

CONFIDENTIALITY REQUEST

Application for Experimental License

ZF Autocruise France S.A.S.

FILE NO. 0242-EX-CN-2022

By the above-referenced application (“Application”), ZF Autocruise France S.A.S. (“ZF”) requests that the Commission grants an Experimental License for the operation of the facilities (“Facilities”) specified in the instant Application.

Pursuant to 47 C.F.R. §0.459, confidential treatment of the information contained in Exhibit 3 to the instant Application (“Exhibit 3”) is requested.

In accordance with 47 C.F.R. §0.459(b), confidential treatment of Exhibit 3 is requested for the following reasons:

1. Confidential treatment is requested for the entirety of the information contained in ZF’s Exhibit 3. For the sake of clarity, this is to confirm that confidentiality is requested for Exhibit 3 to the Application, but the technical data present in the Form itself, as well as the information contained in Exhibit 1, can be made publicly available. This Confidentiality Request itself does not contain any confidential information and, therefore, can also be made publicly available.

2. The submission in connection with which the subject information is being submitted is the instant Application submitted by ZF under File No. 0242-EX-CN-2022.

3. The information contained in Exhibit 3 – when combined with the technical data and frequency information specified in the publicly available Form - constitutes confidential, proprietary trade secret or other commercial information concerning the services and operations that ZF provides or hopes to provide to current and potential customers, and the company’s strategic research and development strategies. Disclosure of such information (in combination with the public technical data) would cause irreparable injury and substantial harm to ZF’s ongoing business operations and competitive position. The information is extremely sensitive and (in a combined fashion) is not available to the public in any substantially similar form.

4. The information contained at Exhibit 3 contains (when in combination with the public technical data) information of a highly confidential and proprietary nature, as the development and creation of invention and technology is the backbone of the automotive industry. As ZF seeks to achieve an edge over its competitors, it is the development of its proprietary information that will dictate to what extent the company may maintain such edge. The industry is a most competitive one, and the inadvertent release of any proprietary information would have a severe negative impact on ZF’s position in the marketplace.

5. ZF's competitive position could be particularly negatively affected by a disclosure of confidential information to the public, which, of course, includes ZF's competitors. Disclosure of the information (when in combination with the public technical data) in Exhibit 3 would cause irreparable injury and substantial harm to ZF's ongoing business operations and competitive position. At the core of ZF's operations is its development of proprietary information, which it uses as the basis to obtain a competitive edge over its competitors. Improper disclosure of proprietary information, and the release of such disclosure could have an extremely negative impact on the ability of ZF and its operations.

6. The information in Exhibit 3, when combined with the information in the Form itself, is not currently available to the public in any substantially similar form.

ZF takes all commercially necessary steps to prevent this information from being disclosed to the public. ZF requires, prior to the release of any of its proprietary information, that any such receiving party execute a fully negotiated non-disclosure agreement to restrict the use and potential redisclosure of ZF proprietary information. All proprietary information released by ZF is appropriately marked as proprietary prior to delivery, along with cautionary statements regarding the use of such information.

7. The information in Exhibit 3 (when in combination with the public technical data) is not currently available to the public in any substantially similar form. ZF takes all commercially necessary steps to prevent the information in the Exhibit from being disclosed to the public. As mentioned above, only those persons or entities such as subcontractors or joint venturers etc. are privy to the company's proprietary information, and only after any such party has executed a non-disclosure agreement.

8. ZF requests that Exhibit 3 be kept confidential indefinitely. Such a time period is justifiable in light of the substantial and continuing competitive concerns inherent in the automotive industry that are discussed above in paragraph 4.

Given the substantial public policy reasons provided by ZF in support of maintaining the confidentiality of Exhibit 3, and the lack of any compelling reason to make Exhibit 3 available to the public, ZF hereby respectfully requests that Exhibit 3 be withheld from public disclosure pursuant to 47 C.F.R. §0.459.

Pursuant to 47 C.F.R. §0.459(e), ZF hereby reserves the right— in the unlikely event that the instant Confidentiality Request is denied by the Commission – to withdraw Exhibit 3 in its entirety prior to Exhibit 3 being placed in the Commission's public files.