



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

D.T.C. 24-1

February 14, 2025

Petition of IM Telecom, LLC d/b/a Infiniti Mobile for Designation as an Eligible
Telecommunications Carrier in the Commonwealth of Massachusetts

ORDER

On January 3, 2024, IM Telecom, LLC d/b/a Infiniti Mobile (“Infiniti Mobile”) filed a petition with the Department of Telecommunications and Cable (“Department”) for designation as an eligible telecommunications carrier (“ETC”) pursuant to 47 U.S.C. § 214(e)(2) and 47 C.F.R. §§ 54.101-54.207. *See Petition of IM Telecom, LLC d/b/a Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts*, D.T.C. 24-1 (“Petition”).

On January 16, 2025, Infiniti Mobile filed a motion for withdrawal without prejudice for its Petition under 207 CMR 1.04(4)(b). *See Petition of IM Telecom, LLC d/b/a Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts*, D.T.C. 24-1, *Motion for Withdrawal* (“Motion for Withdrawal”). In addition, Infiniti Mobile requested that certain information, including information identified in its motion for protective treatment, be destroyed by the Department or returned to Infiniti Mobile and removed from the docket. *Id.* at 2; *see also Petition of IM Telecom, LLC d/b/a Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts*, D.T.C. 24-1, *Motion for Protective Treatment of Confidential Information* (January 3, 2024) (“Motion for Protective Treatment”).

I. MOTION FOR WITHDRAWAL

As Infiniti Mobile filed its Motion for Withdrawal prior to the commencement of a hearing, Infiniti Mobile would be entitled to withdraw its Petition in accordance with 207 CMR 1.04(4)(a). However, as Infiniti Mobile filed a Motion for Withdrawal under 207 CMR 1.04(4)(b), the Department has waited ten days to allow any objecting party an opportunity to file an objection or request a hearing, as required by 207 CMR 1.04(4)(b). The ten-day period has now passed. The Department has received no objections or hearing requests regarding the Motion for Withdrawal.

The Department therefore GRANTS the Motion for Withdrawal without prejudice. Infiniti Mobile may refile its petition for ETC designation with the Department at a later date if it so chooses. Docket D.T.C. 24-1 is hereby closed.

II. MOTION FOR PROTECTIVE TREATMENT

Infiniti Mobile filed a Motion for Protective Treatment concerning Exhibit 8 which would have contained the company's underlying carrier agreements. Infiniti Mobile, however, has not yet provided the confidential documents to the Department. As this docket is now closed, the Department considers this request moot and DECLINES to rule on Infiniti Mobile's Motion for Protective Treatment.

III. REQUEST FOR DESTRUCTION OR RETURN OF RECORDS

Infiniti Mobile requested the destruction or return of "any confidential and proprietary information" provided by the company. *See Motion for Withdrawal* at 2 ("Information Return Request").

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).

Infiniti Mobile has requested the destruction or return of “any confidential and proprietary information.” *See Motion for Withdrawal* at 2. As noted above, the Department did not order that any information should be considered confidential and proprietary in this proceeding. Accordingly, the Department **DECLINES** to rule on Infiniti Mobile’s Information Return Request.

IV. ORDER

Accordingly, after due notice, opportunity to be heard, and consideration, it is hereby:

ORDERED:

1. The Department **GRANTS** Infiniti Mobile’s Motion for Withdrawal without prejudice. Infiniti Mobile may refile its petition with the Department at a later date if it so chooses.
2. The Department **DECLINES** to rule on Infiniti Mobile’s Motion for Protective Treatment.

3. The Department DECLINES to rule on Infiniti Mobile's Information Return Request.

By Order of the Department,

A handwritten signature in blue ink that reads "Karen Charles".

Karen Charles
Commissioner

RIGHT OF APPEAL

Pursuant to M.G.L. c. 25, § 5, and M.G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court for the County of Suffolk by filing a copy thereof with the Clerk of said Court.