

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



In the Matter of the Joint Application of
Sprint Communications Company L.P. (U-
5112) and T-Mobile USA, Inc., a Delaware
Corporation, For Approval of Transfer of
Control of Sprint Communications Company
L.P. Pursuant to California Public Utilities
Code Section 854(a).

And Related Matter.

Application 18-07-011

Application 18-07-012

FILED

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**T-MOBILE USA, INC.'S MOTION FOR LEAVE TO
FILE UNDER SEAL CONFIDENTIAL VERSION OF MOTION OF
T-MOBILE USA, INC. REQUESTING ALTERNATIVE DISPUTE RESOLUTION
AND STAY OF APPEAL OF THE PRESIDING OFFICERS' DECISION**

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June 8, 2022

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Pursuant to Rule 11.4 of the Rules of Practice and Procedure (“Rules”) of the California Public Utilities Commission (“Commission”), T-Mobile USA, Inc. (“T-Mobile”), respectfully submits this Motion to request that the attached confidential version of the Motion of T-Mobile USA, Inc. Requesting Alternative Dispute Resolution and Stay of Appeal of the Presiding Officers’ Decision (the “T-Mobile ADR Motion”) be filed under seal and to request that the Commission afford confidential treatment to the sensitive information therein, as discussed below.

I. CONFIDENTIAL INFORMATION

The T-Mobile ADR Motion contains certain confidential, proprietary, and highly sensitive information regarding Boost Mobile (“Boost”) customers on the legacy Sprint 3G CDMA network (the “CDMA network”) and the migration status of those customers (the “Confidential Boost Customer Information”), which is confidential to T-Mobile and DISH and which was previously included in the confidential version of the June 8, 2022 Second Update of T-Mobile USA, Inc. to March 4, 2022 Response to ALJ Mason’s February 25, 2022 Email Ruling (the “T-Mobile June 8 Update”). T-Mobile submitted a motion for confidential treatment

of the Confidential Boost Customer Information included in the T-Mobile June 8 Update, and that motion remains pending.

The above-described information is protected from disclosure under state and/or federal law, including, but not limited to, the trade secret privilege set forth in, among other statutes, Evidence Code Section 1061, Civil Code Section 3226 *et seq.*, and Penal Code Section 499(c). This information is also protected from disclosure pursuant to Government Code Sections 6254.15 (trade secrets), 6254(k) (other state and federal law, including the Evidence Code), and 6276.36 (reference to Public Utilities Code Section 583).

The Commission has previously found that similar information in this proceeding should be treated as confidential for these exact reasons.¹ The disclosure of such information could also put DISH and T-Mobile at a competitive disadvantage, and there is no recognizable public interest served by the disclosure of this information. Thus, it should not be disclosed per Government Code Section 6255.

The confidential information contained in the T-Mobile ADR Motion, all of which has been explicitly marked, is not otherwise publicly available. To the extent any of this confidential information has been shared with third parties, it has been designated as confidential and shared pursuant to a confidentiality agreement.

T-Mobile submits that sufficient good cause exists for the Commission to apply the protective mechanisms to the T-Mobile ADR Motion pursuant to federal and state law and Commission orders and decisions, including, but not limited to, Article 1, Section 1 of the

¹ See ALJ's Ruling Granting T-Mobile USA, Inc.'s Motion for Leave to File Under Seal Confidential Version of the Update to T-Mobile USA, Inc.'s Response to DISH Network Corporation's Petition to Modify Decision 20-04-008 (Jan. 19, 2022) (granting motion to treat as confidential information regarding Boost customers on T-Mobile's network and the migration status of those customers); ALJ's Ruling Granting Motion of T-Mobile USA, Inc. to File Confidential Version of Its Motion to Strike Testimony of Jeffrey Blum and Exhibit A Under Seal (Oct. 14, 2021) (granting motion to treat as confidential certain portions of the testimony of and information provided by Mr. Ray during the sealed

California Constitution, the California Public Records Act (“CPRA”), California Public Utilities Code Section 583, California Government Code Sections 6254(a), (c), and (e), California Government Code Sections 6254(k) and 6255, California Civil Code Section 3426 *et seq.*, California Evidence Code Section 1060, and General Order (“GO”) 66-D.

T-Mobile notes that it has prepared and electronically filed and served a public version of the T-Mobile ADR Motion. Commission Staff and DISH will receive both a confidential and public version of the T-Mobile ADR Motion.

II. CONCLUSION

For these reasons, T-Mobile respectfully requests confidential treatment of the confidential version of the T-Mobile ADR Motion and that the Commission protect this information from release to persons and parties outside of the Commission.

Respectfully submitted this 8th day of June, 2022.

/s/
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and confidential portion of the OSC hearing, including Mr. Ray’s testimony regarding the number of Boost Mobile customers that remain on T-Mobile’s CDMA network).

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**[PROPOSED] ORDER GRANTING T-MOBILE USA, INC.’S MOTION
FOR LEAVE TO FILE UNDER SEAL THE CONFIDENTIAL VERSION OF
THE MOTION OF T-MOBILE USA, INC. REQUESTING ALTERNATIVE DISPUTE
RESOLUTION AND STAY OF APPEAL OF THE PRESIDING OFFICERS’ DECISION**

On June 8, 2022, T-Mobile USA, Inc. (“T-Mobile”), filed the confidential version of the Motion of T-Mobile USA, Inc. Requesting Alternative Dispute Resolution and Stay of Appeal of the Presiding Officers’ Decision (the “T-Mobile ADR Motion”) and requested that the T-Mobile ADR Motion be filed under seal and that the California Public Utilities Commission (“Commission”) afford confidential treatment to the sensitive information therein.

No opposition to this Motion has been submitted and the time for submission of such opposition has expired. No hearing on the Motion is necessary.

Good cause having been shown, and no opposition to the Motion having been submitted,

IT IS HEREBY RULED that:

1. T-Mobile’s Motion to file under seal and afford confidential treatment to the confidential version of the T-Mobile ADR Motion is granted.

2. The identified information shall be received under seal, shall remain under seal, and shall not be made accessible to the public or disclosed to anyone other than Commission staff, except upon further order or ruling of the Commission.

Dated _____, 2022 at San Francisco, California.

Administrative Law Judge