
**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE FILING OF
TRACFONE WIRELESS, INC.'S
PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS
CARRIER IN THE STATE OF SOUTH
DAKOTA FOR THE LIMITED
PURPOSE OF PROVIDING LIFELINE
SERVICE TO QUALIFYING
CUSTOMERS**

Docket No. TC24-005

**TRACFONE WIRELESS, INC.'S REQUEST FOR
CONFIDENTIAL TREATMENT OF INFORMATION
PROVIDED IN RESPONSE TO FIRST DATA REQUEST OF
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION STAFF**

TracFone Wireless, Inc. (TracFone), pursuant to A.R.S.D. 20:10:01:41, respectfully requests confidential treatment of certain information and exhibits it is providing in response to the First Data Request (Request) of the South Dakota Public Utilities Commission (Commission) issued on September 11, 2024.

TracFone is timely submitting its responses to Commission Staff Requests. However, certain Requests seek information or documents that contain trade secret or proprietary information under South Dakota law. Concurrent with this request, TracFone is filing a confidential version of its response that is clearly identified as “CONFIDENTIAL” in the file name and on each page of the document. TracFone is also filing a non-confidential version of its response that redacts confidential information. TracFone provides the following information in support of its request for confidential treatment of the specific information and exhibits it has identified as confidential.

Requests 1-16, 1-21, 1-29, and 1-32 seek trade secret and proprietary information that TracFone protects from unauthorized disclosure to third parties. South Dakota law defines “trade secret” as information that “(i) [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 (ii) [i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” S.D.C.L. §§ 1-27-28(5) and 37-29-1(4). South Dakota law defines “proprietary information” 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.” S.D.C.L. § 1-27-28(4).

Requests 1-16, 1-21, 1-29, and 1-32 seek confidential data regarding TracFone’s customers’ conduct (Request 1-16) , number of customers that purchased its services (Requests 1-21 and 1-32), and its internal policies and procedures (Request 1-29). Specifically, Request 1-16 asks for the percentage of TracFone’s current subscribers who purchase additional voice or data; Request 1-21 asks for the number TracFone’s ACP customers nationwide and in South Dakota; Request 1-29 asks how TracFone handles consumer complaints; and Request 1-32 asks for the number of non-Lifeline customers in each state. TracFone considers the foregoing information to be highly confidential and proprietary and ensures that it is not disclosed to any unauthorized third parties.

The provision of wireless communications services is a highly competitive market in which TracFone is only one of numerous participants. None of the foregoing information is generally known or readily ascertainable by third parties. TracFone derives

economic value from the information not being available to third parties, and especially to competitors. As such, the information sought to be protected is a trade secret..

The information sought to be protected also qualifies as proprietary information. The percentage of customers who purchase service beyond the amount provided in TracFone's plans is confidential customer data regarding whether the customers are receiving sufficient services to meet their communications needs during the relevant plan term. Similarly, the number of ACP customers nationwide and for South Dakota, as well as the number of non-Lifeline customers in each state, constitutes confidential information regarding how TracFone's customers are distributed geographically and could be used to determine its market share. Finally, TracFone's internal policy and procedure regarding how it handles customer complaints is confidential as it was developed by TracFone based on its experience providing wireless services. Moreover, the policy and procedure document states the following on every page: "This document is the confidential and proprietary product of TracFone Wireless, Inc. Any unauthorized use, reproduction or transfer of this document is strictly prohibited." The foregoing information constitutes customer data and information about internal operations that are used by TracFone for business purposes, and therefore, is proprietary. Public disclosure of this information would harm TracFone because it would enable competitors to gain unfair access to trade secret and proprietary information.

TracFone requests that the Commission treat its responses to Requests 1-16, 1-21, 1-29, and 1-32, including exhibits, for an indefinite period of time. Undersigned counsel for TracFone may be contacted regarding this request for confidential treatment.

Based on the foregoing reasons, TracFone requests the Commission to grant this request and treat the information and exhibits provided in response to Requests 1-16, 1-21, 1-29, and 1-32 as confidential.

Respectfully submitted,



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Counsel for TracFone Wireless, Inc.

October 11, 2024

CERTIFICATE OF SERVICE

I hereby certify that a copy of TracFone's Request for Confidential Treatment of Information Provided in Response to First Data Request of South Dakota Public Utilities Commission Staff dated October 11, 2024, was electronically served upon the following parties to PUC Docket No. TC24-005:

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