons.com

By: s/Stephanie A. Joyce
Stephanie A. Joyce