



**Via Electronic Comment Filing System & Federal Express**

Date: 10-JUNE-2021

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

*Re: Request for Confidential Treatment for Application of TNC Communications, Inc. For Authorization to Obtain Numbering Resources Pursuant to Section 52.15(g) of the Commission's Rules*

Dear Ms. Dortch:

Pursuant to Section 51.15(g)(3)(i) of the Commission's Rules, TNC Communications, Inc. ("TNC") hereby submits its application requesting authorization to obtain numbering resources.

TNC respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457 and 0.459, the Commission withhold from public inspection and treatment Exhibit 2 to this application as confidential because that document contains sensitive trade secrets and commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").<sup>1</sup> The information in Exhibit 2 is "of a kind that would not customarily be released to the public," therefore, this information qualified for confidential treatment under FOIA<sup>2</sup>. TNC respectfully submits that it would suffer substantial competitive harm if this information were disclosed.<sup>3</sup>

TNC hereby certifies that it has the managerial, technical, and financial ability to provide reliable service. TNC is a wireless and fiber provider that provides high speed internet and phone services via VoIP primarily to commercial customers. None of the identified personnel in the Application of TNC Communications for Authorization to Obtain Numbering Resources are being or have been investigated by the Commission, any law enforcement agency, or any regulatory agency for failure to comply with any law, rule, or order.

Exhibit 2 is accordingly marked with the header "SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT - NOT FOR PUBLIC INSPECTION."

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<sup>1</sup> 5 U.S.C. § 552(b)(4).

<sup>2</sup> See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

<sup>3</sup> See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

In support of this request and pursuant to Section 0.459(b) of the Commission's rules,<sup>4</sup> TNC hereby states as follows:

**1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT<sup>5</sup>**

TNC seeks confidential treatment of Exhibit 2 to the enclosed supplement.

## **2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION<sup>6</sup>**

TNC is submitting the supplement, a Confidential agreement between it and its carrier partner, as proof of TNC's facilities readiness as required by Section 52.15(g)(3)(i)(D) of the Commission's rules.

**3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL,  
OR CONTAINS A TRADE SECRET OR IS PRIVILEGED<sup>7</sup>**

The information for which TNC seeks confidential treatment contains sensitive commercial information “which would customarily be guarded from competitors.”<sup>8</sup> Exhibit 2 consists of a commercial agreement between TNC and its carrier partner and contains proprietary commercial information concerning TNC’s network, customers, and services.

**4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNs A SERVICE THAT IS SUBJECT TO COMPETITION<sup>9</sup>**

Exhibit 2 contains information relating to commercial matters that could be used by competitors to TNC's disadvantage. TNC has numerous competitors in the Voice over Internet Protocol ("VoIP") services sector in which it operates. Detailed operations and commercial information of the type provided by TNC could compromise TNC's positions in this highly competitive industry. Release would therefore result in substantial competitive harm to TNC.

<sup>4</sup> 47 C.F.R. § 0.459(b).

<sup>5</sup> 47 C.F.R. § 0.459(b)(1).

<sup>6</sup> 47 C.F.R. § 0.459(b)(2).

<sup>7</sup> 47 C.F.R. § 0.459(b)(3).

<sup>8</sup> 47 C.F.R. § 0.459(b)(2).

<sup>9</sup> 47 C.F.R. § 0.459(b)(4).

**5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM<sup>10</sup>**

Competitors could use TNC's proprietary commercial and operational information to TNC's detriment as they would gain access to sensitive information about how TNC provides services as well as about TNC's commercial agreements with others in the market that are not normally disclosed to the public.

**6. IDENTIFICATION OF ANY MEASURE TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE<sup>11</sup>**

TNC has not distributed the information in Exhibit 2 to the public.

**7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES<sup>12</sup>**

TNC has not previously disclosed the information in Exhibit 2.

**8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE<sup>13</sup>**

TNC requests that Exhibit 2 be treated as confidential for a period of ten years. This period is necessary due to the proprietary nature of the information in Exhibit 2.

**9. OTHER INFORMATION THAT TNC BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED<sup>14</sup>**

The information concerns TNC's proprietary network information, related to current and planned commercial and operational information, and as such, is commercially sensitive.

Should you have any questions regarding the foregoing information, please don't hesitate to contact me.

Respectfully submitted,

/s/ Addam Holdorf

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<sup>10</sup> 47 C.F.R. § 0.459(b)(5).

<sup>11</sup> 47 C.F.R. § 0.459(b)(6).

<sup>12</sup> 47 C.F.R. § 0.459(b)(7).

<sup>13</sup> 47 C.F.R. § 0.459(b)(8).

<sup>14</sup> 47 C.F.R. § 0.459(b)(9).

**SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT –  
NOT FOR PUBLIC INSPECTION**

**EXHIBIT 2**

**CONFIDENTIAL MATERIALS OMITTED**

**AGREEMENT BETWEEN TNC AND CARRIER PARTNER**