

BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Application of)
)
NGA 911, L.L.C.)
)
for Certificates of Authority)
to Provide Resold and Facilities-Based)
Local Exchange and Interexchange)
Telecommunications Services in the)
State of South Dakota)

Docket No. _____

REQUEST FOR CONFIDENTIAL TREATMENT

NGA 911, L.L.C. (“NGA 911” or “Applicant”) respectfully requests, pursuant to 20:10:01:41 of the South Dakota Public Utilities Commission (“Commission”) Administrative Rules (S.D. Admin. Rules or “ARSD”), that the Commission treat as confidential the financial information provided to the Commission as Exhibit E and Exhibit F (the “Confidential Exhibits”) to NGA 911’s Application for Certificates of Authority to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services in the State of South Dakota. The claim for confidential treatment is based on ARSD 20:10:01:39 (4) and South Dakota Codified Law (“SDCL”) §37-29-1 (4), SDCL §1-27-28 and SDCL §1-27-30.

Exhibit E contains financial information that NGA 911 considers proprietary, confidential, and non-public financial information constituting trade secrets, and meets the definition of “trade secret” under the SDCL §37-29-1(4), which is defined as information that “[d]erives 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 is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” This enclosed non-public information also meets the

definition of “proprietary information” under SDCL §1-27-28, which is defined as “information on pricing, costs, revenue, taxes, market share, customers, and personnel held by private entities and used for that private entity’s business purposes.” As a private company, Applicant has not publicly filed the information contained in Exhibit E with the United States Securities and Exchange Commission or other agency, nor has NGA 911 otherwise disclosed such information to the public. Further, to the best of Applicant’s knowledge, the financial information in Exhibit E has not otherwise been disclosed or released to the public. Applicant uses best efforts to keep and maintain the confidentiality of the financial information provided as Exhibit E, which derives economic value 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 and use.

Exhibit F contains information which describes the Company’s marketing strategies and copies of Company brochures that are used in the sale of its services to current and potential customers and meets the criteria established in SDCL §1-27-30 which states that “[a]ll proprietary or trade secret information obtained by a state agency from or concerning a private entity is confidential,” The information provided in Exhibit F also meets the definition of “trade secret” under SDCL §1-27-28, which is defined as “information, including a formula, pattern, compilation, program, device, method, technique, process, marketing plan, or strategic planning information.”

NGA 911 respectfully requests that the Commission treat Exhibit E and Exhibit F as confidential for a period of five years.

Specifically, the information contained in Exhibit E and Exhibit F is extremely sensitive that could be used by competitors to gain insight into internal business operations and other

information damaging to NGA 911. Disclosure of such information would be extremely detrimental and could be used by competitors to materially affect the ability of Applicant to compete effectively.

Additional information or inquiries regarding this request may be directed to the following Company contact or to Applicant's counsel.

Don Ferguson, President and CEO
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The information for which confidential treatment is requested is marked "CONFIDENTIAL" and is being filed under seal in separate electronic documents marked "CONFIDENTIAL".

Due to the sensitive nature of this information, it is appropriate for the Commission to limit access to such information. The confidential information being provided is for the use of the Commission in exercising its governmental functions. There is no legitimate purpose served by disclosing this confidential proprietary material to NGA 911's competitors or, indeed, to any person other than the appropriate staff of the Commission. For the foregoing reasons, NGA 911 respectfully requests that the Commission treat Exhibit E and Exhibit F as confidential for no less than the time limit specified above.

Respectfully submitted,



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