

GO MD USA

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July 17, 2024

VIA ELECTRONIC DELIVERY

Filed Electronically
Linda C. Bridwell
Executive Director Public Service Commission
211 Sower Blvd. P. O. Box 615
Frankfort, KY 40601

Re: Go MD USA, LLC's Application of Go MD USA LLC For a Limited Designation as an Eligible Telecommunications Carrer for the Purpose of Offering and Operating a Lifeline Service for Low Income Consumers

Dear Ms. Bridwell:

Attached please find for filing Go MD USA LLC's Revised application for an order holding that confidential company information should not be publicly disclosed.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me at 901-230-4697 or VP [Jack](#) Sosa at (833) 706-3872.

Thank you.

Sincerely,

Mark J. Schirmer
General Counsel
Go MD USA

Attachment

cc: Matt Palacios, CEO
Michael Campbell, Corporate Counsel
Go MD USA LLC

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE ELECTRONIC PETITION OF GO MD USA LLC FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE COMMONWEALTH OF KENTUCKY FOR THE LIMITED PURPOSE OF PROVIDING LIFELINE SERVICE TO QUALIFYING CUSTOMERS	Case No. 2024-00231
(Revised) Motion for a Protective Order	

(REVISED) MOTION FOR A PROTECTIVE ORDER

GO MD USA, LLC (“GO MD USA”), pursuant to the Commission’s Rules and the Order dated August 15, 2024, moves for a protective order to prevent public disclosure of the confidential and proprietary financial information attached hereto as Exhibits 1-3 in connection with its Application to the Public Service Commission of the Commonwealth of Kentucky (the “Commission”) - in the above-captioned proceeding - for authority to provide telecommunications services throughout Kentucky. In support of this Revised Motion, GO MD USA states as follows:

1. GO MD USA has submitted an application to the Commission for authority to provide telecommunications services throughout Kentucky for the purpose of providing low-income Kentuckians with Lifeline services. In furtherance of and as part of that Petition, GO MD USA hereby provides its financial statements and projections as Confidential Exhibit 1, the AT&T carrier contract as Confidential Exhibit 2, and the T-Mobile carrier contract as Confidential Exhibit 3. GO MD USA

will provide redacted versions of these Exhibits if requested. However, given the nature of the Exhibits, GO MD USA requests that the materials identified and attached remain confidential in toto.

2. GO MD USA and its affiliates are privately-held companies and are not required to file financial information with the United States Securities and Exchange Commission and do not otherwise disclose their financial information to the public.

3. GO MD USA and its affiliates use their best efforts to keep and maintain the confidentiality of the information contained in Confidential Exhibits 1, 2, and 3. To the best of GO MD USA's knowledge, the information contained in these Exhibits has not been disclosed or released to the public.

4. Under Section 61.878(c)(1) of the Kentucky revised statutes, records, and information "generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records," should not be disclosed to the public or made public. Further, no reason exists to make these records publicly available rather than destroy them. While GO MD USA is advertising and providing Lifeline service – at least for the foreseeable future – disclosure of this information would enable the Company's competitors to tailor their bids, advertisements, and contracts to provide them with an advantage over GO MD USA, while GO MD USA has no similar access to its competitors' information.

5. The information contained in these Exhibits – the terms and conditions of the Company's financials and agreements with T-Mobile and AT&T - derives economic value from not being generally known to, and not being readily ascertainable through proper means by, other persons and competitors. Specifically, the information contained therein is extremely sensitive financial and business information that could be used by competitors to determine revenue and other information damaging to the Company. Disclosure of such information would be extremely detrimental and could

be used by GO MD USA's competitors to materially affect the company's ability to compete effectively.

6. The documents represent and disclose key and confidential business information about the terms on which the Company buys spectrum space and the terms under which they are purchasing the space. The financials present a picture of the Company's position with regard to a specific part of the overall business of which it is a part and could be used by competitors to mislead and to undermine the Company's business. Each of the pages presents confidential information that could be used unfairly against the Company and needs to be kept confidential.

7. For example, GO MD USA submits financial statements to the Commission in Exhibit 1. The financials present a picture of the Company's position regarding only a specific part of the overall business of which the Company is a part and could be used by competitors to mislead potential business partners and the public to undermine the Company's business. Each of the pages presents confidential information that could be used unfairly against the Company and needs to be kept confidential. No part of these documents should be disclosed to the public at any time and should be destroyed by the Commission when the Commission no longer needs them to evaluate the Company's request for limited ETC designation. This request is consistent with the treatment of confidential information under 202 KAR 6:030 Section 3(8): confidential records "no longer needed for processing shall" be kept confidential, returned, or "destroyed".

8. GO MD USA also submits contracts between the Company and T-Mobile and the Company and AT&T for the use of spectrum space as Exhibits 2 and 3. These documents represent and disclose proprietary and confidential business information about the terms on which the Company buys spectrum space and the terms under which they are purchasing the space. Each of the pages presents important, confidential information about these business arrangements. No part of these

documents should be disclosed to the public at any time and should be destroyed by the Commission when the Commission no longer needs them to evaluate the Company's request for limited ETC designation. This request is consistent with the treatment of confidential information under 202 KAR 6:030 Section 3(8): confidential records "no longer needed for processing shall" be kept confidential, returned, or "destroyed".

9. This type of information is "generally recognized" to be proprietary information. For example, 50 U.S.C. § 1708 (d)(7) defines "negotiating strategies," and "internal financial data" as "proprietary information", if it, as here, is kept confidential and it is not disclosed to the public by a business. Similarly, the National Institute for Standards and Technology defines confidential and proprietary information to include nonpublic "financial information." See [proprietary information \(PROPIN\) - Glossary | CSRC \(nist.gov\)](#). Other definitions of proprietary and confidential information are similar. Similarly, in its summary of confidential and proprietary information, www.definitions.uslegal.com/p/proprietary-information notes "[proprietary information] can also include a company's business and marketing plans...[and] contracts,..." Under the circumstances, the Commission should treat this information as confidential and proprietary under KRS 61.878.

10. In sum, each of the pages of each of these documents presents confidential information that could be used unfairly against the Company and needs to be kept confidential. GO MD USA therefore requests that the entire documents be held as confidential during the process of examining the Company's Petition and that they be destroyed at the end of the process. Under 807 KAR 5:001 Section 13(2)(a)(2) and (3)(b), GO MD USA therefore requests that the entire documents be deemed and treated as confidential.

WHEREFORE, GO MD USA respectfully requests that the Commission issue an Order allowing Confidential treatment of the totality of Exhibits 1, 2, and 3 attached hereto, and that such documents be destroyed when the Commission has completed its consideration of GO MD USA's petition.

August 17, 2024

Respectfully submitted,

/s/ Mark J. Schirmer
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