

# COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG  
LONDON LOS ANGELES NEW YORK PALO ALTO  
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September 30, 2024

## VIA ECFS AND EMAIL

Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**Re: Request for Confidential Treatment, Supplement to  
Application of TDS Broadband Service, LLC for Authority  
to Obtain Numbering Resources Pursuant to Section  
52.15(g) of the Commission's Rules**

Dear Ms. Dortch:

Pursuant to section 52.15(g) of the Commission's rules, TDS Broadband Service, LLC ("TDS Broadband Service") hereby submits the enclosed supplement to its application for authorization to obtain numbering resources and requests confidential treatment of Exhibits A-2 and A-3 contained within the supplement.<sup>1</sup> Consistent with sections 0.457 and 0.459 of the Commission's rules,<sup>2</sup> TDS Broadband Service has labeled the relevant exhibits "Confidential – Not for Public Inspection."

TDS Broadband Service respectfully requests confidential treatment for Exhibits A-2 and A-3, which contain evidence of TDS Broadband Service's compliance with its 911 obligations under part 9 of the Commission's rules, as well as with the provisions of the Communications Assistance with Law Enforcement Act, 47 U.S.C. § 1001 *et seq* ("CALEA"). These Exhibits contain commercially sensitive agreements between TDS Broadband Service and its 911 service provider, as well as technologically sensitive diagrams showing how TDS Broadband Service complies with CALEA. TDS Broadband Service therefore requests that the information in Exhibits A-2 and A-3 be withheld from public inspection pursuant to Exemption 4 of the Freedom of Information Act ("FOIA") and section 0.457 of the Commission's rules.<sup>3</sup>

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<sup>1</sup> This Request for Confidential Treatment is submitted in addition to the May 17 Request for Confidential Treatment to cover newly submitted confidential exhibits in this supplement.

<sup>2</sup> See 47 CFR §§ 0.457, 0.459.

<sup>3</sup> See 5 U.S.C. § 552(b)(4); see also 47 CFR § 0.457(d)(2).

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In support of this request, TDS Broadband Service provides the following information, as required by sections 0.457(d)(2) and 0.459(b) of the Commission's rules.<sup>4</sup>

**1. Identification of the specific information for which confidential treatment is sought.**

TDS Broadband Service requests that Exhibits A-2 and A-3 be withheld from public disclosure under 5 U.S.C. § 552(b)(4) and 47 C.F.R. § 0.457(d)(2). These Exhibits contain proprietary and commercially sensitive information concerning TDS Broadband Service's commercial agreement with its 911 service provider and technical diagrams showing how TDS Broadband Service complies with CALEA.

**2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.**

TDS Broadband Service is submitting Exhibits A-2 and A-3 with the supplement to its application for numbering resources as proof that it complies with its 911 obligations under part 9 of the Commission's rules, as well as with the provisions of CALEA, pursuant to section 52.15(g)(3)(ii)(E) of the Commission's rules governing such applications.

**3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged**

Exhibits A-2 and A-3 contain business confidential agreements between TDS Broadband Service and its 911 service provider, and technical diagrams showing how TDS Broadband Service transmits voice traffic to the PSTN in compliance with CALEA. This information is subject to exemption from public disclosure under FOIA Exemption 4.<sup>5</sup> The Commission has long held that, for the purposes of Exemption 4, "records are 'commercial' as long as the submitter has a commercial interest in them."<sup>6</sup>

**4. Explanation of the degree to which the information concerns a service that is subject to competition**

The interconnected voice over internet protocol (VoIP) market is highly competitive. The commercial information at issue concerns TDS Broadband Service's ability to comply with the 911 service and CALEA obligations applicable to all VoIP service

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<sup>4</sup> See 47 CFR §§ 0.457(d)(2), 0.459.

<sup>5</sup> See 5 U.S.C. § 552(b)(4).

<sup>6</sup> *Robert J. Butler*, 6 FCC Rcd 5414, 5415 (1991) (citing *Pub. Citizen Rsch. Grp. v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983) and *Am. Airlines v. Nat'l Mediation Bd.*, 588 F.2d 863, 868 (2d Cir. 1978)).

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providers, and thus “concerns a service subject to competition.”<sup>7</sup> As such, this information qualifies as sensitive internal business and commercial information entitled to protection under FOIA and the Commission’s rules.<sup>8</sup>

### **5. Explanation of how disclosure of the information could result in substantial competitive harm**

Release of the confidential information contained in Exhibits A-2 and A-3 likely would cause competitive harm to TDS Broadband Service. As the U.S. Court of Appeals for the D.C. Circuit has stated, parties do not have to “show actual competitive harm” to justify confidential treatment; rather, “[a]ctual competition and the likelihood of substantial competitive injury” is sufficient to bring commercial information within the realm of confidentiality.<sup>9</sup> The VoIP industry is highly competitive, and TDS Broadband Service’s competitors could take advantage of the commercially sensitive agreements and technical information contained in the Exhibits.

### **6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure**

TDS Broadband Service treats the agreement and diagrams contained in Exhibits A-2 and A-3 respectively as confidential and proprietary. It does not publicly disclose this information.

### **7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties**

TDS Broadband Service has not publicly disclosed the information for which it is seeking protection. This information is provided to TDS Broadband Service’s commercial partners subject to confidentiality provisions in the agreements to the extent necessary for TDS Broadband Service to comply with its 911 service and CALEA obligations.

### **8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure**

The confidential information contained in Exhibits A-2 and A-3 should never be released for public inspection. The information is commercially sensitive and

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<sup>7</sup> 47 CFR § 0.459(b)(4).

<sup>8</sup> See 5 U.S.C. § 552(b)(4), 47 CFR § 0.457(d)(2).

<sup>9</sup> *Pub. Citizen Rsch. Grp. v. FDA*, 704 F.2d 1280, 1291 (D.C. Cir. 1983) (quoting *Gulf & W. Indus. v. United States*, 615 F.2d 527, 530 (D.C. Cir. 1979)).

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confidential and any release would commercially disadvantage TDS Broadband Service.

For the foregoing reasons, TDS Broadband Service respectfully requests that the Commission keep Exhibits A-2 and A-3 within the enclosed supplement confidential and withhold them from public inspection.

Please direct any questions regarding this request to the undersigned.

Respectfully submitted,

/s/  
Yaron Dori  
John Cobb  
COVINGTON & BURLING LLP  
850 Tenth Street, NW  
Washington, DC 20001  
(202) 662-6000

*Counsel for TDS Broadband Service*

Enclosure

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

In the Matter of <b>TDS Broadband Service, LLC</b> For Authority to Obtain Numbering Resources Pursuant to Section 52.15(g) of The Commission’s Rules	) ) ) ) ) )	WC Docket No. 24-156
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**SUPPLEMENT TO APPLICATION OF TDS BROADBAND SERVICE, LLC  
FOR AUTHORIZATION TO OBTAIN NUMBERING RESOURCES**

TDS Broadband Service, LLC (“TDS Broadband Service”), pursuant to Section 52.15(g)(3) of the Commission’s rules, hereby submits this supplement to its May 16, 2024 Application for Authorization to Obtain Numbering Resources. On September 21, 2023, the Commission adopted a *Second Report and Order* that amended Section 52.15 to require additional certifications by applicants for direct access to numbering resources.<sup>1</sup> At the time of adoption, the effective date of certain of these new requirements was delayed indefinitely pending review by the Office of Management and Budget (“OMB”) pursuant to the Paperwork Reduction Act.<sup>2</sup> Based on guidance from Commission staff, TDS Broadband Service understands that the these rules were approved by OMB on April 19, 2024.<sup>3</sup> Accordingly, TDS Broadband Service hereby submits the following additional information required by the revised Section 52.15.<sup>4</sup>

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<sup>1</sup> *Numbering Policies for Modern Communications, et al.*, WC Docket No. 13-97 et al., Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 23-75 (Sept. 21, 2023).

<sup>2</sup> *See id.*, at 48, ¶ 105 (delaying the effective date of 47 CFR § 52.15(g)(3)(ii)(B)-(F), (I), (K)-(L), and (N), and (x)(A) pending review by OMB).

<sup>3</sup> *Numbering Policies for Modern Communications, et al.*, WC Docket No. 13-97 et al., 89 Fed Reg. 64832 (Aug. 8, 2024).

<sup>4</sup> Based on guidance from FCC staff, TDS Broadband Service does not include here the information and certifications previously filed on May 16, 2024. TDS Broadband Service affirms that the information contained therein remains true and correct.

**I. ADDITIONAL INFORMATION REQUIRED BY SECTION 52.15(g)(3)(ii).**

- a. § 52.15(g)(3)(ii)(C).** TDS Broadband Service hereby certifies that it will not use the numbers obtained pursuant to an authorization under Section 52.15(g) to knowingly transmit, encourage, assist, or facilitate illegal robocalls, illegal spoofing, or fraud, in violation of robocall, spoofing, and deceptive telemarketing obligations under Sections 64.1200, 64.1604, and 64.6300 *et seq.* of the Commission's rules, and 16 CFR § 310.3(b).
- b. § 52.15(g)(3)(ii)(D).** TDS Broadband Service hereby certifies that it has fully complied with all applicable STIR/SHAKEN caller ID authentication and robocall mitigation program requirements and filed a certification in the Robocall Mitigation Database as required by Sections 64.6301 to 64.305 of the Commission's rules.
- c. § 52.15(g)(3)(ii)(E).** TDS Broadband Service hereby certifies that it complies with its 911 obligations under part 9 of the Commission's rules, as well as with the provisions of the Communications Assistance with Law Enforcement Act, 47 U.S.C. § 1001 *et seq.* Evidence that TDS Broadband Service has complied with these requirements is attached hereto as Exhibit A.
- d. § 52.15(g)(3)(ii)(F).** TDS Broadband Service hereby certifies that it complies with the Access Stimulation rules under Section 51.914 of the Commission's rules.
- e. § 52.15(g)(3)(ii)(I).** Proof that TDS Broadband Service has filed FCC Forms 477 and 499 is attached hereto as Exhibit B.
- f. § 52.15(g)(3)(ii)(L).** Attached hereto as Exhibit C is a list containing the name, address, citizenship and principal businesses of all entities that directly or indirectly owns at least ten percent of the equity of TDS Broadband Service, and the percentage of equity owned by each of those entities (to the nearest one percent). Specifically, three entities hold equity in Telephone & Data Systems, Inc. (TDS), and thus indirectly hold an interest in TDS Broadband Service (no persons hold a greater than ten percent equity interest in

TDS Broadband Service). TDS Broadband Service is a wholly-owned subsidiary of TDS Broadband LLC, which is a wholly-owned subsidiary of TDS Telecommunications LLC (TDS Telecom), which is wholly-owned a subsidiary of TDS. TDS Broadband Service does not have any interlocking directorates with any foreign carrier. TDS Broadband Service hereby certifies that it is not affiliated with a foreign carrier.

- g. § 52.15(g)(3)(ii)(N).** A declaration prepared pursuant to Section 1.16 of the Commission's rules is attached hereto as Exhibit D.

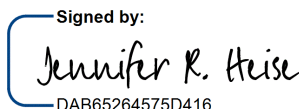
**II. ACKNOWLEDGEMENT OF CONDITIONS IN SECTION 53.15(g)(3)(x).**

As required by Section 52.15(g)(3)(x) of the Commission's rules, TDS Broadband Service will maintain the accuracy of all contact information, certifications, and ownership or affiliation information in this application, and will notify the Commission within 30 days of any changes to the above.

**III. CONCLUSION**

Pursuant to Section 52.15(g)(3)(ii) of the Commission's Rules, TDS Broadband Service respectfully requests the Commission grant this application for authorization to obtain numbering resources.

Respectfully submitted,

Signed by:  
  
DAB65264575D416...

Jennifer R. Heise  
Manager - Regulatory Compliance  
TDS Broadband Service, LLC  
525 Junction Road  
Madison, WI 53717  
(608) 664-4148  
[jennifer.heise@tdstelecom.com](mailto:jennifer.heise@tdstelecom.com)

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## **Exhibit A**

### **Exhibit A-1: 911 Reliability Certification for 2023**

### **Exhibit A-2: Master Services Agreement and 911-Terms and Conditions with 911 Service Provider (Submitted Pursuant to Confidentiality Request)**

### **Exhibit A-3: Diagrams Showing CALEA Compliance (Submitted Pursuant to Confidentiality Request)**



## **Exhibit A-1: 911 Reliability Certification for 2023**

Attestation by Certifying Official

911 Reliability Certification for 2023

Pursuant to Federal Communications Commission Rule 12.4, 47 C.F.R. § 12.4, I hereby attest that I am a corporate officer with supervisory and budgetary authority over network operations of a Covered 911 Service Provider in all relevant service areas.

I further attest, under penalty and perjury, that covered 911 Service Provider TDS TELECOM:

- 1. Has satisfied applicable certification obligations with respect to circuit diversity, backup power and network monitoring set forth in Federal Communications Commission Rule 12.4(c), 47 C.F.R. § 12.4 (c).
- 2. Has adequate internal controls to bring to my attention material information regarding network architecture, operations, and maintenance that would affect the certification.
- 3. Has made me aware of all material information reasonably necessary to complete the certification.

DocuSigned by:  
*Shane West*  
04A60670802E450...  
Signature

Shane West  
Print Name

Senior Vice President – Network Operations  
Title

10/12/2023 | 4:31 PM CDT  
Date

**Exhibit A-2: Master Services Agreement and 911-Terms  
and Conditions with 911 Service Provider  
(Submitted Pursuant to Confidentiality Request)**

**REDACTED FOR PUBLIC INSPECTION**

**Exhibit A-3: Diagrams Showing CALEA Compliance  
(Submitted Pursuant to Confidentiality Request)**

**REDACTED FOR PUBLIC INSPECTION**

## **Exhibit B**

### **Proof of Filing for FCC Forms 477 and 499**

# Broadband Data Collection System

[Help](#) | [Pamela Trickel](#)

[Submissions Dashboard](#) / [Submission Overview](#)

## Submission Overview

SUBMISSION CERTIFIED

FRN: 0022516330 | Service Provider | TDS  
BROADBAND SERVICE LLC

Data as of December  
31, 2023

**Biannual Filing Window**  
  

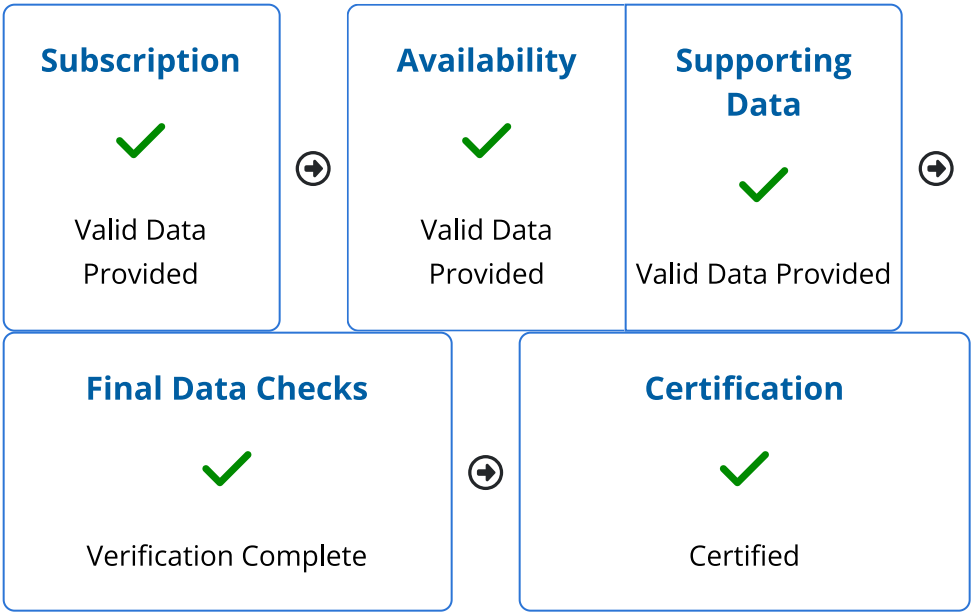
DATA AS-OF DATE	WINDOW OPEN
Dec 31, 2023	Jan 2, 2024
TODAY'S DATE	WINDOW CLOSE
Feb 29, 2024	Mar 1, 2024
WINDOW STATUS	
OPEN	
FILING STATUS	
Original - Certified	

**Fixed Data Requests**  
  
[Fixed Challenges](#)  
2

**Mobile Data Requests**  
  
[Mobile Crowdsourced Data](#)  
5

### Submission Steps

[Decertify Submission](#)



Fixed Submission Data

	Subscription Data Files Currently Processing (0)	Availability Data Files Currently Processing (0)	
Service	Subscribers	Locations	Supporting Data
Fixed Broadband	216,347	365,679	✓ 2 of 2
Cable	184,017	310,206	✓ 1 of 1
Fiber to the Premises	32,330	55,473	✓ 1 of 1
Fixed Voice	69,139		
Non-ILEC	69,139		

FCC Form 499-Q Telecommunications Reporting Worksheet

Quarterly Filing for Universal Service Contributors

> Please read instructions before completing <

Approval by OMB  
3060-0855

Block 1: Contributor Identification Information	101	Filer 499 ID	829912
102 Legal name of reporting entity	TDS Baja Broadband LLC		
103 Filer's IRS employer identification number	90-0945006		
104 Name telecommunications provider is doing business as	TDS Baja Broadband LLC		
105 Affiliated Filers Name/Holding Company Name <small>[All affiliated companies should show same name here. In most cases, the Affiliated Filers Name will be the holding company name.]</small>	Check if filer has no affiliates: <input type="checkbox"/> TDS Broadband Service LLC		
105.1 Affiliated Filers Name/Holding Company Name IRS employer identification number	90-0945006		
106 Filer's FCC Registration Number (FRN)	0002-5163-30		
107 Complete mailing address of reporting entity's corporate headquarters	525 Junction Rd , US		

Block 2: Contact Information

108 Person who completed this worksheet	First Melanie	MI	Last Arp
109 Telephone number of this person	( 865 ) - 218-9367 ext		
110 Fax number of this person	( ) -		
111 Email of this person	melanie.arp@tdstelecom.com		
112 Billing address and billing contact person: <small>[Bills for Universal Service contributions will be sent to this address.]</small>	Sharon Tisdale 525 Junction Rd Madison WI 53717 0000 United States sharon.tisdale@tdsinc.com 802 485-9741 0 608 830-5580		

Block 3: Contributor Historical and Projected Revenue Information

113	Indicate which quarterly filing this represents	<b>Filing due</b> <input type="checkbox"/> November 1, 2023 <input type="checkbox"/> February 1, 2024 <input type="checkbox"/> May 1, 2024 <input checked="" type="checkbox"/> August 1, 2024	<b>Historical revenues (lines 115-118) for</b> July 1 - September 30, 2023 October 1 - December 31, 2023 January 1 – March 31, 2024 April 1 – June 30, 2024	<b>Projected revenues (lines 119-120) for</b> January 1 - March 31, 2024 April 1 - June 30, 2024 July 1 - September 30, 2024 October 1 - December 31, 2024
114	Check if using safe harbor to allocate interstate/intrastate revenues for each of the following (as applicable): Cellular & broadband PCS: <input type="checkbox"/> Paging: <input type="checkbox"/> Analog SMR: <input type="checkbox"/> Interconnected VoIP: <input checked="" type="checkbox"/>			
Historical billed revenues with no allowance or deductions for uncollectibles. See Instructions.		Total Revenues (a)	Interstate Revenues (b)	International Revenues (c)
115	Telecommunications provided to other universal service contributors for resale as telecommunications or as interconnected VoIP	\$807,708.00	\$799,908.00	\$0.00
116	End-user telecommunications revenues including any pass-through charges for universal service contributions, but excluding international-to-international revenues	\$5,202,246.00	\$749,041.00	\$3,871.00
117	All other goods and services	\$73,972,284.00	Column (b) and (c) not requested	
118	Gross-billed revenues from all sources [sum of above]	\$79,982,238.00	for Lines 117 and 118	
119	Projected gross-billed end-user interstate and international telecommunications revenues including any pass-through charges for universal service contributions, but excluding international-to-international revenues		\$749,040.00	\$3,870.00
120	Projected collected end-user interstate and international telecommunications revenues including any pass-through charges for universal service contributions, but excluding international-to-international revenues		\$744,200.00	\$3,800.00

Block 4: CERTIFICATION: to be signed by an officer of the reporting entity

121	I certify that the revenue data contained herein are privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the revenue information contained herein pursuant to sections 0.459, 52.17, 54.711 and 64.604 of the Commission's Rules. <input checked="" type="checkbox"/>		
I certify that I am an officer of the above-named reporting entity, that I have examined the foregoing report and to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true, that said Worksheet is an accurate statement of the affairs of the above-named company for the quarter and that the projections of gross-billed and collected revenues represent a good-faith estimate based on company procedures and policies.			
122	Signature		
123	Printed name of officer		
124	Position with reporting entity		
125	Email of officer (Required if available)		
126	Date		
127	This filing is: <input checked="" type="checkbox"/> Original filing <input type="checkbox"/> Revised filing [revisions due within 45 days of original filing deadline]		

Do not mail checks with this form. File this form online <https://forms.universalservice.org/portal/login> For additional information regarding this worksheet contact: Telecommunications Reporting Worksheet Info: (888)641-8722 or via email: Form499@usac.org



## **Exhibit C**

### **Entities Holding Greater than Ten Percent Equity**

Name	Address	Citizenship	Principal Business	Percentage of Equity Owned <sup>1</sup>
BlackRock, Inc.	55 East 52 <sup>nd</sup> Street New York, NY 10022	DE	Financial Services	15.7%
TDS Voting Trust	c/o LeRoy T. Carlson, Jr. Telephone and Data Systems, Inc. 30 N. LaSalle St. Suite 4000 Chicago, IL 60602	DE	n/a	12%
The Vanguard Group	100 Vanguard Blvd. Malvern, PA 19355	PA	Financial Services	10.8%

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<sup>1</sup> Ownership data drawn from the TDS Notice of the 2024 Annual Meeting of Shareholders and Proxy Statement filed with the U.S. Securities and Exchange Commission. *See* Telephone and Data Systems, Inc., 2024 Annual Meeting of Shareholders and Proxy Statement, April 19, 2024, pp. 70-71, available at <https://www.tdsinc.com/investor-relations/financials/sec-filings/default.aspx>.

## **Exhibit D**

### **Officer's Declaration**

## DECLARATION OF ANDREW S. PETERSEN

I, Andrew S. Petersen, do hereby declare under the penalty of perjury, pursuant to 47 C.F.R. § 1.16, that the following is true and correct:

1. I am the Vice President for TDS Broadband Service, LCC (“TDS Broadband Service”). I have served in this role since January 1, 2018.
2. I have reviewed the foregoing Supplement to the Application of TDS Broadband Service for Authorization to Obtain Numbering Resources, as well as the Application of TDS Broadband Service for Authorization to Obtain Numbering Resources filed on May 16, 2024, and the exhibits thereto, and I am familiar with their contents.
3. To the best of my knowledge, information, and belief, the information set forth in the foregoing Supplement is true and accurate.

Executed on September 30, 2024

Madison, WI 53717

DocuSigned by:  
*Andrew Petersen*  
2A9B535C9D1E4C0...