



Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW | Washington, DC 20036 | tel 202.663.8000 | fax 202.663.8007

Glenn S. Richards
tel: +1.202.663.8215
glenn.richards@pillsburylaw.com

February 24, 2021

VIA ECFS AND EMAIL

**REQUEST FOR CONFIDENTIAL
TREATMENT**

Marlene H. Dortch
Secretary
Federal Communications Commission
9050 Junction Drive
Annapolis Junction, MD 20701

**Re: Supplement to the Application of ENA Services, LLC for
Authorization to Obtain Numbering Resources and Request for
Confidential Treatment, WC Docket No. 21-1**

Dear Ms. Dortch:

Pursuant to Section 52.15(g)(3)(i) of the FCC's Rules,¹ ENA Services, LLC ("ENA" or "Applicant") respectfully submits the attached supplement to its application for authorization to obtain numbering resources (the "Supplement").²

Because this filing contains confidential information, a public version of the Supplement is being filed electronically via the FCC's Electronic Comment Filing System ("ECFS") and a confidential version has been provided to FCC staff via email pursuant to staff instructions. Pursuant to Sections 552(b)(4) and 552(b)(7) of the Freedom of Information Act³ ("FOIA") and Sections 0.457 and 0.459 of the FCC's Rules,⁴ ENA respectfully requests that the FCC withhold from public inspection, and grant confidential treatment to, the Fourth Addendum to Master Service Agreement, by and between ENA and its Carrier Partner, dated April 30, 2014 ("Fourth Addendum"), attached to the Supplement as the Exhibit. The Fourth Addendum contains proprietary and confidential information that ENA does not make available for public inspection,

¹ 47 C.F.R. § 52.15(g)(3)(i).

² See Application of ENA Services, LLC for Authorization to Obtain Numbering Resources, WC Docket No. 21-1 (filed Dec. 17, 2020).

³ 5 U.S.C. §§ 552(b)(4), 552(b)(7).

⁴ 47 C.F.R. §§ 0.457, 0.459.

Page 2

and thus should be withheld from public inspection under the FCC’s Rules and FOIA Exemption 4 (protecting from disclosure “trade secrets and commercial or financial information”).⁵

In accordance with Section 0.459 of the FCC’s Rules, ENA supports its request as follows:

(1) Identification of the specific information for which confidential treatment is sought:

Applicant seeks confidential treatment for the Fourth Addendum, attached to the Supplement as the Exhibit.

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:

ENA is submitting the Fourth Addendum in connection with the Supplement upon request from Wireline Competition Bureau staff and as further proof of ENA’s facilities readiness, as required by Section 52.15(g)(3)(i)(D) of the FCC’s Rules.

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged:

The Fourth Addendum contains propriety commercial information, including pricing information and the parties’ obligations. Negotiations behind the Fourth Addendum were conducted on a confidential and proprietary basis, and the terms of the Fourth Addendum are similarly kept confidential by the parties. None of this information would be disclosed to the public in the ordinary course because it relates to the sensitive private commercial contractual obligations among the parties.

(4) Explanation of the degree to which the information concerns a service that is subject to competition:

ENA competes for subscribers in a highly competitive iVoIP industry. ENA’s competitive advantages in such an industry are drawn from, among other things, its operational capabilities and the pricing agreements reached with its Carrier Partner, which are included in the Fourth Addendum.

⁵ 5 U.S.C. § 552(b)(4).

Page 3

(5) Explanation of how disclosure of the information could result in substantial competitive harm:

Disclosure of the Fourth Addendum would have a substantial adverse impact on ENA because it would provide access to sensitive and propriety information behind ENA's provision of services and its commercial agreements. This information is not publicly disclosed in the ordinary course and could be used to the detriment of ENA by its competitors or parties with whom ENA engages in high stakes negotiations.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure:

ENA does not publicly disclose the proprietary commercial information contained in the Fourth Addendum in the normal course of business, and each party to the Fourth Addendum is subject to contractual confidentiality obligations.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:

ENA has not made the details of the Fourth Addendum available to the public or to any third parties.

(8) Justification of the period during which the submitting party asserts that the material should not be available for public disclosure:

ENA requests permanent confidential treatment and non-disclosure because it is impossible to predict when the information contained in the Fourth Addendum would no longer be useful to ENA's competitors or other third parties.

For the foregoing reasons, ENA submits that good cause exists to grant this request for confidential treatment. Accordingly, ENA urges the FCC to grant this request and withhold the Fourth Addendum from public inspection. To the extent that the FCC disagrees and denies this request, ENA requests that the enclosed confidential materials be returned to ENA without consideration, pursuant to Section 0.459(e) of the FCC's Rules.⁶

⁶ 47 C.F.R. § 0.459(e).

PUBLIC VERSION

Page 4

Please direct any questions or inquiries regarding this matter to the undersigned.

/s/ Glenn S. Richards

Glenn S. Richards

Counsel to ENA Services, LLC

February 24, 2021

PUBLIC VERSION

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
ENA Services, LLC) WC Docket No. 21-1
)
For Authorization to Obtain Numbering)
Resources Pursuant to Section 52.15(g)(3))
of the FCC's Rules)

**SUPPLEMENT TO THE APPLICATION OF ENA SERVICES, LLC
FOR AUTHORIZATION TO OBTAIN NUMBERING RESOURCES**

On December 17, 2020, ENA Services, LLC (“ENA” or “Applicant”) requested authorization to obtain numbering resources pursuant to Section 52.15(g)(3) of the FCC’s Rules¹ (the “Application”). The Wireline Competition Bureau subsequently sought additional information regarding where ENA intends to initially offer interconnected VoIP services post-authorization, and evidence that the agreement by and between ENA and its Carrier Partner included in the Application (“Carrier Partner Agreement”) remains in effect. In support of the Application, ENA provides the following information:

1. Post-authorization, ENA intends to initially offer interconnected VoIP services in Tennessee.
2. Evidence that the Carrier Partner Agreement remains in effect, in the form of the Fourth Addendum to Master Service Agreement, by and between ENA and its Carrier Partner, dated April 30, 2014, is included herein as the Exhibit.

¹ 47 C.F.R. § 52.15(g)(3).

PUBLIC VERSION

Respectfully submitted,

/s/ Glenn S. Richards

Glenn S. Richards

Pillsbury Winthrop Shaw Pittman LLP

1200 Seventeenth Street, NW

Washington, DC 20036

(202) 663-8215

glenrichards@pillsburylaw.com

Counsel to ENA Services, LLC

February 24, 2021

PUBLIC VERSION

EXHIBIT

FOURTH ADDENDUM TO MASTER SERVICE AGREEMENT,

BY AND BETWEEN ENA AND ITS CARRIER PARTNER,

DATED APRIL 30, 2014

(CONFIDENTIAL EXHIBIT

SUBMITTED SEPARATELY)