

Air USA Experimental License Application  
Request for Confidentiality  
Application File Number: 0158-EX-CR-2021

Air USA is requesting confidentiality for exhibits to its experimental license request application number 0158-EX-CR-2021 to the extent allowed by the Commission's Rules, 47 C.F.R. §0.459. Should the Commission be unable to grant this confidentiality request, the applicant requests that the Commission contact the applicant as soon as possible.

The radio operations proposed under this application are for the testing of a radar system for research and development and on behalf of Air USA's customers in the Department of Defense. While the Commission's Rules automatically protect some national security information from public disclosure under 47 C.F.R. §0.457, the application submitted here does not fit into the specific provisions of Section 0.457. Therefore, Air USA is seeking to protect the information submitted here under the provisions of Section 0.459 of the Commission's Rules. The request for confidentiality is intended to protect proprietary and sensitive information about the technology being used, the details of the technology integration, and other similar data. Protecting this information will protect the DOD and Air USA's experimentation from unwarranted exposure.

Additionally, this application includes some technical trade secret information which Air USA wishes to keep secret from its competitors, in addition to shielding the sensitive information from general release. The details in the exhibit include information that could lead competitors to learn Air USA trade secrets. Keeping the design and operation of those tests confidential is key to maintaining the totality of the trade secrets related to Air USA's operations and key partners.

This request for confidentiality requests that the Commission withhold from public view any information related to the description of use of spectrum and all exhibits filed with this application. Protection of this information is essential to preserve Air USA's ability to fulfill its responsibilities to its Department of Defense customers and to protect the American public.

In accordance with the OET Electronic filing system requirements, a point by point explanation of the request under section 0.459 of the Commission's Rules is set forth below. Air USA hereby requests confidential treatment of this application and, in particular, confidential treatment of the exhibits.

Subsection (b) (1): information to be kept confidential – all information in the exhibit to application and as much of the application as can be kept confidential;  
Subsection (b) (2): This application is submitted as required by law to seek authorization to operate, however the circumstances of the operation require that this confidentiality request be filed in the interests of national security and to protect trade secrets. This explanation is provided more fully above.

Subsection (b) (3): Some aspects of the technology development are protected trade secrets, and as such, confidential treatment of this application will protect from the public some of the tools and techniques that Air USA keeps secret to advance the development of its products and methods.

Subsection (b)(4): N/A

Subsection (b)(5): N/A

Subsection (b)(6): Only this submission with the accompanying confidentiality request has been made public, the rest of the information is at a secured facility;

Subsection (b)(7): The underlying information is available only to individuals with the authority to access the information at the relevant secured facilities.

Subsection (b)(8): National security requires that this information be kept confidential during processing AND for the duration of any license, and license renewal, that is issued.

Subsection (b) (9): N/A