

CONFIDENTIALITY REQUESTED

Per 47 CFR Section 0.459(b):

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

(1) The information for which confidentiality is requested is the attached Exhibit (hereinafter the “Exhibit” or “Exhibits”) to FCC OET Experimental License Application for Special Temporary Authority (STA File Number: 0713-EX-ST-2022). The Exhibit describes the government contract description and is titled “Government Contract Description.pdf”. Any future documents supporting STA File Number 0713-EX-ST-2022 should also be treated as confidential.
- (2) *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission;*

(2) The specific circumstances giving rise to the submission (STA Explanation) are described in the attached confidential Exhibit.
- (3) *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged;*

(3) The material describes an innovative technology being developed and tested by the applicant at its own expense. The confidential Information has not been publicly disclosed and has been closely guarded by the applicant. The applicant has shared information about the project only on a highly circumscribed “need to know” basis with personnel involved in the testing process and pertinent government officials.
- (4) *Explanation of the degree to which the information concerns a service that is subject to competition;*

(4) Much like applications for equipment authorizations whose contents are routinely kept confidential until the authorization is granted, STA File Number: 0713-EX-ST-2022 is part of a proof of concept supporting a government contract, whose premature disclosure would be highly damaging to the prospects of success of the program. The applicant’s proof of concept would be readily subject to expropriation by competitors if its outline were made publicly known.
- (5) *Explanation of how disclosure of the information could result in substantial competitive harm;*

(5) The commercial application of the applicant’s concept has considerable value if the design proves out, and public disclosure would effectively penalize L3Harris for its early efforts in moving the design forward.

- (6) *Identification of any measures taken by the submitting party to prevent unauthorized disclosure;*
- (6) In the meantime, protecting confidential Information is essential to the project's success. To prevent unauthorized disclosure of the Information, the applicant has executed binding non-disclosure agreements with the involved parties and has taken substantial measures to further limit its dissemination on a highly circumscribed "need to know" basis with personnel involved in the testing process and pertinent government officials.
- (7) *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties;*
- (7) The confidential Information has not been publicly disclosed and has been closely guarded by the applicant. The applicant has executed a binding non-disclosure agreement with third parties to whom the applicant has previously disclosed the Information. Moreover, the applicant has taken substantial measures to share the Information only on a highly circumscribed "need to know" basis with personnel involved in the testing process and pertinent government officials.
- (8) *Justification of the period during which the submitting party asserts that material should not be available for public disclosure; and*
- (8) Once the design is tested and, if proven out, is commercially launched, competitors would become aware of the system, and the need for confidentiality would be reduced, but that is not likely to occur for several years.
- (9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.
- (9) The Commission's rules permit certain material presented in applications to be kept confidential. The confidential material appends hereto falls squarely within the "trade secret and commercial or financial information" category of material that should not be made available for public inspection.

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