

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF MERCURY)
WIRELESS INDIANA, LLC FOR EXPANSION OF ITS)
ELIGIBLE TELECOMMUNICATIONS CARRIER) CAUSE NO. 41052-ETC-77 S1
DESIGNATED SERVICE TERRITORY)

MOTION FOR CONFIDENTIAL TREATMENT

Mercury Wireless Indiana, LLC ("Mercury"), by counsel, hereby respectfully requests that the Indiana Utility Regulatory Commission ("Commission") grant confidential and proprietary treatment of certain project and pricing information to be filed by Mercury in this proceeding. In support, Mercury states:

1. On or about January 6, 2021, Mercury filed its Petition for Expansion of its ETC Territory (the "Expansion Petition") in connection with the Federal Communications Commission's ("FCC") award of funding to Mercury through the Rural Digital Opportunity Fund ("RDOF") Phase I Auction.

2. In support of its Expansion Petition, Mercury intends to file with the Commission its FCC RDOF bid documents and its proposed service offerings with pricing information, which will be filed respectively as Attachment MS-1C and Attachment MS-2C to the Verified Prefiled Direct Testimony of Matthew Sams (the "Confidential Information").

3. The Confidential Information is such that it: (i) may derive actual or potential independent economic value from being neither generally known to, nor readily ascertainable by proper means by, other persons who could obtain economic value from its disclosure or use; and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

4. As explained in the Affidavit of Matthew Sams attached hereto as Exhibit A, the Confidential Information is the subject of significant company efforts to maintain its secrecy.

Mercury goes to great lengths to prevent the disclosure of the Confidential Information to the public, including segregating it from other information internally. Mercury also limits the dissemination of the Confidential Information internally to senior management, counsel, accountants, and employees on a need to know basis. Mercury does not release the Confidential Information externally without appropriate confidentiality protections. Mercury employs various system safeguards so that access to the Confidential Information is provided to a very small number of Mercury employees.

5. Public disclosure of the Confidential Information would place Mercury at a competitive and economic disadvantage. The Confidential Information contained in Form 183 would reveal to competitors the deployment configuration, technical specifications and pricing information for Mercury's planned deployment in the RDOF award areas. The Confidential Information in Attachment MS-2C includes pricing information for areas that are not yet constructed and if disclosed publicly would put Mercury at a competitive disadvantage by allowing other carriers to anticipate Mercury's service offerings and pricing structure potentially years in advance of the construction of certain network segments. Since the RDOF award is disbursed over a 6-year construction timeline, Mercury has an interest in protecting from competitors its initial approach to pricing in the specified Indiana markets.

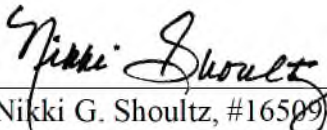
6. Public disclosure of the Confidential Information would be economically valuable to competitors because it would provide significant insight into Mercury's business operations, service offerings and pricing. Analysis of the Confidential Information by competitors could provide insight into the locations and service deployment plans of Mercury. Competitors could use the Confidential Information to adjust and target business strategies to the detriment of Mercury.

7. The Confidential Information is not publicly available from any other source. Mercury takes reasonable precautions to maintain and protect the confidentiality of such information. Mercury does not publicly provide, file, or disclose the Confidential Information and competitors do not otherwise have unrestricted access to the Confidential Information.

8. Pursuant to 170 IAC 1-1.1-4, attached hereto as "Exhibit A" is the Affidavit of Matthew Sams in Support of this Motion for Confidential Treatment.

WHEREFORE, Mercury respectfully requests that the above-described confidential and proprietary financial information be exempt from public disclosure pursuant to I.C. 5-14-3 et. seq.

Respectfully submitted,

By: 
Nikki G. Shoultz, #16509-41
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, Indiana 46204
(317) 684-5000

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the following counsel of record electronically this 6th day of January, 2021:

Indiana Office of Utility Consumer Counselor
PNC Center, Suite 1500 South
115 West Washington Street
Indianapolis, IN 46204
infomgt@oucc.in.gov


Nikki G. Shoultz, #16509-41

EXHIBIT A

AFFIDAVIT OF MATTHEW SAMS

Matthew Sams, upon his oath, deposes and states:

1. I am Corporate Secretary for Mercury Wireless, Inc., the parent corporation and owner of Mercury Wireless Indiana, LLC. (“Mercury”). In that capacity as Corporate Secretary, I support the submission of testimony and exhibits to support regulatory applications.

2. I have personal knowledge of the confidential, proprietary, competitively sensitive, and trade secret nature of the Confidential Information addressed herein and in the accompanying Motion through direct contact with this information and through my investigation with other Mercury employees who work directly with the Confidential Information. I have personal knowledge of efforts taken by Mercury to maintain the secrecy of the Confidential Information through direct contact with these efforts and through my investigation of these efforts with other employees who work directly with these procedures.

3. Mercury requests that its confidential information to be provided as part of Mercury’s Petition to Expand its ETC Territory in this proceeding be exempted from public disclosure as confidential, proprietary, competitively sensitive, and trade secret information (the “Confidential Information”).

4. The Confidential Information includes Mercury’s FCC RDOF bid documents and its proposed service offerings with pricing information, which will be filed respectively as Attachment MS-1C and Attachment MS-2C to my Verified Prefiled Direct Testimony in this proceeding. The Confidential Information is not readily available in the public domain. Mercury takes steps to protect this information from public disclosure. Such information is

competitively sensitive and a trade secret because competitors may use the confidential information to gain a competitive advantage over Mercury. The Confidential Information is not revealed to competitors or other third parties without a binding Nondisclosure Agreement and only in the case of absolute business necessity.

5. The Confidential Information is competitively sensitive and a trade secret. Public disclosure of the Confidential Information would be economically valuable to competitors because it would provide significant insight into the business operations, deployment plans, network configuration, technical specifications and pricing information for Mercury's planned deployment in the RDOF award areas. The Confidential Information in Attachment MS-2C includes pricing information for areas that are not yet constructed and if disclosed publicly would put Mercury at a competitive disadvantage by allowing other carriers to anticipate Mercury's service offerings and pricing structure potentially years in advance of the construction of certain network segments. Competitors could use the Confidential Information to adjust and target business strategies to the detriment of Mercury.

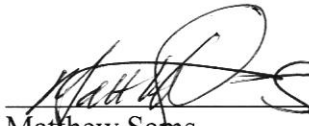
6. The Confidential Information is not available or ascertainable by other parties through normal or proper means. No reasonable amount of independent research could yield this information to other parties.

7. The Confidential Information has been the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Mercury restricts the access of information to only those employees, officers, and representatives who have a need to know about such information due to their job and management responsibilities. The company's files containing the Confidential Information are maintained separately from the company's general records and access to those files is restricted. Access to the Confidential Information has been and will

continue to be disclosed only to those employees, officers, and representatives of Mercury who have a need to know about such information due to their job and management responsibilities. Outside Mercury, this information is only provided to certain persons who have a legitimate need to review the information.

Further the Affiant sayeth not.

Dated: January 6 2021


Matthew Sams
Corporate Secretary
Mercury Wireless, Inc.

State of Missouri)
) SS:
County of Jackson)

Before me, a Notary Public in and for said County and State, personally appeared Matthew Sams, who having been duly sworn upon his oath, attested that the foregoing statements are true to the best of his knowledge, information and belief.

WITNESS my hand and Notarial Seal this 5 day of January, 2021.


Notary Public

Alexis N Nelson
(Printed Signature)

My Commission Expires:
July 5th 2024

My County of Residence:
Platte

