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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSIONS

Mobilitie, LLC Application for Certification
to Provide Non-switched Local Transport
Services throughout the State of Idaho

CASE NO. MOB-T-10-01

WRITTEN STATEMENT OF CONFIDENTIALITY

Mobilitie, LLC (“Mobilitie” or “Applicant”), by counsel, and pursuant to Idaho Statutes § 9-340D and IDAPA 31.01.01.067, hereby files this Written Statement of Confidentiality (“Statement”) in the above captioned proceeding. By this Statement, Mobilitie seeks confidential treatment by the Idaho Public Utility Commission (“Commission”) of certain commercially sensitive financial information attached as **Exhibit 4**, filed as Confidential, to Mobilitie’s Application for a Certificate to provide facilities-based and resold competitive local exchange services, access and nondominant interexchange services (hereinafter referred to as “Services”) to customers throughout the State of Idaho. Because this Statement is an inseparable part of Mobilitie’s Application, it is being filed concurrently therewith.

The Application requires Mobilitie to disclose evidence of its financial capability by submitting documentation of its financial resources. Pursuant to this requirement, Mobilitie is

submitting copies of its unaudited financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Mobilitie's competitive position in states where Mobilitie is currently doing business.

The financial information submitted by Mobilitie in **Exhibit 4** of its Application fits squarely within the definition of "trade secrets" under Idaho Statutes § 9-340D(1)¹ and qualifies as exempt from disclosure under subsection (2) as a "business record of a private concern or enterprise required by law to be submitted to or inspected by a public agency..."² As a privately-held company, Mobilitie's financial qualifications are not readily ascertainable. Mobilitie 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 because the disclosure of such information would jeopardize Mobilitie's ability to compete in the provision of telecommunications services in Idaho and other states where it operates. Mobilitie is not a public corporation, and its financial and business information is uniquely sensitive.

Mobilitie takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Mobilitie takes reasonable steps to guard this information internally as well. Its disclosure is limited to Mobilitie's senior officers, its counsel, and employees of the company who are directly involved with Mobilitie's financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential" and is

¹ "Trade secrets" as used in this section means information . . . that: (a) [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 (b) [i]s the subject of efforts that are reasonable under the circumstances to maintain its secrecy." Idaho Statutes § 9-340D(1).

² Idaho Statutes § 9-340D(2).

accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

The unaudited financial information included in support of Mobilitie's Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. Mobilitie would suffer substantial direct harm if such information is made publicly available. The harm that would result from public disclosure of Mobilitie's financial information is real and not speculative. For the foregoing reasons, the financial information included in **Exhibit 4** should be protected from public disclosure by the Commission.

WHEREFORE, Mobilitie respectfully requests that the information contained in **Exhibit 4** of Mobilitie's Application be treated as exempt from public disclosure and provided confidential treatment in accordance with Idaho Statutes § 9-340D and IDAPA 31.01.01.067.

Respectfully submitted,

MOBILITIE, LLC
a Nevada Limited Liability Company

By:  _____

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