



**FILED**  
02/03/20  
09:38 AM

KJB/ilz 2/3/2020

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

In the Matter of the Joint Application of Sprint Communications Company L.P. (U5112) 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).

Application 18-07-011

And Related Matter.

Application 18-07-012

**PRESIDING OFFICER'S RULING GRANTING IN PART AND DENYING IN PART JOINT APPLICANTS' REQUEST FOR CONFIDENTIAL TREATMENT OF INFORMATION IN JOINT APPLICANTS' EXHIBIT 22C AND NEVILLE R. RAY'S SUPPLEMENTAL TESTIMONY EXHIBIT 28C ATTACHMENT H**

At the evidentiary hearing on December 5, 2019, Joint Applicants introduced Exhibit 22C entitled "Sprint Data Request Responses, SPR-CAPAO-00006255" and Exhibit 28C entitled "Supplemental Testimony of Neville R. Ray on behalf of Joint Applicants: Confidential Version" As to the former, Joint Applicants assert that the entire exhibit consists of confidential information produced in response to a data request from the Commission's Office of the Public Advocate and is entitled to protection from disclosure outside the Commission. As to the latter, Joint Applicants assert that the material contained in Attachment H to Ray's pre-filed testimony, entitled "Network and In-Home Commitments," is similarly confidential and entitled to protection.

Pursuant to General Order 66-D, Section 3.2, applicants bear the burden of proving the reasons that establish that information submitted to the Commission is confidential. Applicants failed to provide the proposed bases of confidential treatment. However, the criterion for confidential treatment most relevant here appears to be a claim of trade secrets, pursuant to Cal. Civil Code § 3426 *et seq.* and Cal. Govt. Code § 6254.15.

Upon review of Exhibit 22C I have concluded that the granular data therein, showing the numbers of Sprint pre-paid customers in numerous sub-markets within the state, is entitled to confidential treatment but that the portion of the exhibit showing the total number of Sprint pre-paid customers in California as of December 5, 2019, is not. Releasing this information does not deprive applicants of an economic value, nor does it provide competitors an economic value. *See* Cal. Civil Code § 3426.1(d)(1).

Upon review of Exhibit 28C/ Attachment H, I have concluded that this Attachment, which provides a brief summary of New T-Mobile's planned 5G and in-home broadband roll-out three years and six years from the closing of the merger, is not entitled to confidential treatment. While the Exhibit provides aggregated urban and rural deployment targets for New T-Mobile's roll-out of its planned 5G network and in-home broadband service, it does not break down those deployment targets by specific zip codes, standard metropolitan statistical areas, existing cell phone coverage areas, or other similar geographic criteria, nor does it contain localized priorities or timetables for the planned roll-out. I conclude that releasing it does not deprive applicants of an economic value, nor does it provide competitors an economic value.

**IT S RULED THAT:**

1. Joint Applicants' Exhibit 22C shall be accorded confidential treatment except for the final figure in Column K, showing the total number of Sprint prepaid customers in California as of December 5, 2019.
2. Attachment H to Joint Applicants Exhibit 28C shall not be accorded confidential treatment.

Dated February 3, 2020, at San Francisco, California.

/s/ KARL J. BEMESDERFER

Karl J. Bemesderfer  
Administrative Law Judge