

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

In the Matter of the Application of )  
**Mobilitie Management, LLC** )  
for a Certificate of Authority to ) TC16- \_\_\_\_\_  
Provide Interexchange and )  
Local Exchange Telecommunications )  
Services in the State of South Dakota )

**PETITION FOR CONFIDENTIAL TREATMENT**

Pursuant to S.D. Admin. R. 20:10:01:41, Mobilitie Management, LLC (“Mobilitie Management,” or “Petitioner”) hereby requests confidential treatment of the financial statements of Petitioner’s parent company, Mobilitie Holdings, LLC (“Mobilitie Holdings”), which are submitted separately and marked “**Confidential.**” The financial statements are intended to supplement Exhibit B of Mobilitie Management’s Application for a Certificate of Authority to Provide Interexchange and Local Exchange Telecommunications Services in the State of South Dakota (“Application”) filed simultaneously herewith with the South Dakota Public Utilities Commission (“Commission”).

In support of this Petition, Mobilitie Management hereby states as follows:

**I. IDENTIFICATION OF THE SUBJECT MATTER**

The Application requires Mobilitie Management to disclose evidence of its financial capability by submitting documentation of the financial resources of its parent company, Mobilitie Holdings, which will be responsible for the financing of Mobilitie Management’s operations in the State of South Dakota. *See* S.D. Admin. R. 20:10:24:02(9), 20:10:32:03(12). Pursuant to this requirement, Mobilitie Management is submitting a copy of Mobilitie Holdings’ most recent financial statements. This document contains highly confidential and strictly proprietary

information, the public disclosure of which would result in material damage to both Petitioner and Mobilitie Holdings' financial and competitive position in South Dakota, and in other states in which Mobilitie Holdings currently is doing business.

## **II. LENGTH OF TIME FOR WHICH CONFIDENTIALITY IS REQUESTED**

Petitioner requests that Mobilitie Holdings' financial statements be maintained as confidential indefinitely.

## **III. CONTACT INFORMATION**

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

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## **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,"<sup>1</sup> and S.D. Admin. R. 20:10:01:41 and 20:10:01:39(4).

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<sup>1</sup> 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).

## **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, Mobilitie Holdings’ financial qualifications are not readily ascertainable. Mobilitie Holdings 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 Holdings because disclosure of such information would jeopardize Mobilitie Holdings’ ability to compete in the provision of telecommunications services in the State of South Dakota. Mobilitie Holdings is not a public corporation, and its financial and business information are uniquely sensitive.

Both Petitioner and Mobilitie Holdings take considerable efforts to maintain the secrecy of the information contained in the financial statements. Financial information of this type is not publicly disseminated, and both Petitioner and Mobilitie Holdings take reasonable steps to guard this information internally as well. Its disclosure is limited to Petitioner and Mobilitie Holdings’ 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, Mobilitie Management, LLC 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,

A handwritten signature in blue ink that reads "Michael P. Donahue". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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*Counsel for Mobilitie Management, LLC*

Dated: April 6, 2016