

STATE OF INDIANA
 INDIANA UTILITY REGULATORY COMMISSION

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| IN THE MATTER OF PETITION OF SAGE TELECOM COMMUNICATIONS, LLC TO EXPAND ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATED SERVICE AREA |)))))))))) | CAUSE NO. 41052-ETC 82 |
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**PETITIONER’S MOTION FOR CONFIDENTIAL TREATMENT PERTAINING TO
 UNDERLYING CARRIER AGREEMENT BETWEEN SAGE TELECOM
 COMMUNICATIONS, LLC D/B/A TRUCONNECT AND T-MOBILE**

Sage Telecom Communications, LLC d/b/a TruConnect (“Petitioner” or “Company”), by counsel, respectfully moves the IURC for the following:

MOTION FOR CONFIDENTIAL TREATMENT PURSUANT TO 170 IAC 1-1.1-4

(1) Pursuant to 170 IAC 1-1.1-4 (b) the nature of the confidential information is as follows:

In its Petition, the Company referenced its underlying agreement with T-Mobile and the ability to provide customers the same ability to remain functional in emergency situations as underlying carriers. *See*, p. 5, fn.8 of Petition filed herein. While referencing the underlying agreement, the Company indicated that the T-Mobile Agreement was initially established under the Company’s affiliate Telscape Communications, Inc. but extends to its “Affiliates and related entities” and thus encompasses TruConnect. Further, the Company indicated it would provide a copy of the agreement pursuant to a motion for confidential treatment. As set forth below, the Company respectfully requests confidential treatment of the underlying agreement in anticipation of the upcoming hearing scheduled on September 24, 2020 at 9:30 a.m.

(2) Such information represents a trade secret and Petitioner respectfully requests confidential treatment pursuant to 170 IAC 1-1.1-4; Ind. Code § 8-1-2-29. “Trade Secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and; (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. Ind. Code§ 24-2-3-2.

(3) Unlike *Indiana Bell Telephone Co., Inc., v. Indiana Utility Regulatory Commission and Office of Utility Consumer Counselor*, 810 N.E. 2d 1179 (Ind. App. 2004); where the information (company’s general location/level of service) was found to not be deemed a “trade secret” here the agreement that the Petitioner has with an underlying wireless carrier are not ascertainable through other sources nor are they readily ascertainable from another source.

(4) Petitioner submits that divulging such information (e.g., its underlying agreement/contract) would have a substantial detrimental impact on its business. A competitor would be able to determine Petitioner’s underlying agreement terms, potentially replicate it to the detriment of the company, and evaluate market potential with this non-public information meanwhile Petitioner has reasonable safeguards in place to avoid public disclosure of this information to avoid the foregoing concerns.

(5) With regard to its agreement with a facilities-based wireless carrier, some information related its agreement (e.g. contractual arrangements and costs and fees) merit confidential treatment as public disclosure would be useful to competitors and would enable competitors to evaluate market potential, make pricing decisions and/or market entry decisions; specifically, many of the documents sought to be provided include documents addressing the parties involved

not distributed even throughout the company as a whole and restricted to a “need to know” basis among employees or regulators which may include pricing and expense information related to their facilities-based agreements.

(6) With regard to its underlying contract, a competitor would be able to make market decisions, namely whether to enter and compete against Petitioner based upon its perceived financial strength/weakness of Petitioner’s financial information. Public disclosure of the company’s underlying agreement could put them at a disadvantage by informing competitors about the company’s internal arrangements that competitors could utilize to position themselves favorably to compete against Petitioner. It is noted that this information has been provided to other regulatory bodies subject to non-disclosure agreements (NDAs) but outside of parties’ subject to NDAs or other regulatory bodies this information is not subject to public disclosure.

(7) The Petitioner makes ongoing efforts to keep the foregoing information confidential. The company has reasonable safeguards in place to maintain the confidentiality of such information. The Company has maintained and seeks to preserve the confidentiality of the requested information. While the company understands the desire to construe the public records statute broadly, these narrow requests sought by the Petitioner constitute “trade secrets” and/or confidential information and disclosure of the foregoing information would be useful to current or potential competitors that would enable them to evaluate market potential, make pricing decisions and/or market entry decisions at the detriment to Petitioner.

(8) A sworn statement pursuant to 170 IAC 1-1.1-4(b) is attached and incorporated hereto.

(9) Respectfully for the foregoing reasons, Petitioner moves the IURC for confidential treatment for its T-Mobile underlying carrier agreement.

Respectfully submitted,

/s/William H. May, III.
William H. May, III., 19845-22
Hurt, Deckard & May PLLC
127 W. Main Street
Lexington, Kentucky 40507
(859)254-0000
(859)254-4763 (fax)
bmay@hdmfirm.com

and

Lance J.M. Steinhart
Managing Attorney
Lance J.M. Steinhart, P.C.
1725 Windward Concourse, Suite 150
Alpharetta, Georgia 30005
(770) 232-9200 (Phone)
(770) 232-9208 (Fax)
E-Mail: lsteinhart@telecomcounsel.com

*Attorneys for Sage Telecom Communications, LLC
d/b/a TruConnect*

September 16, 2020

CERTIFICATE OF SERVICE

The foregoing pleading was e-filed with the IURC on September 16, 2020 and served via email and US Mail, postage prepaid to the following on the aforementioned date as well:

Hon. Karol H. Krohn, Ind. Atty. No. 5566-82
Indiana Office of Utility Consumer Counselor
PNC Center, Suite 1500 South
115 W. Washington Street
Indianapolis, IN 46204

/s/William H. May, III.
William H. May, III., 19845-22