

February 5, 2024

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

Re: Request for Confidential Treatment, File No. 0127-EX-CN-2024

Dear Ms. Dortch,

Pursuant to Sections 0.457 and 0.459 of the Federal Communications Commission's ("Commission") rules,¹ RCA Telecom LLC ("RCA") hereby requests confidential treatment of information submitted in support of the above-referenced experimental license application ("Application"). The information contained in the Application is confidential and proprietary information that, if subject to public disclosure, would cause RCA significant commercial, economic and competitive harm. Therefore, RCA seeks to keep this information from public disclosure in order to protect its confidential commercial information and trade secrets.

As detailed below, this request satisfies the Commission's standards for grant of confidential treatment.

(1) Identification of specific information for which confidential treatment is sought: RCA seeks confidential treatment of certain redacted information in the narrative regarding specific technical elements of its testing, such as test plans, signal specs, and antenna set up and function, about the height of the TS2 antennas, and about the design and manufacture of the custom TS1 antenna. RCA additionally seeks confidential treatment of four exhibits: two exhibits that contain the antenna patterns, antenna diagrams and orientation, and two exhibits that contain sketches for the TS1 and TS2 antennas.

(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. 0127-EX-CN-2024 (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 RCA's specific purpose and method of testing, including antenna patterns, design, height, and orientation, is highly confidential commercial information that is also a protected trade secret. RCA is developing innovative services and technologies that may have significance commercial value, and RCA makes great

¹ 47 C.F.R. § § 0.457 and 0.459.

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effort to keep this information confidential. The FCC has previously found that this type of information is protected under FOIA Exemption 4.² Similarly, information regarding the build and components of the TS1 antenna is highly confidential commercial information that is a protected trade secret because that antenna is custom engineered for RCA using components from different suppliers. Competitors may seek to obtain an advantage over RCA if they have access to information regarding the specifics as to how this antenna was developed.

(4) Explanation of the degree to which the information concerns a service that is subject to competition: The technologies being developed may lead to material developments in markets subject to competition.

(5) Explanation of how disclosure of the information could result in substantial competitive harm: The information that RCA seeks to protect is highly sensitive commercial information and public release would provide insight into its intended innovative services and technologies, which would potentially jeopardize its business plans and strategies. Competitors could use information regarding the design of the system and use of frequencies to design similar systems. This would undermine the investments that RCA has made into developing its system, diminishing the value of its efforts by unfairly enabling others to appropriate its technologies.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure: RCA ensures protection of this information through the use of non-disclosure agreements (NDAs) and confidentiality policies with employees, suppliers, consultants, etc. It stores information regarding its testing, including source code, in access-controlled repositories. Additionally, RCA takes care not to disclose this information publicly on its website, in press releases, during interviews, or in any other manner. Additionally, RCA limits the number of people involved in testing and experiments to only essential personnel.

(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 RCA seeks protection is available to third parties other than those subject to NDAs or confidentiality requirements.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure: RCA seeks protection of its confidential information indefinitely, to ensure that competitors do not receive trade secrets via the

² Letter from Ronald T. Repasi, Chief, Office of Engineering and Technology to Timothy J. Eloë, Chief Executive Officer, Skywave Networks, FOIA Control No. 2023-000709 (August 31, 2023) (“RCA FOIA Decision”).

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Commission's licensing process. This will ensure that its evolving business plans and strategies will continue to be protected.

(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted: RCA is developing a novel technology, the particulars of which could be used by other parties to gain a competitive advantage in the marketplace. The public interest would not be served by making this information available, especially as testing would not result in harmful interference to others, making public review unnecessary and not beneficial.

Please direct any questions to the undersigned

Sincerely,

/s/ Laura A. Stefani

Laura A. Stefani

Attorney for RCA Telecom LLC