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VIA ELECTRONIC SUBMISSION  
AND HAND DELIVERY

May 15, 2013

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A325  
Washington, DC 20554

FILED/ACCEPTED

MAY 15 2013

Federal Communications Commission  
Office of the Secretary

*Attention:*  
Victoria Goldberg  
Acting Chief, Pricing Policy Division  
Wireless Competition Bureau

Re: Rubard LLC d/b/a CentMobile's FCC Certification for the First Quarter of 2013; WC  
Docket No. 05-68

Dear Ms. Dortch:

Pursuant to Section 64.5001(c) of the Commission's rules (47 C.F.R. § 64.5001(c)), please find enclosed a redacted version of Rubard LLC's ("Rubard") prepaid calling card certifications ("FCC Certification") reporting percentages of interstate use factors ("PIU") for the first quarter of 2013. Rubard is seeking confidential treatment of its FCC Certification, and is therefore simultaneously filing an original, signed version of the FCC Certification by paper.

Should you require further information, please contact the undersigned.

Respectfully submitted,

Patricia J. Paoletta

*Counsel for Rubard LLC d/b/a CentMobile*

Enclosures

No. of Copies rec'd 0+1  
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REQUEST FOR CONFIDENTIAL TREATMENT

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Federal Communications Commission  
Office of the Secretary

*Attention:*

Victoria Goldberg  
Acting Chief, Pricing Policy Division  
Wireless Competition Bureau

Re: Rubard LLC's FCC Certification for the First Quarter of 2013 Prepaid Calling  
PIU and Request for Confidential Treatment

Dear Madame Secretary:

On behalf of Rubard LLC d/b/a CentMobile ("Rubard"), undersigned counsel, submits the certification required by Section 64.5001(c) of the Commission's rules (47 C.F.R. § 64.5001(c)) regarding prepaid calling card percentages of interstate use factors and pursuant to Sections 0.457 and 0.459 of the Commission's Rules,<sup>1</sup> respectfully requests that the Commission withhold from public inspection and accord confidential treatment to copies of Rubard's unredacted percentage of interstate use ("PIU") Reports.

As explained more fully below, this data falls within Exemption 4 of the Freedom of Information Act ("FOIA").<sup>2</sup> Because the information enclosed is "of a kind that would not customarily be released to the public," the information is "confidential" under Exemption 4 of FOIA.<sup>3</sup> In support of this request and pursuant to Section 0.459(b) of the Commission's rules,<sup>4</sup> on behalf of Rubard, we hereby state as follows:

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<sup>1</sup> 47 C.F.R. §§ 0.457 and 0.459.

<sup>2</sup> 5 U.S.C. § 552(b)(4) & (7).

<sup>3</sup> See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

<sup>4</sup> 47 C.F.R. § 0.459(b).

## REQUEST FOR CONFIDENTIAL TREATMENT

**1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT<sup>5</sup>**

Rubard seeks confidential treatment of the unredacted percentage of interstate use (“PIU”) factors for revenue and minutes, given their sensitive commercial nature.

**2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION<sup>6</sup>**

Rubard is submitting the confidential information pursuant to §64.5001(c) of the Commission’s Rules.

**3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED<sup>7</sup>**

The PIUs contain commercial information that would not generally be disclosed by competitive carriers to the public.<sup>8</sup>

**4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION<sup>9</sup>**

Rubard is a provider in the very competitive market of international telephony and seeks to protect the commercial information in the PIUs from its competitors.

**5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM<sup>10</sup>**

Disclosure of this sensitive and closely-guarded information, not normally disclosed to the public, could subject Rubard to unfair competition, and given the competitive nature of the international market, also cause distortion in the market.

**6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE<sup>11</sup>**

Rubard has not disclosed to the public the information contained in the PIUs, a copy of which has been redacted for public inspection and the unredacted copy stamped CONFIDENTIAL.

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<sup>5</sup> 47 C.F.R. § 0.459(b)(1).

<sup>6</sup> 47 C.F.R. § 0.459(b)(2).

<sup>7</sup> 47 C.F.R. § 0.459(b)(3).

<sup>8</sup> See 26 U.S.C. § 6103.

<sup>9</sup> 47 C.F.R. § 0.459(b)(4).

<sup>10</sup> 47 C.F.R. § 0.459(b)(5).

<sup>11</sup> 47 C.F.R. § 0.459(b)(6).

## REQUEST FOR CONFIDENTIAL TREATMENT

7. **IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES**<sup>12</sup>

Rubard has not previously disclosed the PIU information to the public.

8. **JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE**<sup>13</sup>

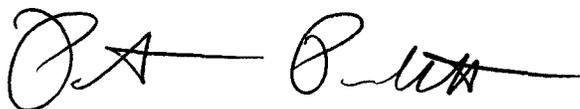
Rubard requests that the unredacted PIUs be treated as confidential indefinitely.

9. **OTHER INFORMATION THAT RUBARD BELIEVES MAY BE USEFUL IN ASSESSING WHETHER THE REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED**<sup>14</sup>

Commission rules require that carriers report to their underlying transport providers the percentage of interstate use factors and call volumes, so the parties that the Commission deems should have PIU information will already be so informed. Disclosure to the broader public, including Rubard's competitors, is not necessary to protect the public interest.

This request for confidential treatment should not be construed as a waiver of any other protection from disclosure or confidential treatment accorded by law. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,



Patricia J. Paoletta  
*Counsel to Rubard LLC d/b/a CentMobile*

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<sup>12</sup> 47 C.F.R. § 0.459(b)(7).

<sup>13</sup> 47 C.F.R. § 0.459(b)(8).

<sup>14</sup> 47 C.F.R. § 0.459(b)(9).

**REDACTED FOR PUBLIC INSPECTION**

**Rubard LLC d/b/a CentMobile  
FCC Certification First Quarter 2013**

For the first quarter of 2013 (January 1, 2013 to March 31, 2013), Rubard's percentages of prepaid calling card interstate, intrastate, and international minutes were as follows:

Interstate: [REDACTED]

Intrastate: [REDACTED]

International: [REDACTED]

For the first quarter of 2013, Rubard's percentages of prepaid calling card interstate, intrastate, and international revenues were as follows:

Interstate: [REDACTED]

Intrastate: [REDACTED]

International: [REDACTED]

**Rubard LLC d/b/a CentMobile  
Quarterly Prepaid Calling Certification**

I, Artur Zaytsev, of Rubard LLC d/b/a CentMobile ("Rubard"), under penalty of perjury, hereby certify, in compliance with Section 64.5001(c) of the Commission's rules, that Rubard has complied with the prepaid calling card Percentage of Interstate Usage reporting requirements contained in Section 64.5001(a) of the Commission's rules, 47 C.F.R. § 64.5001(a). I further certify that Rubard, a *de minimis* filer pursuant to Section 54.708 based on the information reported in the attachments, complies with the Commission's Universal Service Fund contribution requirements and that the percentage of intrastate, interstate, and international calling card minutes and the percentage of prepaid calling card service revenue contained in the attached quarterly reports are accurate.

Signature: 

Print Name: Artur Zaytsev

Print Title: Manager