

**BEFORE THE
MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

In the Matter of AirVoice Wireless, LLC's)
Petition for Limited Designation as an Eligible)
Telecommunications Carrier in Massachusetts) D.T.C. 22-2
for the Limited Purpose of Offering Wireless)
Lifeline Service to Qualified Households)

MOTION FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION

Pursuant to G.L. c. 25C, § 5 and 207 CMR 1.04(5)(e), AirVoice Wireless, LLC ("AirVoice" or the "Company") hereby moves the Department of Telecommunications and Cable ("the Department") to grant this motion to protect from public disclosure certain confidential, competitively sensitive, and proprietary information provided in this proceeding involving AirVoice's responses to the Department's Record Requests ("Requests"). Specifically, AirVoice requests that confidentiality be afforded to certain attachments to its responses to Requests 4-1 and 4-3 because they contain confidential corporate structure, employee organization, and compliance information ("Protected Information"). The grounds for protective treatment include the confidential, competitively sensitive, and proprietary nature of the information. As a result, the Department is authorized and required to protect this information from public disclosure in accordance with G.L. c. 25C, § 5.

I. LEGAL STANDARD

Confidential Information may be protected from public disclosure in accordance with Mass. Gen. Laws ch. 25C § 5. Section 5 provides, in relevant part:

[T]he department may protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the

information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the department shall protect only so much of the information as is necessary to meet such need.

Previously in this proceeding the Department has afforded confidential treatment to AirVoice's non-public and competitively sensitive information, such as financial and tax information. *See* D.T.C. 22-2 Hearing Officer Ruling on Motion for Protective Treatment at 2-3 (June 25, 2024). The same rationale for protective treatment applies equally to the corporate structure, employee organization, and compliance reporting information at issue here.

II. ARGUMENT

The Department has established a three-part standard for determining whether, and to what extent, information submitted in a Department proceeding may be protected from public disclosure under G.L. c. 25C, § 5. First, the information for which protection is sought must constitute the type of information that can be exempted from public disclosure such as trade secrets, confidential or competitively sensitive or other proprietary information. Here, the information at hand is confidential, proprietary, and commercially sensitive information directly related to the Company's internal employee count, organization and job responsibilities by department of the Company. Similarly, the compliance reporting contains information about the Company's compliance systems that is non-public, proprietary and competitively sensitive. If the compliance reporting were publicly disclosed, it would reveal specific non-public information about AirVoice's compliance operations that is currently not available to its competing Lifeline providers. If either the corporate structure, employee organization and job function information or the compliance reporting was publicly disclosed, other LifeLine providers would likely use

such information to their competitive benefit, resulting in a competitive disadvantage to AirVoice.

AirVoice's attachment to its response to Request 4-1 contains confidential information regarding the number of the Company's employees in each department, as well as a description of each department's duties within the Company, and its attachments 4-3.4 and 4-3.5 to its responses to Information Requests 4-3 contain the Company's most recent compliance reports filed with the Federal Communications Commission ("FCC") (collectively, the "Protected Information"). As a privately held company, AirVoice does not make the Protected Information publicly available. The Protected Information is only made available to a limited number of AirVoice personnel, and the Company employs its best efforts to maintain the secrecy of the Protected Information by limiting its circulation. Disclosure of the Protected Information would place AirVoice and its affiliates at a competitive disadvantage by revealing the number of employees performing specific business functions within the Company, as well as details of the Company's ongoing compliance operations.

Second, the party seeking protective treatment must overcome the statutory presumption that the material is public in nature and "prove" the need for non-disclosure. Here, the Protected Information is not publicly available and is safeguarded by the Company, and only accessible by a limited number of employees, due to its confidential nature.

Third, where the need for protective treatment has been established, the Department sets the time period of non-disclosure and the scope of information protected from disclosure. Rather than a blanket request, this motion proposes protective treatment for only certain of its attachments and responses to Information Requests 4-1 and 4-3. AirVoice requests that the Protected Information be kept confidential for a minimum period of seven years with the

opportunity to renew its request for confidential treatment at the end of the seven-year period based upon a showing of a need for continuing protection.

III. CONCLUSION

WHEREFORE, for the reasons stated herein, AirVoice requests that the Department grant AirVoice's Motion for Protective Treatment of Confidential Information with respect to the Protected Information contained in Attachments 4.1, 4-3.4, and 4-3.5 to the Company's responses to Information Requests 4-1 and 4-3. The Company requests the Commission maintain the confidentiality of the Protective Information for a period of at least seven years and provide AirVoice an opportunity to extend the period of confidential treatment upon a showing of need for further protection.

Respectfully submitted,

/s/ Geoffrey G. Why

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Dated: February 5, 2026

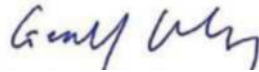
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the Motion for Protective Treatment of Confidential Information upon all persons in the service list compiled by the Secretary of the Department in this proceeding and all parties of record in accordance with the requirements of 207 CMR 1.05(1) (Department's Procedural Rules).

Dated at Boston, Massachusetts this 5th day of February, 2026.



Geoffrey Why
Attorney for AirVoice Wireless, LLC



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 22-2 Service List

**Petition of AirVoice Wireless, LLC, d/b/a AirTalk Wireless for Designation as an Eligible
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