

**Lampert, O'Connor & Johnston, P.C.**

1776 K Street NW, Suite 700  
Washington, DC 20006

E. Ashton Johnston  
johnston@lojlaw.com

tel (202) 887-6230  
fax (202) 887-6231

January 10, 2012

*Via Electronic Filing*

**REDACTED VERSION**

Nancy Hey  
Experimental Licensing Branch  
Office of Engineering and Technology  
Federal Communications Commission  
445 12th St., S.W.  
Room 7-A322  
Washington, DC 20554

Re: File No. 0005-EX-ST-2012  
**Request for Confidential Treatment**

Dear Ms. Hey:

Google Fiber, Inc. ("Google Fiber"), pursuant to Sections 0.457 and 0.459 of the Commission's rules and the Office of Engineering and Technology's Instructions for Completing FCC Special Temporary Authority Application, respectfully requests confidential treatment in connection with Google Fiber's above-referenced Application for Special Temporary Authority ("Application").

Google Fiber provides the following information pursuant to 47 C.F.R. § 0.459(b) of the Commission's rules.

*(1) Identification of the specific information for which confidential treatment is sought.*

This request is limited to the following information that has been redacted from the Application:

Manufacturer

Model number

REDACTED

Google Fiber does not seek to withhold from public inspection any information necessary for interference mitigation, including applicant name, contact information, location, frequency and power.

*(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.*

The information was submitted in connection with the Application for Special Temporary Authority, File No. 0005-EX-ST-2012, filed January 5, 2012 by Google Fiber.

*(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.*

[REDACTED]

The manufacturer name and model number constitutes confidential trade secrets, technical information, and business information [REDACTED].

*(4) Explanation of the degree to which the information concerns a service that is subject to competition:*

The information for which confidential treatment is sought concerns the highly competitive consumer electronics market, and this information regarding Google Fiber's private business and operations "would customarily be guarded from competitors." See 47 C.F.R. §§ 0.459(a)(4), 0.457(d)(2).

*(5) Explanation of how disclosure of the information could result in substantial competitive harm.*

Disclosure of the information would reveal confidential trade secrets, technical information, and business information, resulting in disruption of Google Fiber's vendor relationships in the highly competitive consumer electronics market.

*(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*

Please see response to item (7) below.

*(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*

Google Fiber has not made the information subject to this request available to the public or to any third parties, does not routinely disclose such commercially sensitive information to the public or to third parties, and has established procedures to protect such information internally. Google Fiber voluntarily provides the information at this time with the expectation that it will be treated confidentially in accordance with the Commission's rules. See *Critical Mass Energy*

*Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (commercial information provided on a voluntary basis “is ‘confidential’ for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.”).

*(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure.*

Google Fiber requests that the information be held confidential during the period for which special temporary authority for experimental operations is requested, and thereafter until such information no longer is deemed confidential and proprietary by Google Fiber and no longer subject to Google Fiber’s internal procedures for maintaining its confidentiality.

*(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.*

The information for which confidential treatment is requested falls within Exemption 4 of the Freedom of Information Act (“FOIA”), which provides a statutory basis for withholding from public inspection “matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. § 552(b)(4).

Consistent with 47 C.F.R. § 0.459(d)(1), Google Fiber requests notification if release of the information subject to this request is requested pursuant to the FOIA or otherwise, so that Google Fiber may have an opportunity to oppose grant of any such request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "E. Ashton Johnston", with a long horizontal flourish extending to the right.

E. Ashton Johnston  
Counsel to Google Fiber, Inc.