

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Total Call Mobile, Inc.
Designated Eligible Carrier
Application

Case No. PU-12-820

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, **on the 31st day of October, 2017**, she deposited in the United States Mail, Bismarck, North Dakota, **1** envelope by first class mail, fully prepaid a copy of:

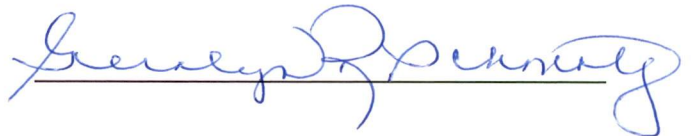
- **STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION**

The envelope was addressed as follows:

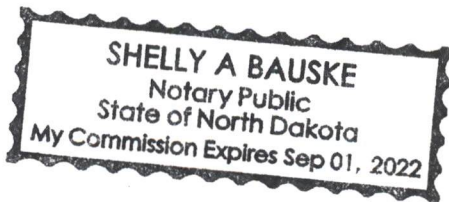
Amy Inagaki – Counsel
Total Call Mobile, Inc.
1411 W. 190th St., Suite 700
Gardena, CA 90248

The post office address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **31st day of October, 2017**.



Notary Public



SEAL



Public Service Commission

State of North Dakota

COMMISSIONERS

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Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

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October 31, 2017

Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Blvd. Ave. Dept. 408
Bismarck, ND 58505-0480

via hand delivery

Re: Total Call Mobile, Inc.
Designated Eligible Carrier
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Dear Mr. Nitschke:

Enclosed is a Staff Response to the 04 December 2013 Application for Protection of Information in the captioned case.

Best regards,

John Schuh
Legal Counsel

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION** was, on Oct. 31st 2017, served on the following by regular mail:

Amy Inagaki – Counsel
Total Call Mobile, Inc.
1411 w. 190th St., Suite 700
Gardena, CA 90248

Dated this 31st day of October 2017.



John Schuh
Legal Counsel

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On 4 December 2013, Total Call Mobile, Inc. (TCM or the Company) filed an application for protection of information, asserting that the information for which protection was requested qualified as exempted from discovery under N.D.C.C. section 44-04-18. While N.D.C.C. § 44-04-18 was not a correct section, Staff believes the Company intended protection be granted under 44-04-18.4.

The information of which the Company seeks protection is insight into the Company's "business structure and strategies"; and legal commercial, customer and/or other information that TCM considers confidential. The information provided summarizes records "obtained, compiled, or prepared" by the federal agency in the course of ongoing investigations that seek to "monitor and enforce compliance with the law." TCM asserts that disclosure may infringe upon TCM's proprietary rights or expose TCM to undue harm and unfair competitive advantage if disclosed to third parties. TCM also asserts that the information has not been previously publicly disclosed, to the best of their knowledge.

The company asserts that if this information were disclosed, it would "impair the Commission's future ability to obtain necessary information." The company states that requiring a company to publicly disclose audit results and details of ongoing federal investigations, which have been treated as confidential at the federal level, would have

an effect on applicants' willingness to share information with the Commission in the future.

N.D. Admin Code § 69-02-09-03 requires commission staff to examine the information and application and make a recommendation on whether the information qualifies for protection. While unsure about the relevancy of the older information for protection, Staff believes that TCM's application satisfies the requirements of the North Dakota Century Code for protection of the information.

For reasons set forth above, Staff recommends that the Commission grant the application of TCM to protect certain information filed in this case.

Dated this 31st day of October, 2017.



John Schuh
Legal Counsel
North Dakota Public Service Commission