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January 22, 2020

Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: 10BandLLC
Request for Confidential Treatment

Dear Sir/Madam:

10Band LLC (“10Band”) hereby requests that certain information submitted with its experimental application, be treated as confidential and withheld from public inspection pursuant to 5 U.S.C. § 552 and 47 C.F.R. 0.459. As set forth below, this information constitutes proprietary information of 10Band that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm to 10Band and its affiliates. Accordingly, 10Band’s request satisfies the standards for grant of confidential treatment.

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

10Band requests confidential treatment for the Narrative Statement, the HF Antenna Orientation Exhibit, and the responses to the 7th question (“Exhibit Information”) in the Form 442 (collectively, all items for which confidential treatment is requested are referred to herein as the “Confidential Information”). Among other things, the Confidential Information contains equipment vendor identification, and antenna orientation information.

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

The Narrative Statement is part of the experimental application being filed on this date with the Commission.

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

The Confidential Information has significant commercial value, and the equipment, experiments, and tests described in the Narrative Statement include trade secrets of 10Band and its vendors. For FOIA purposes, the Commission defines a trade secret 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.” Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order, FCC 96-109 (Aug. 4, 1998) at para. 4 and cases cited therein. 10Band’s experiments and tests, which may lead to the development of innovative uses of the radio spectrum, represent a “secret, commercially valuable plan” within the meaning of this definition.

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

The technologies subject to this experimental application are under development; however, if the tests are successful, they may lead to substantial developments in the competitive wireless data transmission field.

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

The public release of the Confidential Information would jeopardize the applicant’s business plans and strategy, and enable competitors to unfairly appropriate 10Band’s efforts and develop similar services and technologies. It would further deprive 10Band of the value of the time and expense invested in conducting its experiments.

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

10Band has disclosed the Confidential Information only to 10Band personnel, attorneys, vendors, and consultants that are bound by non-disclosure agreements or equivalent professional obligations, and 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

10Band has not made the Confidential Information available to the public and it is not generally available from any other source.

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

The Confidential Information should be withheld from public inspection indefinitely. The applicant's business plans are expected to undergo further changes based on the test conducted, and confidentiality is necessary to protect those evolving plans.

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 available to the public. Grant of the experimental application will not result in harmful interference to other users, and accordingly public review of the Confidential Information, as opposed to the information in the body of the Form 442, would not be necessary.

Respectfully submitted,


William K. Keane