

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

Boost SubscriberCo L.L.C.	)	
	)	
Petition for Designation as an Eligible	)	D.T.C. Docket No. 23-1
Telecommunications Carrier	)	
	)	
	)	

MOTION FOR EXTENSION OF PROTECTION FROM PUBLIC DISCLOSURE

I. Procedural History

On August 21, 2023, pursuant to 207 CMR 1.04(4)(b), DISH Wireless L.L.C. (“DISH Wireless”) respectfully requested that its Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts for the Limited Purpose of Providing Lifeline Service to Qualifying Customers filed on January 31, 2023 (the “Petition”) in the above-referenced docket be withdrawn without prejudice.¹ In the same motion, DISH Wireless also requested that any confidential and proprietary information provided by DISH Wireless, including those identified in the Motion for Protective Order filed on April 13, 2023 in the instant docket (collectively, the “Protected Information”), be destroyed by the Department of Telecommunications and Cable (the “Department”) or returned to DISH Wireless and removed from the docket.²

On September 5, 2023, the Department granted DISH Wireless’s Motion to Withdraw but denied the request for return or destruction of records due to the Department’s need to comply with Massachusetts’ public records retention schedule.³ Instead, the Department ordered that it would hold DISH Wireless’s responses to D.T.C. 1-1 and D.T.C. 1-5 confidential for three years

¹ See D.T.C 23-1, *DISH Wireless L.L.C. Motion for Withdrawal of Petition for Designation as an Eligible Telecommunications Carrier Without Prejudice* (Aug. 22, 2023).

² *Id.*

³ D.T.C. 23-1, *Order Granting Withdrawal* at 7 (Sept. 5, 2023).

from the issuance of the order.⁴ The Department advised that upon the expiration of the three-year period, the period for confidential treatment could be extended for good cause shown.⁵

On December 5, 2024, DISH Wireless re-filed its Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts for the Limited Purpose of Offering Lifeline Service to Qualified Households (the “Refiled Petition”).⁶ On November 17, 2025, DISH Wireless filed its Amendment to the Refiled Petition requesting that the Department recognize Boost SubscriberCo L.L.C. (“Boost SubscriberCo” or the “Company”) as the petitioner.⁷

II. Request for Extension of Protection from Public Disclosure

Pursuant to the Department’s September 5, 2023 Order, Boost SubscriberCo now respectfully requests that the Department extend the confidential treatment of the Company’s responses to D.T.C. 1-1 and D.T.C. 1-5.

a. Legal Standard

The Department has the authority to protect confidential information from public disclosure in accordance with G.L. c. 25C § 5, which states in part that:

[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.

The Department has established a three-part test for determining whether information submitted by a party in a Department proceeding may be protected from public disclosure under G.L. c. 25C § 5. First, the information for which protective treatment is sought must constitute “trade secrets, [or] confidential, completely sensitive or other proprietary information.”⁸ Second, the party seeking protective treatment must overcome the presumption that all such information is

⁴ *Id.*

⁵ *Id.*

⁶ D.T.C. 23-1, *DISH Wireless L.L.C. d/b/a/ Gen Mobile Petition for Designation as an Eligible Telecommunications Carrier* (Dec. 5, 2025).

⁷ D.T.C. 23-1, *DISH Wireless L.L.C. d/b/a/ Gen Mobile Amendment to Petition* (Dec. 5, 2025).

⁸ G.L. c. 25C, § 5.

public information by “proving” the need for non-disclosure.⁹ Third, even where a party establishes the need for protective treatment, the Department may protect only so much of that information as is deemed necessary to meet the established need and may also limit the term or length of time such protection will be in effect.¹⁰

b. Argument

The Company’s request meets the Department’s three-part test. First, the information for which protective treatment is sought is confidential, proprietary and competitively sensitive information. Data Request D.T.C. 1-1 sought information about the extent of the Company’s physical facilities in Massachusetts. The Company’s response to Data Request D.T.C. 1-1 refers the Department to Schedule DISH 1-1, which is a list of zip codes within Massachusetts where the Company had completed construction of its 5G wireless facilities. The Company’s network construction plans and the progress it made on completing those plans were developed and maintained internally by the Company. Those internal network plans and construction status are not shared with the public nor with any third parties, and as such, the information provided in the Response to Data Request D.T.C. 1-1 is not customarily available in the public domain. Data Request D.T.C. 1-5 sought information about the number of the non-Lifeline mobile and voice broadband subscribers nationwide and in Massachusetts. While the number of the Company’s non-Lifeline subscribers is publicly available, how those subscribers are distributed across states is not. The Company does not share information about the number of non-Lifeline subscribers it has in any particular state with the public nor with any third parties, and as such the information provided in the Response to Data Request D.T.C. 1-5 is not customarily available in the public domain.

Second, the information described in this request for protective treatment has a demonstrably strong need for non-disclosure. The location of the Company’s network facilities reflected the Company’s internal decisions about where to locate its network and the timing for

⁹ See G.L. c. 66, § 10; *see also* D.T.C. 24-3, *Hearing Officer Ruling on Verizon’s Motion for Confidential Treatment* at 2-3 (Sept. 17, 2025) (collecting citations).

¹⁰ *See* D.T.C 19-3, *Hearing Officer Ruling on CoxCom, Inc. d/b/a Cox Communications Motions for Protective Treatment* at 2-3 (March 3, 2020).

building out its network. Information regarding the location of the Company's network also reveals where the Company plans to target its marketing efforts. Information about the number of non-Lifeline subscribers in Massachusetts indicates how successful the Company has been in marketing its services in the Commonwealth. The Company's competitors could use the foregoing confidential commercial information to develop strategies regarding the construction and location of their own networks and marketing plans focused on Massachusetts consumers.

The wireless communications services market is highly competitive, with the Company being only one of several competitors in Massachusetts. The public release of the foregoing confidential information to the public and, more particularly, to competitors of the Company, would reveal competitively sensitive information to parties who are best positioned to take unwarranted advantage of the access. The result would be to cause the Company to suffer material damage to its competitive position and to engender results adverse to the public interest due to the anticompetitive effect such disclosure would have on the Company's current and future operations. In short, public disclosure of such confidential information would hamper the Company's ability to most successfully operate its business and to protect strategic business information. As such, disclosure would not serve the public interest, which benefits materially from access to the Company's consistently successful and competitive operations.

Third, the Company requests that the established period of such treatment be no less than four (4) years, with an opportunity to renew the request for confidential treatment upon a showing of a legitimate need for continuing protection or submit a request for destruction of the records. The Company submits that a minimum four-year confidential period is necessary to ensure that its market research materials will not be disclosed while they still could hold immense competitive value to the Company's competitors.

III. Conclusion

WHEREFORE, the Company respectfully requests that the Department grant this Motion for Extension of Protection from Public Disclosure with respect to the aforementioned confidential information for a period of at least four years with opportunity for the Company to renew the

request for confidential treatment upon a showing of a need for continuing protection. If any request from a third party is made for access to the confidential information described in this Motion, the Company requests notification to the undersigned counsel, affording opportunity for the Company to amend and/or clarify this request for confidential treatment and, insofar as necessary, oppose the request for disclosure before the Department acts to release the information.

Respectfully submitted,



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September 1, 2026

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CERTIFICATE OF SERVICE

I, Nicole Bishay, hereby certify that on September 1, 2026, I served a true and correct copy of the Motion for Extension of Protection from Public Disclosure by electronic mail, in accordance with the requirements of 207 C.M.R. 1.05(1), to the following service list:

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/s/ Nicole Bishay

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