

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



Application of American Broadband and
Telecommunications Company LLC (U-4457-C)
for Appeal

A. _____
(Filed May 15, 2026)

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MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant to Rule 11.4 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure, American Broadband and Telecommunications Company (AMBT or the Company) respectfully submits this Motion for Leave to File under Seal the Application in the above-captioned proceeding. For the reasons detailed below, AMBT requests that the entirety of the Application (with a few exceptions) be designated as confidential and protected from disclosure to the public.¹

In the Application, AMBT appeals actions taken by the Communications Division (CD) of the Commission related to the Company's participation in the California LifeLine program. The specific actions challenged in the Application are not public. AMBT and the CD have been unable to resolve this matter over the course of the past six months. CD Staff informed AMBT that there is no formal appeals process to challenge certain of the CD's actions. The Commission's Legal Division agreed that the Commission's rules did not provide a procedure to appeal the CD's actions but advised AMBT that it could file an application. In response to a final attempt to schedule a conference to resolve all matters, CD Staff responded that further

¹ AMBT's Motion for Leave to File under Seal does not cover the following portions of the Application that are not redacted in the public version of the Application: (1) statements in compliance with Rules 2.1 and 2.2 of the Commission's Rules of Practice and Procedure (with the exception of statements regarding issues to be considered and the request for relief which are redacted in the public version of the Application) and (2) Exhibit 36, which is AMBT's Certificate of Formation and Certificate of Status.

discussion between AMBT and CD Staff would not be productive and that the matter required resolution through a formal process. Given the CD's response, AMBT's only recourse is to file this Application to address all of the CD's actions. However, given that the actions at issue are not public and that they concern confidential commercial and financial information, AMBT is filing this Motion.

AMBT requests that the Commission, including the Communications Division, treat its Application, including all exhibits (except Exhibit 36), as confidential.² The Application qualifies for confidential treatment under the California Public Records Act (CPRA).³ Section 7927.705 of the California Government Code provides that the CPRA does not require the disclosure of records when such disclosure is "exempted or prohibited pursuant to federal or state law"⁴ As described below, both federal and state laws prohibit disclosure of the Application.

First, Section 7929.605 of the California Government Code specifically exempts disclosure of "corporate financial records" and "corporate proprietary information including trade secrets."⁵ The Application contains highly confidential commercial and financial information related to AMBT's California LifeLine operations. This confidential information includes non-public details about the CD's actions. The Application also discusses AMBT's LifeLine operations, including its procedures for ensuring compliance with applicable law, marketing strategies, arrangements with third parties, and financial data.

² A declaration from AMBT in support of the request for confidential treatment is attached to this Motion.

³ *See id.*, Section 3.2(b).

⁴ Cal. Gov't Code § 7927.705.

⁵ Cal. Gov't Code § 7927.605.

The provision of wireless telecommunications services, including California LifeLine services, is a competitive market. As such, disclosure of the confidential information in the Application would cause the Company competitive harm by unfairly allowing competitors to have access to confidential and proprietary information regarding how AMBT provides services and ensures compliance with relevant laws. Moreover, AMBT has not disclosed confidential information to any unauthorized third party. Furthermore, the confidential information contained in the Application is not part of the public record in any jurisdiction.⁶

Second, the Application is exempted from mandatory disclosure under “Exemption 4” of the federal Freedom of Information Act (FOIA).⁷ FOIA Exemption 4 allows the withholding of commercial or financial information that is privileged or confidential. The confidentiality requirement is satisfied when commercial or financial information is “customarily and actually treated as private by its owner and provided to the government under an assurance of privacy.”⁸ As explained above, the Application includes highly confidential commercial and financial information regarding how AMBT operates its business, including compliance procedures, marketing strategies, and its relationships with third parties. Public disclosure of such information would harm the Company’s ability to compete. Moreover, the Company treats the confidential information contained in the Application as private.

⁶ AMBT acknowledges that there are certain portions of the Application, such as citations to public documents, that are not confidential. However, the actions taken by the CD that are being appealed are not public. Therefore, AMBT submits that the information provided in the Application (except those portions that are unredacted in the public version of the Application) discloses the issues associated with the CD’s non-public actions.

⁷ See 5 U.S.C. § 552(b)(4) (stating public disclosure is not required for “trade secrets and commercial or financial information obtained from a person and privileged and confidential”).

⁸ *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 2366 (2019).

Finally, Section 583 of the California Public Utilities Code provides that no information furnished to the Commission “except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission”⁹ There is no California law that requires highly confidential information about how a wireless carrier conducts its business and about non-public CD actions, to be open to public inspection.

Based on the foregoing reasons, AMBT respectfully requests that the Commission grant this Motion seeking to designate the Application as confidential and filed under seal.

Respectfully submitted,



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May 15, 2026

⁹ Cal. Pub. Util. Code § 583.

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[PROPOSED] ORDER

Having reviewed the Motion of American Broadband and Telecommunications Company LLC (AMBT) for an order allowing it to file under seal the confidential version of the Application of American Broadband and Telecommunications Company for Appeal, filed May 15, 2026, and good cause appearing,

IT IS HEREBY ORDERED that AMBT's Application will be filed under seal.

Dated: _____

By: _____
Administrative Law Judge