

REQUEST FOR CONFIDENTIAL TREATMENT

November 5, 2024

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VIA ELS

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: *In re Bringo Inc. Application for Authority to Conduct Experimental Operations and Market Trials*, ELS File No. 1062-EX-CN-2024

Dear Ms. Dortch:

Pursuant to Sections 0.457 and 0.459 of the Commission's rules,¹ Bringo Inc. ("Bringo") respectfully requests that the Narrative of this application be afforded confidential treatment and not be placed in the Commission's public files. The information in the Narrative qualifies as "commercial or financial information" that "would customarily be guarded from competitors"² regardless of whether such materials are protected from disclosure by a privilege. The information is closely held by Bringo, is not available to the public, and is not revealed except under cover of confidentiality.³ The disclosure of Bringo's testing and trials to advance high-frequency hardware, software, and transmission technologies contained in the Narrative would cause Bringo substantial competitive harm.⁴ The Narrative is accordingly marked with the header, "SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSPECTION." Bringo therefore requests that the Commission not "permit the inspection" of the Narrative.⁵

¹ 47 C.F.R. §§ 0.457 and 0.459.

² See, e.g., James A. Kay, Jr., Decision, 17 FCC Rcd 1834, ¶ 23 (2002) (withholding such information from public inspection).

³ See 47 C.F.R. § 0.457(d); *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) ("[W]e conclude that financial or commercial information provided to the Government on a voluntary basis is 'confidential' for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.").

⁴ See *Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 2363 (2019).

⁵ 47 C.F.R. § 0.451.

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In support of this request and pursuant to Section 0.459(b) of the Commission's rules,⁶ Bringco hereby states as follows:

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁷

Bringco seeks confidential treatment for the entire scope, specifications, and objectives of the experiments and market trials to be conducted under this application, as described in the Narrative.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁸

Bringco submits this Narrative to the Commission to assist in the review of the pending experimental license application, where Bringco requests to conduct experimental tests of high-frequency hardware, software, and transmission technologies.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR IS PRIVILEGED⁹

The information for which Bringco seeks confidential treatment contains sensitive commercial information relating to testing and refining equipment and software. The Narrative also contains sensitive information about technical specifications of the antennas as well as business and testing strategies that is not disclosed to the public. Bringco treats this information as highly confidential and guards against its disclosure to third parties.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION¹⁰

The market for high frequency communications is innovative, fast-developing, and competitive. Bringco's business developing communication modes and equipment that enhance the performance elements of high frequency communications is subject to competition from other device, software, and network developers.

⁶ 47 C.F.R. § 0.459(b).

⁷ 47 C.F.R. § 0.459(b)(1).

⁸ 47 C.F.R. § 0.459(b)(2).

⁹ 47 C.F.R. § 0.459(b)(3).

¹⁰ 47 C.F.R. § 0.459(b)(4).

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5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹¹

Competitors could use the information in the Narrative to Bringo's detriment in the market. Disclosure could permit competitors to gain access to information regarding Bringo's strategies to test and refine Bringo's communication systems and market models. Knowledge of Bringo's technologies and specifications of its testing plan would allow competitors to infer or confirm information about Bringo's technology and business strategy, of which they are currently unaware or uncertain, and could jeopardize Bringo's competitive position.

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹²

Bringo strictly limits access to information about the technologies and test plans described in the Narrative. Bringo has made the substance of the Narrative known only to those employees who have a need to know the subject matter, and those employees are aware of the confidential and sensitive nature of the information. Bringo does not provide this information to communications companies or any other party in the ordinary course of business.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹³

Information about Bringo's technologies and test plans disclosed in the Narrative is not publicly available.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹⁴

Bringo requests that the proprietary information be withheld from disclosure for an indefinite period, at a minimum the entire duration of the experimental license. The testing and trials require confidentiality while they are underway so Bringo may develop its communication technologies and business strategies without disclosing these developments and strategies to competitors.

¹¹ 47 C.F.R. § 0.459(b)(5).

¹² 47 C.F.R. § 0.459(b)(6).

¹³ 47 C.F.R. § 0.459(b)(7).

¹⁴ 47 C.F.R. § 0.459(b)(8).

