

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application of Cellco Partnership d/b/a)	WT Docket No. 12-4
Verizon Wireless and SpectrumCo LLC)	
For Consent To Assign Licenses)	
)	
Application of Cellco Partnership d/b/a)	
Verizon Wireless and Cox TMI Wireless, LLC)	
For Consent To Assign Licenses)	

**JOINT OBJECTION TO DISCLOSURE OF
CONFIDENTIAL AND HIGHLY CONFIDENTIAL INFORMATION**

Pursuant to the Protective Order¹ and the Second Protective Order² in the above-captioned proceeding, Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”), SpectrumCo LLC, and Cox TMI Wireless, LLC (collectively, “Applicants”) hereby object to the disclosure of Applicants’ Confidential and Highly Confidential Information to Debbie Goldman, Telecommunications Policy Director and Research Economist of the Communications Workers of America (“CWA”).³ Applicants do not object to disclosure of such information to CWA’s Outside Counsel and Outside Consultant.

¹ *Cellco Partnership d/b/a Verizon Wireless and SpectrumCo LLC for Consent To Assign Licenses; Application of Cellco Partnership d/b/a Verizon Wireless and Cox TMI Wireless, LLC For Consent To Assign Licenses*, Protective Order, DA 12-50 ¶ 5 (WTB rel. Jan. 17, 2012) (“First Protective Order”).

² *Cellco Partnership d/b/a Verizon Wireless and SpectrumCo LLC for Consent To Assign Licenses; Application of Cellco Partnership d/b/a Verizon Wireless and Cox TMI Wireless, LLC For Consent To Assign Licenses*, Second Protective Order, DA 12-51 ¶ 7 (WTB rel. Jan. 17, 2012) (“Second Protective Order”).

³ CWA electronically filed Ms. Goldman’s signed Acknowledgments pursuant to the First and Second Protective Orders on February 2, 2012. *See* Exhibit 1 (Ms. Goldman’s Acknowledgments).

The First Protective Order limits access to Confidential Information to Outside Counsel, In-House Counsel (provided that such Counsel are not involved in Competitive Decision-Making), and Outside Consultants and experts (who are similarly disallowed if they are involved in Competitive Decision-Making).⁴ The Second Protective Order limits access to Highly Confidential Information to Outside Counsel, including “any attorney representing a non-commercial party in this proceeding,” provided such attorney is not involved in Competitive Decision-Making,⁵ and Outside Consultants and experts, and “any expert employed by a non-commercial party in these proceedings” (so long as they are not involved in Competitive Decision-Making).⁶ “Competitive Decision-Making,” in turn, is defined to include “a person’s activities, association, or relationship with any of its clients involv[ing] advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with *or in a business relationship* with the Submitting Party.”⁷ Thus, while In-House Counsel and in-house experts are generally barred from reviewing Highly Confidential Information, they may be permitted to do so if they work for a non-commercial party. Together, these restrictions limit the disclosure of competitively sensitive information to individuals who should have no ability or incentive to use knowledge acquired from such information outside of the context of the proceeding in which the information is disclosed.⁸

⁴ First Protective Order ¶¶ 2, 8.

⁵ Second Protective Order ¶¶ 2, 7.

⁶ *Id.* ¶ 2.

⁷ First Protective Order ¶ 2; Second Protective Order ¶ 2 (emphasis added).

⁸ *See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816, 24831 ¶ 21

CWA is a workers' union engaged in collective bargaining on behalf of its union members. CWA negotiates on behalf of employees with respect to the terms of wages, benefits, working conditions, employment security, and other provisions in collective bargaining agreements.⁹ Indeed, CWA has been involved in collective bargaining activities on behalf of its members directly with some of the Applicants' affiliates.¹⁰ Ms. Goldman's responsibilities include, among other things, "providing support to the union's collective bargaining" activities.¹¹ CWA and Ms. Goldman are in a position to use Applicants' Confidential and Highly Confidential Information to inform CWA's strategies as it negotiates its agreements with Applicants' affiliates – the very thing against which the Protective Orders are designed to protect.

As such, the exception for in-house experts of non-commercial parties in the Second Protective Order is not available to CWA. Unlike truly non-commercial entities, CWA bargains

(1998) (noting that protective orders are adopted to "protect[] competitively valuable information while permitting limited disclosure for a specific purpose").

⁹ About CWA, http://www.cwa-union.org/pages/about_cwa/ (last visited Feb. 4, 2012).

¹⁰ See, e.g., Brady Dennis, *Verizon workers to end walkout; no agreement on new contract*, The Washington Post (Aug. 20, 2011), available at http://www.washingtonpost.com/business/economy/verizon-workers-to-end-walkout-no-agreement-on-new-contract/2011/08/20/gIQAf3FwSJ_story.html (reporting that CWA and the International Brotherhood of Electrical Workers ended a two-week strike against Verizon and that Verizon would undertake negotiations on a new labor contract to replace the expired one); *NABET-NBC Bargaining Mobilizing Keeps Spirits Up, Talks Moving* (Mar. 1, 2010), available at http://www.cwa-union.org/news/entry/NABET-NBC_Bargaining_Mobilizing_Keeps_Spirits_Up_Talks_Moving (describing recent CWA-NBC collective bargaining negotiations).

¹¹ See User Profile for Debbie Goldman, <http://www.confabb.com/users/profile/dgoldman++> (last visited Feb. 4, 2012); see also Speaker Bios – March 18, 2009, *From Deployment to Employment: Broadband Challenges and Opportunities Surrounding Implementation of the Stimulus Package*, Alliance for Public Technology (containing a biography of Ms. Goldman referencing her role in "providing support to the union's collective bargaining" activities).

directly with Applicants' affiliates over a variety of commercial and business matters, and CWA could be unfairly aided in such negotiations if it were to obtain access to Applicants' most confidential and commercially-sensitive information. CWA is thus not a "non-commercial party" for purposes of the Second Protective Order and no one within the organization should be entitled to access Applicants' designated Highly Confidential Information. Ms. Goldman's Acknowledgement of Confidentiality under the Second Protective Order must be denied. Ms. Goldman's work as the Telecommunications Policy Director and Research Economist for CWA involves "Competitive Decision-Making" within the meaning of the First and Second Protective Orders and separately renders her ineligible for access to designated Confidential and Highly Confidential Information. Ms. Goldman's Acknowledgments of Confidentiality should therefore be denied for both Confidential and Highly Confidential documents.

In other transactions, similar objections have been made against CWA and Ms. Goldman gaining access to Confidential and Highly Confidential information,¹² or to Highly Confidential information.¹³ In those transactions, following objection to Ms. Goldman's access, CWA withdrew or did not pursue her designation.¹⁴

¹² See, e.g., Comcast Corporation, General Electric Company, and NBC Universal, Inc., Joint Objection to Disclosure of Confidential and Highly Confidential Material, *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, MB Docket No. 10-56 (Apr. 28, 2010) (objecting to Ms. Goldman having access to Confidential and Highly Confidential Information).

¹³ Frontier Communications Corp. & Verizon Communications Inc., Objection to Request for Access to Second Protective Order Information, *Application of Verizon Communications Inc. and Frontier Communications Corp. for Consent to Transfer Control of Domestic Section 214 Authority*, WC Docket 09-95, at 4-5 & n.19 (Feb. 12, 2010) (objecting to Ms. Goldman having access to information under Second Protective Order).

¹⁴ See, e.g., Communications Workers of America, Reply to the Joint Objection to Disclosure of Confidential and Highly Confidential Information and Withdrawal of the Request to Disclose Confidential and Highly Confidential Information Pursuant to the Protective Order and Second Protective Order, *Applications of Comcast Corporation, General Electric Company*

Denying Ms. Goldman access to Confidential and Highly Confidential Information will not hamper CWA's participation in this proceeding. CWA has retained Outside Counsel and an Outside Consultant who have filed signed Acknowledgments and are entitled to access Applicants' Confidential and Highly Confidential Information pursuant to both Protective Orders.¹⁵ Thus, CWA will not be harmed by enforcement of the terms of the Protective Orders with respect to Ms. Goldman.

For the foregoing reasons, Applicants request that the Wireless Telecommunications Bureau deny Ms. Goldman access to Applicants' Confidential and Highly Confidential Information submitted pursuant to the First and Second Protective Orders in this proceeding. Granting this request is necessary to preserve and enforce the limitations and protections established by the Protective Orders for Applicants' Confidential and Highly Confidential Information.

and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees, MB Docket No. 10-56 (Apr. 30, 2010) (withdrawing request to disclose Confidential and Highly Confidential Information to Debbie Goldman).

¹⁵ First Protective Order ¶¶ 2, 8; Second Protective Order ¶¶ 1, 2.

Respectfully submitted,

Bryan N. Tramont

Bryan N. Tramont
WILKINSON BARKER KNAUER, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037
(202) 783-4141
Counsel for Verizon Wireless

Michael H. Hammer

Michael H. Hammer
WILLKIE FARR & GALLAGHER LLP
1875 K Street, NW
Washington, DC 20006
(202) 303-1000
Counsel for SpectrumCo LLC

J.G. Harrington

J.G. Harrington
DOW LOHNES PLLC
1200 New Hampshire Ave., NW, Suite 800
Washington, DC 20036
(202) 776-2000
Counsel for Cox TMI Wireless, LLC

February 7, 2012

CERTIFICATE OF SERVICE

I, Joshua M. Bercu, hereby certify that on February 7, 2012, copies of the attached Joint Objection to Disclosure of Confidential and Highly Confidential Information were served by electronic mail and overnight delivery to the following.

Debbie Goldman
Telecommunications Policy Director and Research Economist
Communications Workers of America
501 Third Street, NW
Washington, DC 20001
(202) 434-1194
dgoldman@cwa-union.org

Carly T. Didden
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037
(202) 457-6323
cdidden@pattonboggs.com


Joshua M. Bercu

EXHIBIT 1

February 2, 2012

Carly T. Didden
Direct 202-457-6323
cdidden@pattonboggs.com

VIA ECFS

Mr. Rick Kaplan
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Acknowledgements of Confidentiality, Applications of Cellco Partnership d/b/a Verizon Wireless and SpectrumCo LLC for Consent to Assign Licenses and Application of Cellco Partnership d/b/a Verizon Wireless and Cox TMI Wireless, LLC for Consent to Assign Licenses, WT Docket No. 12-4*

Dear Mr. Kaplan:

On behalf of Communications Workers of America (“CWA”), pursuant to the procedures outlined in the Protective Order and the Second Protective Order in the above-referenced proceeding, please find enclosed copies of the Acknowledgements of Confidentiality from CWA, a CWA consultant and attorneys at CWA’s Outside Counsel, Patton Boggs LLP.¹

¹ *Applications of Cellco Partnership d/b/a Verizon Wireless and SpectrumCo LLC for Consent to Assign Licenses and Application of Cellco Partnership d/b/a Verizon Wireless and Cox TMI Wireless, LLC for Consent to Assign Licenses, Protective Order, DA 12-50 (rel Jan. 17, 2012) and Applications of Cellco Partnership d/b/a Verizon Wireless and SpectrumCo LLC for Consent to Assign Licenses and Application of Cellco Partnership d/b/a Verizon Wireless and Cox TMI Wireless, LLC for Consent to Assign Licenses, Second Protective Order, DA 12-51 (re. Jan 17, 2012).*

Mr. Rick Kaplan
February 2, 2012
Page 2

Copies of this letter and the enclosures are being served today on counsel for the Submitting Parties. If you have any questions, please contact me at (202) 457-6323.

Respectfully submitted,

**COMMUNICATIONS WORKERS OF
AMERICA**

By: 

Carly T. Didden
PATTON BOGGS LLP
2550 M Street NW
Washington, DC 20037
(202) 457-6323

Its Counsel

cc: Nancy Victory, Counsel to Verizon Wireless
Michael Samscock, Celco Partnership d/b/a Verizon Wireless
Christina Burrow, Counsel to Cox TMI Wireless
Jennifer Hightower, Cox TMI Wireless, LLC
Michael Jones, Counsel to SpectrumCo LLC
David Don, SpectrumCo LLC
James Bird, FCC
Joel Taubenblatt, FCC
Sandra Danner, FCC
Best Copy and Printing, Inc.

Enclosures

APPENDIX A

Acknowledgment of Confidentiality

WT Docket No. 12-4

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceeding, and I understand it.

I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order.

I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

I certify that I am not involved in Competitive Decision-Making.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or Outside Consultant to a party or as a person described in paragraph 8 of the foregoing Protective Order and agree that I will not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Confidential Documents and Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed this 31 day of January, 2012.



[Name] Debbie Goldman

[Position] Telecommunications Policy Director

[Firm] Communications Workers of America

[Telephone] 202-434-1194

APPENDIX B

Acknowledgment of Confidentiality

WT Docket No. 12-4

I hereby acknowledge that I have received and read a copy of the foregoing Second Protective Order in the above-captioned proceeding, and I understand it.

I agree that I am bound by the Second Protective Order and that I shall not disclose or use Stamped Highly Confidential Documents or Highly Confidential Information except as allowed by the Second Protective Order.

I acknowledge that a violation of the Second Protective Order is a violation of an order of the Federal Communications Commission.

I certify that I am not involved in Competitive Decision-Making.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Second Protective Order is due solely to my capacity as Outside Counsel or Outside Consultant to a party or as a person described in paragraph 11 of the foregoing Second Protective Order and agree that I will not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of the Second Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Highly Confidential Documents and Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order or the Second Protective Order.

Executed this 31 day of January, 2012.

Debbie Goldman

[Name] Debbie Goldman

[Position] Telecommunications Policy Director

[Firm] Communications Workers of America

[Telephone] 202-434-1194