STATE OF SOUTH CAROLINA

IN RE: Application of TracFone Wireless, Incorporated for Designation as an Eligible Telecommunications Carrier in the State of South Carolina for the Limited Purpose of Offering Lifeline and Link Up Service to Qualified Households

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2009 - 144 - C

Submitted by: Jeremy C. Hodges
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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: Motion for Confidential Treatment

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☐ Affidavit	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certificatio
☐ Electric/Telecommunications	☐ Answer	☒ Motion	☐ Request for Investigatior
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☐ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☒ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other: e
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

BEFORE THE
SOUTH CAROLINA PUBLIC SERVICE COMMISSION

IN RE:	)	**Docket No. 2009-144-C**
	)	
Application of TracFone Wireless, Incorporated for Designation as an Eligible Telecommunications Carrier in The State of South Carolina for the Limited Purpose of Offering Lifeline And Link Up Service to Qualified Households	)	**MOTION FOR CONFIDENTIAL TREATMENT**

TracFone Wireless, Inc. ("TracFone") hereby submits this Motion pursuant to S.C.Code Ann. § 30-4-40(a)(1) (Supp. 2006) to request confidential treatment of its consolidated financial statements which have been requested by the Office of Regulatory Staff with regards to TracFone's Application for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of South Carolina. Specifically TracFone requests an order by this Commission, (1) declaring that its consolidated financial statements are confidential and proprietary; (2) affording the consolidated financial statements confidential treatment; and (3) protecting the statements and the information contained therein from public disclosure. In support hereof, the following is respectfully shown:

1. The name and address and of the Applicant are as follows:

   TracFone Wireless, Inc.
   9700 N.W. 112th Ave.
   Miami, FL 33178

2. Correspondence or inquiries regarding this Motion should be directed to:

   Nelson Mullins Riley & Scarborough, LLP
   D. Larry Kristinik
   Jeremy C. Hodges
   1320 Main Street
   Meridian, 17th Floor

Columbia, SC 29201
Telephone: 803.799.2000
Fax: 803.256.7500

Greenberg Traurig, LLP
Mitchell F. Brecher
Debra McGuire Mercer
2101 L Street, NW
Suite 1000
Washington, D.C. 20037

3. TracFone's consolidated financial statements contain information and data pertaining to the costs, expenses, and revenues for its operations throughout the United States.

4. Pursuant to the South Carolina Freedom of Information Act, this Commission is permitted to withhold from public inspection certain categories of information, including trade secrets. "Trade secret" is defined, in pertinent part, as "unpatented, secret, *commercially valuable* plans, appliances, *formulas*, or processes, which are . . . generally recognized as confidential and work products." S.C. Code Ann. § 30-4-40(a)(1) (emphasis added).

5. TracFone's consolidated financial statements contain proprietary business and financial information regarding TracFone's "virtual network" of commercial mobile radio service throughout the United States. The public disclosure of these materials would cause serious competitive harm to the company and would reveal confidential details pertaining to TracFone's costs, expenses, and revenues that could hinder its competitive position in the telecommunications marketplace of South Carolina and the United States. Because this information goes to the heart of the company's business and competitive strategy, its public disclosure would be both economically damaging to TracFone and economically advantageous to its competitors.

6. TracFone treats the information contained in its consolidated financial statements as confidential and highly proprietary. The detailed information in these statements is known only to authorized TracFone employees and undersigned counsel. TracFone does not publicly disclose this information or these statements, and they contain substantially more detailed information than is publicly available on its web site or other public source.

7. The materials in question are "generally recognized as confidential" as required under the South Carolina Freedom of Information Act and have been routinely accorded confidential treatment and withheld from public inspection by the Federal Communications Commission, regulatory agencies in other states, and this Commission.[1]

CONCLUSION

For the above stated reasons, TracFone requests that the Commission enter an order finding that TracFone's consolidated financial statements and the information contained therein is proprietary and confidential, and that the Commission and other parties shall treat them as such to avoid their disclosure to TracFone's competitors and the public. This confidential treatment is necessary to protect the company's proprietary trade secret information and competitive position in the telecommunications marketplace of South Carolina and the United States.

TracFone hereby submits in a sealed envelope for *in camera* inspection by the Commission the material for which protection is being sought, designated as TracFone's

[1] *See, e.g., Federal-State Joint Board on Universal Service, Sprint Corp.*, 19 FCC Rcd 22663, 22667, n.28 (2004) (granting confidential treatment to cost data and other information submitted in support of wireless carrier's ETC application); Petition of FTC, Inc. for Designation as an Eligible Telecommunications Carrier, Docket No. 2007-193-C, Commission Directive (SC PSC, May 23, 2007).

Consolidated Financial Statements, and requests that the Commission preserve the confidentiality of that document while this motion is under consideration and return the Financial Statements to TracFone via its undersigned counsel in the event that this motion is denied.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH, LLP

By: _____

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Attorneys for Applicant, TracFone Wireless, Inc.

May 29, 2009

BEFORE THE
SOUTH CAROLINA PUBLIC SERVICE COMMISSION

IN RE:	)	**Docket No. 2009-144-C**
	)	
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I hereby certify that on May 29, 2009, I served one copy of TracFone's Motion for Confidential Treatment by placing the Motion in the U.S. Mail with first class postage paid the following individual:

Lessie Hammonds
Office of Regulatory Staff
Post Office Box 11263
Columbia, SC 29211

Jeanne M Carey

Jeanne Carey

Columbia, South Carolina
May 29, 2009