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July 13, 2012

BY HAND DELIVERY AND ECFS

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

Re: Blue Jay Wireless, LLC Compliance Plan Meeting Presentation and Request for Confidential Treatment; WC Docket Nos. 09-197, 11-42

Dear Ms Dortch,

Blue Jay Wireless, ("Blue Jay"), by its attorneys, hereby submits an original and four (4) copies of the enclosed confidential presentation provided to Kimberly Scardino, Garnet Hanly, Divya Shenoy and Jonathan Lechter at a meeting regarding Blue Jay's Compliance Plan on Wednesday, July 11, 2012. In addition, Blue Jay submits a request for confidential treatment of identified portions of the presentation. Please date-stamp and return the additional copy of the request for confidential treatment and confidential presentation.

We have also included four (4) additional copies to be distributed to Kimberly Scardino, Garnet Hanly, Divya Shenoy and Jonathan Lechter. A redacted version of the presentation is being filed electronically in ECFS today.

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Please direct any questions as to this matter, including the request for confidential treatment, to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Heitmann". The signature is written in a cursive style with a large initial "J" and "H".

John J. Heitmann
Joshua T. Guyan

Counsel to Blue Jay Wireless, LLC

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Re: Blue Jay Wireless, LLC Compliance Plan Meeting Presentation; Request for Confidential Treatment; WC Docket Nos. 09-197, 11-42

Dear Ms Dortch,

Blue Jay Wireless, LLC (“Blue Jay”), by its attorneys, hereby requests confidential treatment of the enclosed presentation provided to Kimberly Scardino, Garnet Hanly, Divya Shenoy and Jonathan Lechter at a meeting regarding Blue Jay’s Compliance Plan on Wednesday, June 11, 2012.¹

The enclosed presentation contains proprietary and confidential information. Such competitively sensitive information is exempted from mandatory disclosure under “Exemption 4” of the Freedom of Information Act (“FOIA”),² and Section 0.457(d) of the Commission’s rules.³ Exemption 4 allows the withholding of commercial or financial information that is privileged or confidential.⁴ The confidentiality requirement is satisfied if

¹ See 47 C.F.R. § 0.459(b)(1), (2).

² See 5 U.S.C. § 552(b)(4). Public disclosure is not required for “trade secrets, commercial or financial information obtained from a person and privileged and confidential.” *Id.*

³ 7 C.F.R. § 0.457(d). See *National Parks and Conservation Ass’n. v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974) (“National Parks”); Southern Company Request for Waiver of Section 90.629 of the Commission’s Rules, 14 FCC Rcd 1851, 1860 (1998) (“Southern Company”).

⁴ 5 U.S.C. § 552(b)(4).

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substantial competitive injury would likely result from disclosure.⁵ Accordingly, pursuant to Section 0.459 of the Commission's rules,⁶ Blue Jay requests that portions of the enclosed presentation be withheld from public inspection.

The information for which Blue Jay requests confidential treatment is proprietary and competitively sensitive information.⁷ The market for Lifeline services, including the wireless services to be provided by Blue Jay, is highly competitive.⁸ The confidential presentation reveals details about Blue Jay's ownership structure, investment, business practices, and strategies and compliance training, the disclosure of which would cause great harm to Blue Jay.⁹ Blue Jay will derive independent economic value from the fact that significant, detailed proprietary information regarding Blue Jay's business practices is unknown to its competitors.¹⁰ Moreover, failure to treat Blue Jay's business and investment information as confidential would provide competitors with an unfair competitive advantage by being granted access to Blue Jay's proprietary information.¹¹ The information contained in the identified portions of the enclosed presentation is provided only to those employees and contractors that require such information to perform the requirements of their duties to Blue Jay¹² and is not ordinarily made available to the public by Blue Jay.¹³ The information that is the subject of this confidential treatment request is not part of the public record in any jurisdiction. Blue Jay requests that the identified portions of the enclosed presentation not be made routinely available for public inspection at any time.¹⁴

More specifically, the information that is the subject of this request for confidential treatment is entitled to protection for the following reasons¹⁵:

The portions of the enclosed presentation identified as confidential includes investment and business strategies and details and could provide competitive advantage if

⁵ *Public Citizen Research Group v. FDA*, 704 F. 2d 1280, 1290-91 (D.C. Cir. 1983) ("*Public Citizen*").

⁶ *See* 47 C.F.R. § 0.457 and 47 C.F.R. § 0.459.

⁷ *See* 47 C.F.R. § 0.459(b)(3).

⁸ *See* 47 C.F.R. § 0.459(b)(4).

⁹ *See* 47 C.F.R. § 0.459(b)(5).

¹⁰ *Id.*

¹¹ *Id.*

¹² *See* 47 C.F.R. § 0.459(b)(6).

¹³ *See* 47 C.F.R. § 0.459(b)(7).

¹⁴ *See* 47 C.F.R. § 0.459(b)(8).

¹⁵ *See* 47 C.F.R. § 0.459(b)(9).

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publicly disclosed. Blue Jay considers this information proprietary and confidential and believes that it is entitled to confidential treatment.

The enclosed presentation contains confidential details about Blue Jay's ownership, investments, and internal operating, training and compliance procedures. This information includes training practices, procedures, and business practices. This information is not publicly available and, if made publicly available, would disclose confidential business practices to competitors, thereby providing a competitive advantage to other entities in the market. As a result, Blue Jay requests confidential treatment of this information.

Please direct any questions as to this matter, including the request for confidential treatment, to the undersigned.

Respectfully submitted,



John J. Heitmann
Joshua T. Guyan

Counsel to Blue Jay Wireless, LLC

cc: Kimberly Scardino
Garnet Hanly
Divya Shenoy



FCC Discussion Materials - Compliance Plan

Redacted Version

July 11, 2012

Agenda

- Introduction of Company and Management Team
- Lifeline Service Offerings
- Marketing/Advertising Material
- End User Enrollment
- Annual Certification
- Procedures Addressing Waste, Fraud and Abuse
- Questions

Blue Jay Wireless™ and its Lifeline Product Offerings

- Blue Jay Wireless™ is financially and technically capable of providing the supported Lifeline Service

Ownership

REDACTED



- Blue Jay Wireless™ owner Marc Sparks has personally invested over REDACTED XXXX REDACTED in an affiliate, Splash Media L.P., and has committed substantial cash reserves for Blue Jay Wireless™

*Ajax Partners II, LLC is owned by Richard Kenley Steeg

Blue Jay Wireless™ Key Management

■ Marc Sparks, Chairman

- Successful entrepreneur, venture capitalist, and leader with over 30 years of experience bringing startup businesses to fruition
- Extensive relationships and network in the auto insurance industry, including Drivers Insurance Group
- Co-founded Splash Media in 2004, among the largest providers of full-service social media marketing services in the world

■ David Wareikis, Chief Executive Officer

- Over fourteen years of experience in the telecommunications industry
- Began career with Banc of America Securities media and telecom investment banking group
- Most recently served as Chief Financial Officer of Assist Wireless, a Lifeline wireless provider
- Strong expertise in capital markets, back office systems, automation, billing, call center solutions, outsourcing, order processing, USAC Lifeline compliance and vendor relationship management
- Served as advisor to Belo Corp., Cablevision, Charter Communications, Comcast, Conterra Ultra Broadband, New Talk, Rainbow Media Group, Radio One and Time Warner Entertainment among others

Blue Jay Wireless™ and its Lifeline Product Offerings

Plan Description	Lifeline Free 125 Plan	Lifeline Free 250 Plan	Tribal Lifeline Unlimited Plan	Tribal Lifeline 1000 Plan
Price to Lifeline Subscriber	FREE	FREE	\$5.00/mo plus taxes & fees	\$1.00/mo plus taxes & fees
Number of Free Minutes	125	250	Unlimited	1000
Rollover	Y	N	N	N
Text Messaging	1/1 Ratio	1/1 Ratio	None	1/1 Ratio
Handset	FREE	FREE	FREE	FREE
Calls to 911 Emergency Services	FREE	FREE	FREE	FREE
Calls to Customer Service	FREE	FREE	FREE	FREE
Caller ID, Call Waiting, 3-Way Calling, Voicemail	FREE	FREE	FREE	FREE
Domestic Long Distance	FREE	FREE	FREE	FREE

Blue Jay Wireless™ and its Lifeline Product Offerings

■ Public Safety and 911/ E911 Access:

- Blue Jay Wireless™ will ensure that all handsets used in connection with its Lifeline service are E911-compliant
- Blue Jay Wireless™ will provide its Lifeline customers with access to 911 and E911 services:
 - Through its underlying carriers Sprint and Verizon; purchase minutes/service through MVNE Natel Networks, LLC
 - At the time of Lifeline service initiation
 - Regardless of activation status and minute availability

Blue Jay Wireless™ Marketing and Advertising Compliance

■ **In compliance with the marketing and disclosure requirements, all of Blue Jay Wireless™ marketing materials will:**

- Disclose company name under which it does business;
- Explain in clear, easily understood language the following:
 - The service is a Lifeline service
 - Lifeline is a government assistance program
 - Only eligible consumers may enroll in the program
 - That documentation is necessary for enrollment
 - The program is limited to one benefit per household, consisting of either wireline or wireless service
 - Blue Jay Wireless's application form will state that Lifeline is a government benefit program and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program
 - Lifeline service is non-transferable

Blue Jay Wireless™ End User Enrollment

■ Store and Field Sales

- Typically a face-to-face enrollment transaction occurring in a retail store or at an event
- All documentation can be witnessed in real-time and end user walks away with handset
- Planned rollout of Blue Jay Wireless storefronts through complementary auto insurance networks
 - Superior customer service offering versus competitors via on-site customer care
 - Inventory in stores to include 90 day return warranty
- Customer must complete a call to a Blue Jay Wireless customer service representative upon taking possession of the phone for additional identity verification in order to complete the enrollment process
- Training video series allow uniform and consistent training for all Blue Jay Wireless representatives – See example training video link: **REDACTED**
XXXXXXXXXXXXXXXXXXXXXXXXX **REDACTED**

Blue Jay Wireless™ End User Enrollment

■ Internet/Web Sales

- Self-driven enrollment by end user who signs self-certification form electronically to complete transaction
- Proof of identity and program eligibility must be mailed/faxed and received before shipment of handset
- Customer must complete a call to a Blue Jay wireless customer service representative for additional identity verification in order to complete the enrollment process

Blue Jay Wireless™ End User Enrollment

- **Blue Jay Wireless™ Enrollment Process requires verification of the following items:**
 - Verification of service area
 - Verify residence address and whether the address is permanent/temporary or multi-household (verifies address via USPS and/or Melissa data)
 - Verify applicant is not currently receiving a subsidy from another carrier; only eligible consumers may enroll in the program
 - Applicant certifies under penalty of perjury
 - Specifically mentions other providers in certification
 - Perform duplicate check into an internal and pooled external database
 - Verify applicant's identity
 - Verify program or income eligibility
 - Verify applicant receives handset and personally activates or uses handset prior to seeking reimbursement from Universal Service Fund

Blue Jay Wireless™ Annual Recertification

- Blue Jay Wireless™ does not currently have any Lifeline customers and therefore had no customers to recertify as of June 1, 2012
- Upon enrolling Lifeline customers, Blue Jay Wireless™ will re-certify each Lifeline end user annually
- All customers who fail to respond to recertification attempts within 30 days will be given a written notice that they have 30 days to confirm their eligibility or be de-enrolled from the Lifeline program
- Additionally, Blue Jay Wireless™ will follow any state-specific recertification requirements

Blue Jay Wireless™ Procedures Addressing Waste, Fraud and Abuse

- **Blue Jay Wireless™ strives for compliance in all policies & procedures surrounding its Lifeline Program**
 - Marketing/advertising
 - End user initial enrollment & annual certification
 - Thorough training of Blue Jay Wireless representatives
 - Training upon commencement of employment
 - Read aloud the one-per-household disclosures and ask applicants whether they have Lifeline service from other providers by name
 - Company personnel required to display Blue Jay Wireless approved marketing and wear logo T-shirts with name badges and pictures
 - Designated compliance training manager
 - Whistleblower policy for allegations of fraud
 - Customer non-usage & de-enrollment

Blue Jay Wireless™ Procedures Addressing Waste, Fraud and Abuse

■ Subscriber Usage

- 60-day non-usage policy

■ Duplicate Detection

- Internal database
- CGM
- National database (when operational)

Questions?

Thank You