

March 8, 2018

Via Electronic Filing

Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Services Development Company LLC
File No. 0167-EX-CM-2017; Call Sign: WH2XVO
Request for Confidential Treatment**

To Whom It May Concern:

Services Development Company LLC (“SDC”), pursuant to 5 U.S.C. § 552 and 47 C.F.R. § 0.459, hereby requests that the “Supplement to Experimental Authorization” filed concurrently with this letter with respect to the above-referenced call sign be treated as confidential and not subject to public inspection. The enclosed information constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm to SDC and its affiliates. As demonstrated below, SDC’s request satisfies the standards for grant of confidential treatment.

In accordance with 47 C.F.R. § 0.459(b), SDC is providing the following information in support of this request for confidential treatment:

1. Identification of the specific information for which confidential treatment is sought:

SDC seeks confidential treatment of the information contained in “Supplement to Experimental Authorization” filed in association with call sign WH2XVO (hereinafter, the “Supplement”).

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

SDC is submitting this Supplement at FCC staff’s request seeking additional information pertaining to Call Sign WH2XVO. The License was originally granted July 2, 2015.

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

The Supplement contains details about the commercial goals and status of SDC’s testing with the License that has not previously been made public. This confidential information provided is sensitive

commercial data of the type that businesses normally keep confidential.¹ Moreover, the tests and experiments described therein include trade secrets.² Specifically, SDC's tests and experiments, including the frequencies and test equipment, will be used to develop innovative services and technologies.

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

The services and technologies that are subject to this application have not yet been fully developed but are expected to lead to material developments in markets subject to competition.

5. Explanation of how disclosure of the information could result in substantial competitive harm:

The Supplement is sensitive as it details the commercial goals and progress of its testing under the License. Its public release would provide insight into the timing and nature of SDC's intended innovative services and technologies, which would potentially jeopardize the business plans and strategies of SDC and its affiliates. Public disclosure of the Supplement would also diminish the value of SDC's efforts by unfairly enabling others to appropriate SDC's efforts and develop similar services and/or technologies. This risk of appropriation is even greater given the highly competitive nature of the areas in which SDC competes.

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure:

SDC has taken steps to keep confidential the Supplement, including limiting the number of people involved in the tests and experiments included the Supplement and requiring all third parties involved to execute non-disclosure agreements. Moreover, SDC has not announced or advertised its commercial goals of the services developed under its License to the public and all previous disclosures to the FCC were similarly filed under a request for confidentiality.

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

The Supplement is not available to the public and has only been disclosed to third parties pursuant to non-disclosure agreements.

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

¹ See 5 U.S.C. § 552(b)(4).

² See *Public Citizen Health Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983) (defining a trade secret for purposes of the Freedom of Information Act as a "secret, commercially valuable . . . process or device that is used for the making . . . of trade commodities and that can be said to be the end product of either innovation or substantial effort"); see also *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 ¶ 3 (1998).

SDC respectfully requests that the Supplement be withheld from public inspection until such time as it is publicly disclosed by SDC. An indefinite period of confidentiality is required in order to protect the evolving business plans and strategies of SDC and its affiliates.

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 public interest would not be served by making the Supplement publically available. The operation of the experimental license has not resulted in any harmful interference and, thus, disclosure of the Supplement would not be beneficial or necessary.

Very truly yours,

_____/s/

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