



Request for Confidential Treatment

0029-EX-CM-2020

To Whom It May Concern:

Pursuant to Sections 0.457(d) and 0.459 of the FCC Rules, 47 CFR §§ 0.457(d) and 0.459, the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the Trade Secrets Act, 18 USC § 1905, Capella Space Corp. ("Capella") respectfully requests that the confidential information submitted herewith (the "Confidential Materials") not be placed in the public file and be otherwise withheld from public inspection.

- (1) **Identification of the specific information for which confidential treatment is sought:** The Confidential Materials consist of the exhibit attached to the above referenced experimental license application entitled "Confidential - NOAA Authorization."
- (2) **Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:** The Confidential Materials are being submitted in connection with the above referenced experimental license application.
- (3) **Explanation of the degree to which the information is commercial or financial, or contains a trade secret of privilege:** The Confidential Materials contain specific proprietary technical and commercial information relating to Capella's Synthetic Aperture Radar sensing capabilities that are both commercially sensitive and constitute trade secrets.
- (4) **Explanation of the degree to which the information concerns a service that is subject to competition:** Capella is subject to substantial competition from other operators of space-based imaging services, both existing and planned. Public disclosure of the Confidential Materials could allow Capella's competitors ready access to sensitive proprietary company information, which, under normal business circumstances, is not and would not be publicly disclosed.
- (5) **Explanation of how disclosure of the information could result in substantial competitive harm:** Among other things, disclosure of the Confidential Materials would provide potential competitors significant and detailed information on the design and capabilities of the satellite system Capella has under development, and could thereby enable unfair competition. Accordingly, public disclosure of any of the information contained in the Confidential Materials is likely to cause competitive injury and substantial irreparable harm. It is therefore exempted from disclosure under FOIA Exemption 4, and Section 0.457(d) of the Commission's rules.
- (6) **Identification of any measures taken by the submitting party to prevent unauthorized disclosure:** Capella has taken substantial and reasonable measures to prevent unauthorized disclosure of the Confidential Materials, including marking the materials as proprietary or similar and, where appropriate, advising recipients of their proprietary and protected status prior to making related oral disclosure(s). Any disclosure of the Confidential Materials to other entities has been subject to a binding non-disclosure agreement, or subject to attorney-client privilege.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties: To the best of the applicant's knowledge, as of the date of this submittal, the information contained in the Confidential Materials is not presently available to the public, and Capella does not presently intend for it to be released for wider distribution. The extent of previous disclosure of the information to third parties has been strictly limited and subject to the restrictions noted above to ensure confidentiality.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure: Capella requests that the Confidential Materials be withheld from public disclosure by the Commission for an indefinite period, or for the maximum permissible time. Capella has a proprietary right in its confidential commercial information and has expended substantial financial and in kind resources to organize and develop the capabilities described in the Confidential Materials. Capella also has taken significant precautionary steps and measures to maintain and safeguard its confidential information, including the information contained in the Confidential Materials.

For all the above-stated reasons, the Commission should grant Capella's limited Request for Confidential Treatment and should not place the Confidential Materials in the public file and otherwise should withhold the Confidential Materials from public inspection.

If you require additional information, please contact the undersigned at to legal@capellaspace.com.

Respectfully submitted,

/s/ Dan Connors
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