

Attachment B

Petition for Confidential Treatment

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

In the Matter of the Application of)	
CallCatchers Inc. d/b/a FreedomVoice Systems)	
for a Certificate of Authority to)	Docket No. TC16-011
Provide Interexchange)	
Telecommunications Services in the)	
State of South Dakota)	

PETITION FOR CONFIDENTIAL TREATMENT

Pursuant to S.D. Admin. R. 20:10:01:41, CallCatchers Inc. d/b/a FreedomVoice Systems (“FreedomVoice,” or “Petitioner”) hereby requests confidential treatment of the Petitioner’s financial statements, which are submitted separately and marked “**Confidential.**” The financial statements are intended to supplement FreedomVoice’s Application for a Certificate of Authority to Provide Interexchange and Local Exchange Telecommunications Services in the State of South Dakota (“Application”) filed with South Dakota Public Utilities Commission (“Commission”) on June 21, 2016.

In support of this Petition, FreedomVoice hereby states as follows:

I. IDENTIFICATION OF THE SUBJECT MATTER

The Application requires FreedomVoice to disclose evidence of its financial capability by submitting documentation of its financial resources. *See* S.D. Admin. R. 20:10:24:02(9), 20:10:32:03(12). Pursuant to this requirement, FreedomVoice is submitting a copy of its most recent financial statements. This document contains highly confidential and strictly proprietary information, the public disclosure of which would result in material damage to the FreedomVoice’s financial and competitive position in South Dakota, and in other states in which Petitioner currently is doing business.

II. LENGTH OF TIME FOR WHICH CONFIDENTIALITY IS REQUESTED

Petitioner requests that its financial statements be maintained as confidential indefinitely.

III. CONTACT INFORMATION

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

Michael P. Donahue
Keenan P. Adamchak
Marashlian & Donahue, PLLC
1420 Spring Hill Road, Suite 401
Tysons, VA 22102
Tel: (703) 714-1319/ -1323
Fax: (703) 563-6222
Email: mpd@commlawgroup.com
kpa@commlawgroup.com

IV. STATUTORY AND ADMINISTRATIVE GROUNDS FOR CONFIDENTIAL TREATMENT

Petitioner requests confidentiality pursuant to S.D. Codified Laws § 37-29-1(4), which defines the term “trade secret,”¹ and S.D. Admin. R. 20:10:01:41 and 20:10:01:39(4).

V. FACTUAL BASIS FOR CONFIDENTIAL TREATMENT

The attached financial statements fit squarely within the above-referenced definition of “trade secret.” As a privately held company, FreedomVoice’s financial qualifications are not readily ascertainable. Petitioner currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Furthermore, the unavailability of this information derives independent economic value for FreedomVoice because disclosure of such information would jeopardize Petitioner’s ability to compete in the provision of

¹ A “trade secret” is defined 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.” S.D. CODIFIED LAWS § 37-29-1(4).

telecommunications services in the State of South Dakota. FreedomVoice is not a public corporation, and its financial and business information are uniquely sensitive.

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

CONCLUSION

WHEREFORE, CallCatchers Inc. d/b/a FreedomVoice Systems respectfully requests that the Commission deem the attached financial statements as confidential and protected from public disclosure under the provisions set forth in S.D. Admin. R. 20:10:01:40, and 20:10:01:43.

Respectfully submitted,



Michael P. Donahue
Keenan P. Adamchak
Marashlian & Donahue, PLLC
1420 Spring Hill Road, Suite 401
Tysons, VA 22102
Tel: (703) 714-1319/ -1323
Fax: (703) 563-6222
Email: mpd@commlawgroup.com
kpa@commlawgroup.com

Counsel for CallCatchers Inc. d/b/a FreedomVoice Systems

Dated: August 1, 2016