

Laura A. Stefani
202 434 7387
lastefani@mintz.com



701 Pennsylvania Avenue, NW
Suite 900
Washington, DC 20004
202 434 7300
mintz.com

January 14, 2021

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

Re: Request for Confidential Treatment
AST&Science LLC - Experimental License Application (Orbital Debris Statement)
File No. 1059-EX-CN-2020

Dear Ms. Dortch:

Pursuant to Sections 0.457 and 0.459 of the Federal Communications Commission's rules,^{1/} AST&Science LLC ("AST") hereby requests confidential treatment of information submitted in support of its experimental license application noted above in order to protect confidential commercial information and trade secrets. AST asks that this information not be placed into public files. As detailed below, for the document for which this request covers, AST will file multiple copies of the same document for public and non-public use.

- (1) **Identification of specific information for which confidential treatment is sought:** AST seeks confidential treatment of certain information in its Orbital Debris Assessment related to design specifications and technical information for the BlueWalker 3 ("BW3") space station. This information relates to certain parts contained in the space station, and its weight, which if made public would allow a competitor to copy the protected design. A redacted public version and an unredacted version of this document have been filed.
- (2) **Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:** File No. 1059-EX-CN-2020 (FCC Form 442, application for experimental license).
- (3) **Explanation of the degree to which the information is commercial or financial, or contains a trade secret, or is privileged:** Information regarding certain parts used in the design of the BW3 is commercial information that is also a protected trade secret.
- (4) **Explanation of the degree to which the information concerns a service that is subject to competition:** None of the information that AST seeks to be protected under this request concerns a service subject to competition. AST will be using the BW3 solely for test purposes and will not be providing any commercial services with the space station.
- (5) **Explanation of how disclosure of the information could result in substantial competitive harm:** AST&Science is developing a novel low-Earth orbit ("LEO") satellite system that will compete in the marketplace against a number of other LEO systems being developed today. The BW3 test satellite has design features similar to or the same as the satellites that will be used in the SpaceMobile constellation that AST will use to provide 4G and 5G services. Competitors could use information regarding the design of the BW3 to

^{1/} 47 C.F.R. § § 0.457 and 0.459.

design similar satellites in order to pursue AST&Science's customers. This would undermine the investments that AST&Science has made in developing its SpaceMobile system.

- (6) **Identification of any measures taken by the submitting party to prevent unauthorized disclosure:** AST&Science ensures protection of this information through the use of non-disclosure agreements ("NDAs") and confidentiality policies with employees, suppliers, consultants, etc. Additionally, AST takes care not to disclose this information publicly on its website, in press releases, during interviews, or in any other manner.
- (7) **Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:** None of the information for which AST seeks protection is available to third parties other than those subject to NDAs or similar confidentiality requirements.
- (8) **Justification of the period during which the submitting party asserts that material should not be available for public disclosure:** AST seeks protection of confidential information regarding the design of its space station for an indefinite period, to ensure that competitors do not use the Commission's licensing process to try to replicate AST's technologies that are trade secrets. If this were to occur, AST would lose the competitive advantages that it can derive from its confidential trade secrets.
- (9) **Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted:** As noted, AST is developing a novel satellite technology, the particulars of which could be used by other parties to gain a competitive advantage in the marketplace.

Sincerely,

A handwritten signature in black ink that reads "Laura A. Stefani".

Laura A. Stefani
Attorney for AST&Science LLC