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June 14, 2011

REDACTED—FOR PUBLIC INSPECTION

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Petition by TerraCom, Inc. for Limited ETC Designation in the States of Alabama, Connecticut, Delaware, New Hampshire, New York, North Carolina, Tennessee, the Commonwealth of Virginia, and the District of Columbia, WC Docket No.09-197.*  
Request for Confidential Treatment Pursuant to Section 0.459 of the Commission's Rules, and Justification for Confidential Treatment

Dear Ms. Dortch:

On June 13, 2011, TerraCom, Inc. ("TerraCom") filed the above-referenced Petition for Limited ETC Designation. As part of that filing, pursuant to Section 0.459 of the Commission's Rules, TerraCom requested that the information included in "Exhibit 2" of that submission be withheld from routine public inspection, as that information is of a commercially-sensitive nature, contains trade secrets, and would not normally be made available to the public, consistent with Section 0457(d) of the Commission's rules. TerraCom made its request for confidential treatment of the material identified in "Exhibit 2" concurrent with its filing on June 13<sup>th</sup>.

A separate, non-confidential version of the above referenced petition was filed and marked "**REDACTED—FOR PUBIC INSPECTION**", and references the materials submitted in the confidential filing. As required, under Sections 0.459(a) and (b) of the Commission's rules, TerraCom explains why it believes this information merits confidential treatment.

As an initial matter, TerraCom asserts that the attached information is provided in order to help the Commission to conclude that a grant of TerraCom’s above-referenced Petition is in the public interest. TerraCom is providing this information, which contains detailed network configurations, including its own trade secrets and those of its commercial partners, in order to provide the Commission the information necessary to conclude that TerraCom is providing wireless service over a combination of its own facilities and those of other carriers for purposes of granting the above-referenced Petition for ETC Designation.

As noted, the information contained in “Exhibit 2” of its Petition contains very specific details concerning the specific services and the specific combination of its own network facilities and the network facilities of other carriers that TerraCom utilizes to provide wireless service to its consumers. The information attached is formatted in such a way as to render a traditional redaction, in the typical sense, possibly harmful to TerraCom, and not useful to the public. Therefore, consistent with the requirements of Section 0.459(a) of the Commission’s rules, TerraCom provides a less confidential general description of how it plans to provide service using a combination of its own facilities and the facilities of its wireless partners in the body of its Petition for ETC Designation.

It should also be noted that these service descriptions and network configurations include not only the states for which TerraCom is seeking ETC designation from the Commission, but states for which ETC designation has been granted, or is planned to be sought. Accordingly, these materials also contain highly-confidential business planning information. In the attached Appendix, TerraCom will explain, consistent with Section 0.459(b) of the Commission’s rules, how the attached information contains “trade secrets and commercial or financial information obtained from a person and privileged or confidential” sufficient to be considered as meeting the requirements of Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

TerraCom, in the interests of maintaining maximal transparency, is filing its justification for its request for confidential treatment of the above referenced information in this public document—attached as Appendix A. Thank you for your consideration, and please do not hesitate to contact me at (202) 257-8435, with any additional questions.

Sincerely,



Jonathan D. Lee

## APPENDIX

### Confidentiality Justification

TerraCom requests confidential treatment of the attached information because the attached projections are competitively sensitive, they contain proprietary business information, and public disclosure of this information would have a harmful commercial effect on TerraCom. Such information would not ordinarily be made available to the public, and should be afforded confidential treatment under both 47 C.F.R. §§ 0.457 and 0.459.

#### 47 C.F.R. § 0.457

Specific information included in the attached network diagrams and service configuration descriptions is confidential and proprietary to TerraCom as “commercial or financial information” under Section 0.457(d). Disclosure of such information to the public would risk revealing proprietary business information used by TerraCom in its ongoing business planning and operations. Therefore, in the normal course of Commission practice this information should be considered “[r]ecords not routinely available for public inspection.”

#### 47 C.F.R. § 0.459

Specific information contained in the attached network diagrams and service descriptions is subject to protection under Section 0.459, as explained below.

#### Information for which confidential treatment is sought

TerraCom requests confidential treatment of all information provided in the network diagram and narrative descriptions provided as “Exhibit 2” attached under Exemption 4 of the Freedom and Information Act. The information is competitively sensitive information that TerraCom maintains as confidential and is not normally made available to the public. Release of this information would have a substantial negative effect on TerraCom. Each page is marked “**CONFIDENTIAL—NOT FOR PUBLIC INSPECTION.**” Both pages contain entirely confidential business information. While TerraCom is submitting a very general description of the information contained herein for public review in its Petition (in order to facilitate the Commission’s goals of providing outside parties maximal transparency), the information in the confidential filing cannot be disclosed to the public, because it would disclose confidential business information.

Commission proceedings in which the information was submitted

The information is being submitted in connection with the Petition of TerraCom for Limited Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, Delaware, New Hampshire, New York, North Carolina, Tennessee, the Commonwealth of Virginia, and the District of Columbia, filed today in WC Docket No. 09-197.

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

The competitive information for which confidential treatment is requested is detailed information pertaining to TerraCom's method of providing wireless service to consumers, using a combination of its facilities, and those of its third-party wireless facilities partners, in order to provide its low income service offering. As explained previously, this information is competitively-sensitive, and not normally disclosed to the public, because such a disclosure would have a substantial negative impact on TerraCom, as well as its third-party service provider partners.

Degree to which the information concerns a service that is subject to competition; and manner in which disclosure of the information could result in substantial competitive harm

The network diagrams and service descriptions attached contain proprietary information regarding TerraCom's provision of service to low income customers for which ETC designation is sought. Such information, if disclosed, would not only reveal competitively sensitive business plans of TerraCom, but the network diagrams and service descriptions provided in the information would allow competitors to extract competitively-sensitive data regarding TerraCom's network, and sensitive customer information proprietary to third parties with whom TerraCom has a commercial relationship. TerraCom asserts that the CMRS market is very competitive, and any disclosure of its (or its partners') proprietary network configuration, or service provision description information would cause TerraCom substantial competitive harm. Finally, this type of information would generally not be subject to routine public inspection under the Commission's rules (47 C.F.R. § 0.457(d)), demonstrating that the Commission already anticipates that the release of this kind of information would be likely to produce competitive harm.

Measures taken by TerraCom to prevent unauthorized disclosure; and availability of the information to the public and extent of any previous disclosure to third parties

TerraCom regards all of the diagrams, information and explanations contained in the present materials to be confidential. Accordingly, TerraCom has always protected this data from public

disclosure to parties outside of TerraCom and/or its network facilities partners with which TerraCom has non-disclosure agreements.

Justification of the period during which TerraCom asserts that the information should not be available for public disclosure

TerraCom cannot determine at this time any date on which this information should not be considered confidential or would become stale for purposes of the current matters under Commission consideration.