

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



**FILED**

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Order Instituting Rulemaking Proceeding to  
Consider Service Quality Rules for Wireless  
Carriers.

Rulemaking 26-02-017

**MOTION TO FILE THE CONFIDENTIAL VERSION OF T-MOBILE WEST LLC'S  
MOTION TO REPLACE ATTACHMENT DIR 1-1 PREVIOUSLY SUBMITTED IN  
RESPONSE TO THE INFORMATION REQUESTS IN THE ORDER INSTITUING  
RULEMAKING – UNDER SEAL**

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Dated: July 2, 2026

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

Order Instituting Rulemaking Proceeding to Consider Service Quality Rules for Wireless Carriers.

Rulemaking 26-02-017

**MOTION TO FILE THE CONFIDENTIAL VERSION OF T-MOBILE WEST LLC'S  
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SUBMITTED IN RESPONSE TO THE INFORMATION REQUESTS IN THE ORDER  
INSTITUING RULEMAKING – UNDER SEAL**

Pursuant to the Rule 11.4 of the Commission's Rules of Practice and Procedure, and the Order Instituting Rulemaking dated March 2, 2026 (the "OIR"), T-Mobile West LLC dba T-Mobile (U-3056-C), on behalf of itself and its affiliates (collectively referred to as "T-Mobile"),<sup>1</sup> submits this motion seeking leave to file under seal the Confidential Version of its Motion to Replace Confidential Attachment DIR 1-1 Previously Submitted in Response to the Information Requests in the Order Instituting Rulemaking (the "Motion to Replace").<sup>2</sup>

In particular, T-Mobile recently became aware that it inadvertently and mistakenly attached a copy of Mr. Consalvo's July 2, 2025 Declaration (submitted in support of the July 8, 2025 Motion to Reopen and Supplement the Record of in R.22-03-016) instead of a copy of his May 9, 2025 Declaration (submitted in support of the May 12, 2025 Motion to Reopen and

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<sup>1</sup> T-Mobile West's affiliates include Assurance Wireless USA, L.P. dba Assurance Wireless (U-4327-C), MetroPCS California, LLC dba Metro by T-Mobile (U-3079-C), Mint Mobile, LLC dba Mint Mobile (U-4532-C), Sprint Spectrum LLC dba T-Mobile (U-3062-C) and UVNV, LLC dba Ultra Mobile (U-4441-C). All of these entities are separately registered wireless carriers that utilize the same network and are otherwise wholly owned subsidiaries of T-Mobile USA, Inc.

<sup>2</sup> A copy of Confidential Attachment DIR 1-1\_050925 is included with the confidential version of the Motion to Replace as Attachment B. The verification/declaration for Confidential DIR 1-1\_050925 is included in both this Motion and the Motion to Replace as Attachment A.

Supplement the Record of R.22-03-016) in Appendix B as Confidential Attachment DIR 1-1.

The correct May 9, 2025 Consalvo Declaration has now been provided with the Motion to Replace as Confidential Attachment DIR 1-1\_050925.<sup>3</sup>

As discussed below, T-Mobile submits that Confidential Attachment DIR 1-1\_050925 contains information that constitutes trade secrets under the California Trade Secrets Act (“CTSA”) and otherwise warrants protection from public disclosure under the California Public Records Act.

As set forth in the attached Declaration/Verification,<sup>4</sup> T-Mobile submits that the estimated annual cost and associated FTE requirements related to compliance with the initial version of the proposed Customer Service Standard set forth in the Proposed Decision released on April 11, 2025 constitutes trade secrets.<sup>5</sup> The redacted Declaration - which consists of two specific numbers in Paragraph 8 - is based on a compilation of proprietary information with respect to T-

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<sup>3</sup> See Motion to Replace at Attachment B.

<sup>4</sup> See Attachment A, Consalvo Declarations/Verifications of Confidential Attachment DIR 1-1-050925.

T-Mobile notes that this Motion, as well as the declaration/verification found in Attachment A, are both substantially similar to the text of the previously submitted Motion to File Under Seal and Declaration/Verification regarding Confidential Attachment DIR 1-1 submitted on April 1, 2026.

<sup>5</sup> See, e.g., *Whyte v. Schlage Lock Co.*, 101 Cal. App. 4th 1443, 1456 (protecting strategic documents where “information would be valuable if known by a competitor because it would allow the competitor to predict and counter” defendant’s “marketing strategy, plans and techniques”); D. 19-06-032, 2019 WL 3017166, at \*50 (Cal. P.U.C. June 27, 2019) (“[T]he confidential versions of SDG&E’s prepared testimony contain cost information related to scoring and evaluating bids in competitive solicitations that is entitled to confidential treatment.”); see also *Henry Schein, Inc. v. Cook*, 191 F. Supp. 3d 1072, 1077 (N.D. Cal. 2016) (“Customer information such as sales history and customer needs and preferences constitute trade secrets.”) (citing *MAI Sys. Corp. v. Peak Computer, Inc.*, 991 F.2d 511, 521 (9th Cir. 1993)); *Timken Co. v. U.S. Customs Serv.*, 491 F. Supp. 557, 560 (D.D.C. 1980) (release of materials disclosing marketing plans would allow competitors to modify their own marketing strategy and selectively underprice the competitor to “cause substantial competitive harm”); *Apple Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214, 1225-26 (Fed. Cir. 2013) (district court abused its discretion in ordering detailed product-specific financial information likely constituting trade secrets to be unsealed).

See also Cal. Evidence Code § 1060 (“... the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice.”)

Mobile’s industry-leading customer care operation.<sup>6</sup> Among other things, the declaration focused on proposed customer-care related rules and contained confidential and proprietary business information, such as internal analysis of current labor and other costs incurred by customer care teams and projected additional costs that would be incurred to meet answer time metrics and other requirements previously proposed in the prior Service Quality Proceeding.<sup>7</sup> T-Mobile clearly derives economic benefit from maintaining the confidentiality of this information and its disclosure could cause harm to T-Mobile, the competitive wireless market here in California and beyond. Among other things, if publicly disclosed, this information would reveal sensitive information regarding the Company’s cost structure, staffing strategy, and approach to managing customer care operations under regulatory constraints, providing competitors with insight that is not otherwise available.<sup>8</sup>

Moreover, this information was created for the purposes of providing the Commission with information about the potential costs associated with its proposed rules at the time.<sup>9</sup> That information is otherwise not publicly available and is closely guarded by T-Mobile.<sup>10</sup>

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<sup>6</sup> See Attachment A, Consalvo Declarations/Verifications of the Motion to Replace; see also T-Mobile Motion to File Appendix B Under Seal (April 1, 2026).

<sup>7</sup> See Attachment A at ¶¶ 5-8.

<sup>8</sup> See Attachment A at ¶¶ 10 -11.

<sup>9</sup> See Attachment A at ¶¶ 4-5; see also D. 23-02-041 at 23 (“Lyft’s trip data does not lose potential trade secret status because it was compiled for a regulatory purpose.”).

<sup>10</sup> See Attachment A at ¶¶ 9 and 13. In addition to T-Mobile’s general policy of preventing non-disclosure, special care was taken to ensure that no competitors had access to this information in the course of having separate counsel review to derive an aggregated industry-wide number if possible.

See also, *Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1515, 1521 (1997) (protecting information a company “has expended time and effort” identifying and does not regularly disclose); see also *In re Providian Credit Card Cases*, 96 Cal. App. 4th 292, 308 (2002) (finding the use of additional security measures indicative of the confidential nature of information).

Finally, and independently, the public interest in maintaining the confidentiality of this information outweighs any conceivable public interest in its disclosure.<sup>11</sup> Among other things, the proposed rules being addressed were not ultimately imposed on wireless, there is no current cost benefit analysis being undertaken, and the Declaration itself was not submitted in response to any proposals in this Docket. In addition, T-Mobile submits that the public interest is better served by encouraging providers to share this type of proprietary information on a confidential basis in proceedings like these and providing parties who are legitimately interested in the data for purposes of participating in the proceeding with a pathway for obtaining such information (e.g., NDAs). In any event, T-Mobile submits that the public disclosure of this Declaration could serve no legitimate interest and would be harmful to both T-Mobile and the competitive market, and thus to consumers.<sup>12</sup>

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<sup>11</sup> See Cal. Gov. Code § 7922.000 (which provides in relevant part: “An agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”); see also *Humane Soc’y of U.S. v. Superior Ct.*, 214 Cal. App. 4th 1233, 1267-8 (2013) (weighing the public interest in disclosure by how much disclosure contributes to the public’s understanding).

<sup>12</sup> In addition, in the course of the prior proceeding, T-Mobile notes that it did not receive any requests from any party to review this information. See also Attachment A at ¶ 12.

Accordingly, T-Mobile moves for leave to file under seal the Confidential Version of its Motion to Replace Confidential Attachment DIR 1-1 Previously Submitted in its April 1, 2026 Response to the Information Requests in the OIR.<sup>13</sup>

Respectfully submitted,

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/s/

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Attorney for T-Mobile West LLC

July 2, 2026

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<sup>13</sup> Pursuant to Rule of Practice and Procedure 11.4(a), a Proposed Ruling is included as Attachment B to this Motion.

# **ATTACHMENT A**

## **CONSALVO DECLARATION AND VERIFICATION**

## Attachment A

### Consalvo Declaration and Verification of Confidential Attachment DIR 1-1\_050925

I, John Consalvo, declare as follows:

1. I am a Senior Director of Care Planning and Strategy for T-Mobile USA, Inc., the parent company of T-Mobile West LLC dba T-Mobile (U-3056-C); Assurance Wireless USA L.P. dba Assurance (U-4327-C); MetroPCS California, LLC dba Metro by T-Mobile (U-3079-C); Mint Mobile, LLC dba Mint Mobile (U-4532-C); Sprint Spectrum, LLC dba T-Mobile (U-3062-C); and UVNV, LLC dba Ultra Mobile (U-4441-C) (collectively “T-Mobile”).
2. I have reviewed the information provided in Confidential Attachment DIR 1-1\_050925 (both in the redacted and unredacted formats) and verify that the information provided in the Confidential Attachment identified above, is true and accurate based on my own knowledge, except as to matters which are based on information or belief, and as to those matters I believe them to be true.<sup>1</sup>
3. The Confidential Attachment is a copy of the May 9, 2025 Declaration I executed in the context of what I understood to be a proceeding then pending at the California Public Commission.
4. The information marked as confidential in the redacted version of my Declaration to be included with this Motion consists of estimates of the costs associated with attempting to comply with proposed customer care performance metrics, including estimates of the additional full-time equivalent (“FTE”) staffing required to meet such standards.<sup>2</sup>
5. These estimates were developed for the first of two separate – but related - sets of proposed customer service rules (the second set of rules was a modification of the first set as indicated in my July 2, 2025 Declaration) and reflect internal analyses of the potential costs to the Company’s customer care organization of trying to comply with each set of requirements.

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<sup>1</sup> I have been informed that T-Mobile became aware that in its April 1, 2026 Response to Information Request DIR 1-1,<sup>1</sup> it inadvertently attached a copy of my July 2, 2025 Declaration (submitted in support of the July 8, 2025 Motion to Reopen and Supplement the Record of in R.22-03-016) instead of a copy of my May 9, 2025 Declaration (submitted in support of the May 12, 2025 Motion to Reopen and Supplement the Record of R.22-03-016) as Confidential Attachment DIR 1-1 in Appendix B.

<sup>2</sup> I am informed and believe that the redactions in this Attachment has been limited to be more consistent with guidance provided by the Administrative Law Judge in the prior proceeding.

6. The estimates incorporated proprietary inputs, including customer contact volumes, handling times, service channel mix, staffing ratios, productivity assumptions, and operational workflows specific to the Company.
7. The projected FTE count reflected confidential workforce planning models that are not publicly disclosed and are based on Company-specific data and assumptions regarding customer behavior and service demand.
8. The resulting cost estimate reflected internal calculations of labor costs, operational scaling, and resource allocation associated with compliance, and is not publicly available.
9. This information cannot be replicated from publicly available sources because it relies on internal data, proprietary modeling, and Company-specific operational assumptions.
10. The projected FTE count and resulting cost estimate are valuable to the company as they reflect internal data regarding the Company's customer care base. Disclosure of these estimates would reveal sensitive information regarding the Company's cost structure, staffing strategy, and approach to managing customer care operations under regulatory constraints, providing competitors with insight that is not otherwise available.
11. In addition, disclosure would enable knowledgeable third parties to potentially reverse-engineer key aspects of the Company's operations, including cost per contact, staffing efficiency, and service delivery models. Competitors could use this information to refine targeting, pricing, staffing, and marketing strategies, thereby causing competitive harm to the Company.
12. While the Company recognizes the general public interest in transparency in regulatory proceedings, I am not aware of any way in which the specific information at issue here would meaningfully enhance public understanding of the issues beyond what is already publicly available.
13. The Company takes reasonable and fulsome measures to maintain the confidentiality of this information, including restricting access internally to personnel with a need to know or outside regulatory counsel; it is not made publicly available in any forum of which I am aware.
14. I have been authorized by Chuck Lamb, Vice President of Customer Care Planning and Strategy for T-Mobile USA, Inc., to execute this verification/declaration on behalf of T-Mobile West LLC dba T-Mobile (U-3056-C); Assurance Wireless USA L.P. dba Assurance (U-4327-C); MetroPCS California, LLC dba Metro by T-Mobile (U-3079-C); Mint Mobile, LLC dba Mint Mobile (U-4532-C); Sprint Spectrum, LLC dba T-Mobile (U-3062-C); and UVNV, LLC dba Ultra Mobile (U-4441-C).



# **ATTACHMENT B**

## **PROPOSED ORDER**

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

Order Instituting Rulemaking Proceeding to Consider Service Quality Rules for Wireless Carriers.

Rulemaking 26-02-017

**[PROPOSED ALJ RULING]**

**GRANTING THE MOTION TO FILE THE CONFIDENTIAL VERSION OF T-MOBILE WEST LLC’S MOTION TO REPLACE CONFIDENTIAL ATTACHMENT DIR 1-1 PREVIOUSLY SUBMITTED IN RESPONSE TO THE INFORMATION REQUESTS IN THE ORDER INSTITUING RULEMAKING - UNDER SEAL**

In accordance with the Commission’s Rules of Practice and Procedure, pursuant to the California Public Records Act and consistent with General Order 66-D, Assigned Administrative Judge Glegola has reviewed the above-referenced motion submitted by T-Mobile West, LLC on July 2, 2026.

Good cause appearing, IT IS SO ORDERED:

1. The Motion to File the Confidential Version of T-Mobile West LLC’s Motion to Replace Confidential Attachment DIR 1-1 Previously Submitted in Response to the Information Requests in the Order Instituting Rulemaking – Under Seal is GRANTED in full.
2. The material covered by this Order including Confidential Attachment DIR 1-1\_050925 shall remain under seal and shall not be made accessible or disclosed to anyone other than Commission staff, except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (“ALJ”) or the ALJ then designated as Law and Motion judge. Parties intending to include proprietary data from

this submission in their other pleadings shall do so by filing the unredacted versions of their comments under seal with the Docket office. Redacted non-confidential versions of such comments shall remain part of the public record.

Dated: July \_\_\_\_, 2026 at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Administrative Judge Glegola