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VIA ELECTRONIC FILING

Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

**Re: Alpha Bravo Communications LLC – Request for Confidential Treatment
OET File No. 0260-EX-CM-2023**

Dear Ms. Dortch:

Pursuant to 5 U.S.C. § 552 and 47 CFR §§ 0.457, 0.459, Alpha Bravo Communications LLC (the “Company”) hereby requests that certain information in and attachments to the above-referenced application for an experimental license be treated as confidential and not subject to public inspection.

The information for which confidentiality is sought contains confidential and commercially sensitive information that would cause significant economic and competitive harm if publicly disclosed.

Exemption 4 of the Freedom of Information Act allows entities to withhold from public information “trade secrets and commercial or financial information obtained from a person and privileged or confidential.”¹ Section 0.457(d)(2) of the Commission’s rules allows persons submitting materials that they wish withheld from public inspection in accordance with Section 552(b)(4) to file a request for non-disclosure, pursuant to Section 0.459.² As demonstrated herein, the specific information for which the Company seeks confidential treatment—identified in Item 1 below (“Confidential Information”)—contains confidential and commercially sensitive information that falls within Exemption 4 of the Freedom of Information Act.³

¹ 5 U.S.C. § 552(b)(4).

² 47 CFR § 0.459.

³ 5 U.S.C. § 552(b)(4); 47 CFR § 0.457(d).

In accordance with Section 0.459(b) of the Commission’s Rules, this request is supported by the following showing:

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

The Company seeks confidential treatment of the following Confidential Information:

- a. Certain aspects of the Narrative Statement describing the selection of antenna sites, and
- b. the Antenna Specifications, as disclosed as an appendix to the Narrative Statement

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

The Company is submitting this information as part of an application for an experimental license, OET File No. 0260-EX-CM-2023.

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

The Confidential Information contains information of significant commercial value, and the tests and experimental operations described therein include trade secrets.⁴ The innovative equipment, services, and technologies described by the Company in the Narrative Statement could be used by its competitors to the disadvantage of the Company. More specifically, the narrative description discusses testing parameters and processes, including operational techniques and strategies that could help competitors build similar systems and unfairly use the Company’s technology and ideas to reduce research, testing, implementation and operational costs.

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

The equipment, services, and technologies that are the subject of the instant application are in the early stages of their development. The Company anticipates that the continued development of these equipment, services, and technologies may demonstrate the ability of using wireless technologies over long distances and the potential for use of those data transmissions to improve the efficiency of markets.

⁴ See, e.g., *In the Matter of Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816, 24818, para. 3 (1998) (explaining that “[i]n the context of the FOIA, a trade secret is defined as ‘a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.’”).

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

Information concerning the Company's equipment, services, and technologies is proprietary and commercially sensitive. If the Confidential Information were publicly disclosed, the Company's competitors could use the information to jeopardize the Company's long-term business plans and enable competitors to unfairly appropriate the Company's innovative technology to develop competing wireless technologies and systems.

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

The Company closely guards access to ensure the Confidential Information is not publicly disclosed. The Confidential Information is not distributed, circulated, or provided to any party outside of the Company without executing a Non-Disclosure Agreement. The Company treats this information as sensitive and confidential. Thus, only specialized personnel within the Company have access to it and only on a need-to-know basis.

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 Company has not publicly disclosed the Confidential Information. All parties outside of The Company that have access to this information obtained such information only after executing a Non-Disclosure Agreement, as discussed above.

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

The Company respectfully requests that the Confidential Information should remain subject to confidential treatment permanently. Even release of this information after the license term could jeopardize the Company's long-term business plans and enable competitors to unfairly appropriate the Company's innovative technology to develop competing wireless technologies and systems. Accordingly, the Confidential Information could be used by competitors to the Company's detriment.

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 Confidential Information publicly available. As discussed above, the nature of the experimentation being conducted by the Company highly innovative and of significant value to other companies. Public disclosure would put the Company at a significant competitive disadvantage if it were made public.

Please contact the undersigned should you have any questions concerning this filing.

Respectfully submitted,

/s/ Tony Lin

Tony Lin
DLA Piper LLP (US)

Counsel to Alpha Bravo Communications LLC