

**Before the
South Dakota Public Utilities Commission
Pierre, South Dakota 57501**

In the Matter of the)	
)	
Application of Mobilitie, LLC for a)	
Certificate of Authority to Provide)	
Interexchange Telecommunications)	TC10-____
Services in the State of South Dakota and)	
Local Exchange Services Within the)	
Exchanges Served by Qwest Corporation)	
in South Dakota)	

**PETITION FOR CONFIDENTIAL TREATMENT OF
MOBILITIE'S FINANCIAL STATEMENTS**

Pursuant to ARSD 20:10:01:41, Mobilitie, LLC ("Mobilitie") hereby requests confidential treatment of its current financial statements, which are attached hereto and marked "**Confidential and Proprietary**" on each page. The attached statements are intended to be Exhibit 2 of Mobilitie's Application for a Certificate of Authority to Provide Interexchange Telecommunications in the State of South Dakota and Local Exchange Services Within the Exchanges Served by Qwest Corporation in the State of South Dakota ("Application") filed with the South Dakota Public Utilities Commission ("Commission"). Because this Petition is an inseparable part of Mobilitie's Application, it is being filed concurrently therewith. In support of this Petition, Mobilitie hereby states as follows:

I. IDENTIFICATION OF THE SUBJECT MATTER

The Application requires Mobilitie to disclose evidence of its financial capability by submitting documentation of its financial resources. Pursuant to this requirement, Mobilitie is submitting copies of its most recent financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in

material damage to Mobilitie's financial and competitive position in South Dakota and in other states where Mobilitie currently is doing business.

II. LENGTH OF TIME FOR WHICH CONFIDENTIALITY IS REQUESTED

Mobilitie request that its financial statements be maintained as confidential indefinitely.

III. CONTACT INFORMATION

All correspondence, notices, inquiries, and other communications regarding this Motion should be addressed to:

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IV. STATUTORY AND ADMINISTRATIVE GROUNDS FOR CONFIDENTIAL TREATMENT

Mobilitie requests confidentiality pursuant to §§ 20:10:01:41 and 20:10:01:39(4) of the Commission's Rules and South Dakota Code § 37-29-1(4), which defines the term "trade secret" under South Dakota law.

V. FACTUAL BASIS FOR CONFIDENTIAL TREATMENT

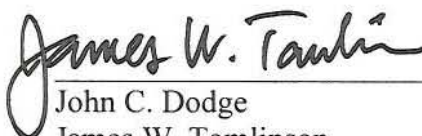
The attached financial statements fit squarely within the definition of a “trade secret” under § 20:10:01:39(4) of the Commission’s Rules and South Dakota Code § 37-29-1(4).¹ As a privately-held company, Mobilitie’s financial qualifications are not readily ascertainable. Mobilitie currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for Mobilitie because the disclosure of such information would jeopardize Mobilitie’s ability to compete in the provision of telecommunications services in South Dakota. Mobilitie is not a public corporation and its financial and business information is uniquely sensitive.

Mobilitie takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Mobilitie takes reasonable steps to guard this information internally as well. Its disclosure is limited to Mobilitie’s senior officers, its counsel, and employees of the company who are directly involved with Mobilitie’s financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped “confidential” and is accompanied by formal requests to maintain the confidentiality of the information and withheld from public disclosure.

¹ A “trade secret” is defined in South Dakota Code § 37-29-1(4) as “information, including a formula, pattern, compilation, program device, method, technique or process that (i) 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 (ii) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”

WHEREFORE, Mobilitie respectfully requests that the Commission deem the attached financial statements of Mobilitie to be confidential and protected from disclosure under the procedures set forth in §§ 20:10:01:40 and 20:10:01:43 of the Commission's Rules.

Respectfully submitted,



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Dated: September 22, 2010