



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

D.T.C. 22-2

June 24, 2026

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

**Hearing Officer Ruling on AirVoice's
Motions for Protective Treatment**

I. INTRODUCTION AND PROCEDURAL HISTORY

In this Ruling, the Department of Telecommunications and Cable ("Department") grants AirVoice Wireless, LLC's ("AirVoice") *Motion for Protective Treatment of Confidential Information* filed on February 5, 2026 ("Feb. 5, 2026 Motion for Confidential Treatment"). The Department also grants AirVoice's *Motion for Protective Treatment of Confidential Information* filed on April 24, 2026 ("Apr. 24, 2026 Motion for Confidential Treatment").

II. STANDARD

All documents and data received by the Department are generally considered public records and, therefore, are to be made available for public review under a general statutory mandate. See M.G.L. c. 66, § 10; M.G.L. c. 4, § 7(26). "Public records" include "all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose unless such materials or

data fall within [certain enumerated] exemptions.” M.G.L. c. 4, § 7(26). Materials that are “specifically or by necessary implication exempted from disclosure by statute” are excluded from the definition of “public records” *Id.* § 7(26)(a).

The Department is permitted to “protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter.” M.G.L. c. 25C, § 5. In applying this exception, there is 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.” *Id.*

M.G.L. c. 25C, § 5 provides a three-part standard for determining whether, and to what extent, information filed by a party in the course of a Department proceeding may be protected from public disclosure. First, the information for which protection is sought must constitute “trade secrets, confidential, competitively sensitive or other proprietary information.” Second, the party seeking protection must overcome the statutory presumption that all such information is public by “proving” the need for its non-disclosure. Third, even where a party proves such need, the Department may protect only so much of that information as is necessary to meet the established need and may limit the term or length of time such protections will be in effect. *See Investigation by the Department of Telecommunications & Energy on its own Motion into the Appropriate Regulatory Plan to Succeed Price Cap Regulation for Verizon New England, Inc. d/b/a/ Verizon Massachusetts’ Intrastate Retail Telecommunications Services in the Commonwealth of Massachusetts*, D.T.E. 01-31 Phase 1, *Hearing Officer Ruling on Verizon Massachusetts’ Motions for Confidential Treatment* at 2-3 (Aug. 29, 2001) (citing M.G.L. c. 25, § 5D, the prior applicable standard, which contains the same language as M.G.L. c. 25C § 5).

III. FEB. 5, 2026 MOTION FOR CONFIDENTIAL TREATMENT

In the Feb. 5, 2026 Motion for Confidential Treatment, AirVoice seeks protective treatment for materials provided with their response to the Department's Fourth Set of Information Requests. *See In the Matter of AirVoice Wireless, LLC's Petition for Limited Designation as an Eligible Telecommunications Carrier in Massachusetts for the Limited Purpose of Offering Wireless Lifeline Service to Qualified Households*, D.T.C. 22-2, *Motion for Protective Treatment of Confidential Information* at 1 (Feb. 5, 2026). AirVoice specifically requests confidentiality for Attachments 4-1, 4-3.4, and 4-3.5. Attachment 4-1 contains information regarding the number of AirVoice employees in each department as well as a description of each department's duties within the company. Attachments 4-3.4 and 4-3.5 contain compliance reports filed with the Federal Communications Commission ("FCC"). A company requesting confidentiality must provide sufficient information to substantiate its motion as required by Department regulations. *See* 207 C.M.R. § 1.04(5)(e).

A. Attachment 4-1 (Personnel Data)

As to the first prong of the Department's standard, the Department has previously recognized the competitively sensitive nature of personnel information, including the number of employees and detailed breakdowns of employees by job category. *See T-Mobile Northeast LLC Petition for Limited Designation as an Eligible Telecommunications Carrier for Purposes of Low Income Support Only*, D.T.C. 12-4, *Order Approving Petition* at 7 (Aug. 30, 2012) ("T-Mobile") (finding a detailed breakdown of employees by job category to be competitively sensitive); *see also Petition of Budget PrePay, Inc. for Limited Designation as a Lifeline-only Eligible Telecommunications Carrier*, D.T.C. 11-12, *Hearing Officer Ruling* at 14 (Dec. 19, 2012) ("Budget PrePay") (finding the number of employees the company planned to hire to be

competitively sensitive). The Department accepts AirVoice's assertion that the information contained in Attachment 4-1 is not made publicly available and only made accessible to a limited number of employees. *See Feb 5, 2026 Motion for Protective Treatment* at 3. Accordingly, the Department finds that the information contained in Attachment 4-1 could potentially be considered competitively sensitive to AirVoice.

As to the second prong of the Department's standard, the Department has long held it will not automatically grant requests for protective treatment, stating that "[c]laims of competitive harm resulting from public disclosure, without further explanation, have never satisfied the Department's statutory requirement of proof of harm." *See Petition of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier*, D.T.C. 21-1, *Order* at 6 (June 7, 2021). The Department accepts AirVoice's assertion that public disclosure of Attachment 4-1 would reveal the number of employees performing specific business functions within the company, putting AirVoice at a competitive disadvantage. *See Feb. 5, 2026 Motion for Protective Treatment* at 3. Further, the Department has historically considered such information competitively sensitive. Accordingly, the Department finds that AirVoice has satisfied its burden under this second prong.

As to the third prong, protection should be afforded only to the extent needed. As the request is for a limited term of seven years and narrowly tailored to the information contained in Attachment 4-1, the Department finds that AirVoice has satisfied its burden under this third prong. *Id.* at 3-4. The Department grants confidentiality for Attachment 4-1 for a period of seven years. AirVoice may renew its request for confidential treatment at the end of the seven year period, if it deems it necessary.

In sum, the Department grants AirVoice's request for confidential treatment for a term of seven years with respect to Attachment 4-1.

B. Attachments 4-3.4 and 4-3.5 (Compliance Reports)

As to the first prong, the Department has not made a previous ruling on any information similar to that found in Attachments 4-3.4 and 4-3.5. The Department accepts AirVoice's assertion that these compliance reports are not made publicly available and are only made accessible to a limited number of employees. *See Feb 5, 2026 Motion for Protective Treatment* at 3. Accordingly, the Department finds that the information contained in Attachments 4-3.4 and 4-3.5 could potentially be considered competitively sensitive to AirVoice.

As to the second prong, the Department has long held that it will not automatically grant requests for protective treatment that do not satisfy the Department's statutory requirement of proof of harm. *See Starlink Order* at 6. The Department accepts AirVoice's assertion that the information contained in Attachments 4-3.4 and 4-3.5 is not made publicly available, is only available to a limited number of employees, and disclosure of information about AirVoice's ongoing compliance operations would put AirVoice at a competitive disadvantage. *See Feb 5, 2026 Motion for Confidential Treatment* at 3. Accordingly, the Department finds that AirVoice has satisfied its burden under this second prong.

As to the third prong, protection should be afforded only to the extent needed. As the request is for a limited term of seven years and narrowly tailored to the information contained in Attachments 4-3.4 and 4-3.5, the Department finds that AirVoice has satisfied its burden under this prong. *Id.* at 3-4. The Department establishes a term limit of seven years of confidentiality. AirVoice may renew its request for confidential treatment at the end of the seven year period, if it deems it necessary.

In sum, the Department grants AirVoice's request for confidential treatment for a term of seven years with respect to Attachments 4-3.4 and 4-3.5.

IV. APR. 24, 2026 MOTION FOR CONFIDENTIAL TREATMENT

In the Apr. 24, 2026 Motion for Confidential Treatment, AirVoice seeks protective treatment for materials provided with their supplemental responses to the Department's Fourth Set of Information Requests. *See In the Matter of AirVoice Wireless, LLC's Petition for Limited Designation as an Eligible Telecommunications Carrier in Massachusetts for the Limited Purpose of Offering Wireless Lifeline Service to Qualified Households*, D.T.C. 22-2, *Motion for Protective Treatment of Confidential Information* at 1 (Apr. 24, 2026) ("Apr. 24, 2026 Motion for Confidential Treatment"). AirVoice specifically requests confidentiality for Supplemental Attachments 4-3.2, 4-3.6, and 4-3.8. Supplemental Attachment 4-3.2 contains information about AirVoice's internal operations procedures and compliance policies. Supplemental Attachment 4-3.6 contains information about AirVoice's compliance manual. Supplemental Attachment 4-3.8 contains information about AirVoice's compliance training program and descriptions about how the program is implemented. A company requesting confidentiality must provide sufficient information to substantiate its motion as required by Department regulations. *See* 207 C.M.R. § 1.04(5)(e).

A. Supplemental Attachment 4-3.2 (Operating Procedures and Policies)

As to the first prong, the Department has previously recognized the competitively sensitive nature of a company's internal operating procedures and policies. *Budget PrePay* at 14; *T-Mobile* at 7. The Department accepts AirVoice's assertion that the information about AirVoice's internal policies and procedures contained in Supplemental Attachment 4-3.2 is not publicly available and only made available to a limited number of employees and outside

counsel. *See Apr. 24, 2026 Motion for Protective Treatment* at 3. Accordingly, the Department finds that the information contained in Attachment 4-3.2 could potentially be considered competitively sensitive to AirVoice.

As to the second prong, the Department has long held it will not automatically grant requests for protective treatment that do not satisfy the Department's statutory requirement of proof of harm. *See Starlink Order* at 6. The Department accepts AirVoice's assertion that the internal operating procedures and policies contained in Supplemental Attachment 4-3.2 are not made publicly available, and the public disclosure of this information could put AirVoice at a competitive disadvantage by revealing sensitive details of AirVoice's compliance operations. *See Apr. 24, 2026 Motion for Protective Treatment* at 3. Further, the Department has historically considered such information competitively sensitive. Accordingly, the Department finds that AirVoice has satisfied its burden under this second prong.

As to the third prong, protection should be afforded only to the extent needed. As the request is for a limited term of seven years and narrowly tailored to the information contained in Attachment 4-3.2, the Department finds that AirVoice has satisfied its burden under this prong. *Id.* The Department establishes a term limit of seven years of confidentiality. AirVoice may renew its request for confidential treatment at the end of the seven year period, if it deems it necessary.

In sum, the Department grants AirVoice's request for confidential treatment for a term of seven years with respect to Supplemental Attachment 4-3.2.

B. Supplemental Attachment 4-3.6 (Compliance Manual)

As to the first prong, the Department has previously recognized the competitively sensitive nature of training manuals. *See Budget PrePay* at 15; *T-Mobile* at 7. The Department

finds that there is similarity between the type of information contained in previously reviewed training manuals and the information contained in AirVoice's compliance manual. Further, the Department accepts AirVoice's assertion that the materials in Supplemental Attachment 4-3.6 are not publicly available and are only made available to a limited number of employees and outside counsel. *See Apr. 24, 2026 Motion for Protective Treatment* at 3. Accordingly, the Department finds that the information contained in Attachment 4-3.6 could potentially be considered competitively sensitive to AirVoice.

As to the second prong, the Department has long held that it will not automatically grant requests for protective treatment that do not satisfy the Department's statutory requirement of proof of harm. *See Starlink Order* at 6. The Department accepts AirVoice's assertion that Compliance Manual contained in Supplemental Attachment 4-3.6 is not made publicly available, and public disclosure of the contents of the manual would put AirVoice at a competitive disadvantage. *See Apr. 26, 2026 Motion for Protective Treatment* at 3. Further, the Department has historically considered such information competitively sensitive. Accordingly, the Department finds that AirVoice has satisfied its burden under this second prong.

As to the third prong, protection should be afforded only to the extent needed. As the request is for a limited term of seven years and narrowly tailored to the information contained in Attachment 4-3.6, the Department finds that AirVoice has satisfied its burden under this prong. *Id.* The Department establishes a term limit of seven years of confidentiality. AirVoice may renew its request for confidential treatment at the end of the seven year period, if it deems it necessary.

In sum, the Department grants AirVoice's request for confidential treatment for a term of seven years with respect to Supplemental Attachment 4-3.6.

C. Supplemental Attachment 4-3.8 (Training Materials)

As to the first prong, the Department has previously recognized the competitively sensitive nature of internal training materials and policies. *See T-Mobile* at 7. The Department accepts AirVoice's assertion that the materials in Supplemental Attachment 4-3.8 are not publicly available and are only made available to a limited number of employees and outside counsel. *See Apr. 24, 2026 Motion for Protective Treatment* at 3. Accordingly, the Department finds that the information contained in Attachment 4-3.8 could potentially be considered competitively sensitive to AirVoice.

As to the second prong, the Department has long held that it will not automatically grant requests for protective treatment that do not satisfy the Department's statutory requirement of proof of harm. *See Starlink Order* at 6. The Department accepts AirVoice's assertion that the training materials and procedures contained in Attachment 4-3.8 are not made publicly available and that disclosure of these training materials would put AirVoice at a competitive disadvantage. *See Apr. 24, 2026 Motion for Protective Treatment* at 3. Further, the Department has historically considered such information competitively sensitive. Accordingly, the Department finds that AirVoice has satisfied its burden under this second prong.

As to the third prong, protection should be afforded only to the extent needed. As the request is for a limited term of seven years and narrowly tailored to the information contained in Attachment 4-3.8, the Department finds that AirVoice has satisfied its burden under this prong. The Department establishes a term limit of seven years of confidentiality. AirVoice may renew its request for confidential treatment at the end of the seven year period, if it deems it necessary.

In sum, the Department grants AirVoice's request for confidential treatment for a term of seven years with respect to Supplemental Attachment 4-3.8.

V. ORDER

It is hereby ORDERED:

The Department GRANTS AirVoice's Feb. 5, 2026 Motion for Confidential Treatment with respect to Attachments 4-1, 4-3.4 and 4-3.5, subject to the seven-year limitation and other terms established above.

The Department GRANTS AirVoice's Apr. 24, 2026 Motion for Confidential Treatment with respect to Supplemental Attachments 4-3.2, 4-3.6, and 4-3.8, subject to the seven-year limitation and other terms established above.

/s/ William Bendetson

William Bendetson
Hearing Officer
With Assistance from Legal Intern: Hayley Wahl

NOTICE OF RIGHT TO APPEAL

Under the provisions of M.G.L. c. 30A § 11(8) and 207 C.M.R. 1.00, any aggrieved party may appeal this Ruling to the Commissioner by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.