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November 9, 2018

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street N.W.  
Washington, DC 20554

**Re: Delmarva Broadband Services, LLC  
Request for Confidential Treatment  
Experimental Licensing Service File No. 0855-EX-CN-2018**

Dear Ms. Dortch:

Delmarva Broadband Services, LLC (“Applicant”) respectfully requests that the FCC afford confidential treatment to the entire scope of its test plan included in its experimental radio service license application pursuant to the provisions of Sections 0.457 and 0.459 of the Commission’s rules governing the submission of confidential materials.<sup>1</sup> Applicant additionally requests that the Commission not place any of the Confidential Information in the Commission’s public files. Applicant is providing this information to the Commission in a Confidential Narrative Statement and Confidential Exhibits to accompany its application, File No. 0855-EX-CN-2018. The confidential information qualifies as “commercial or financial information” that “would customarily be guarded from competitors” regardless of whether or not such materials are protected from disclosure by a privilege, is closely held by Applicant, is not available to the public, and not revealed except under cover of confidentiality.<sup>2</sup> Applicant therefore requests that the Commission continue to restrict public inspection of these materials.<sup>3</sup>

In support of this request and pursuant to 47 C.F.R. § 0.459(b), Applicant makes its request for confidential treatment based on the following information:

1. Applicant seeks confidential treatment for the entire scope, specifications, and objectives of the experiments to be conducted under this application, other than the FCC Form 442, this

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<sup>1</sup> 47 C.F.R. §§ 0.457, 0.459.

<sup>2</sup> 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.”).

<sup>3</sup> 47 C.F.R. § 0.451.

Request for Confidential Treatment, and the Stop Buzzer contact information provided in Exhibit 2 to the Form 442 (the "Confidential Information").

2. Applicant is submitting the Confidential Information as part of an experiment application to conduct the experimentation described in its response to Question Seven of the application.

3. Applicant's Confidential Information is privileged commercial information and is restricted solely to Applicant. Applicant's tests and experiments, including the frequencies and test equipment, have significant commercial value and include trade secrets.

4. The services and technologies that form the basis of this application have not yet been fully developed but are expected to lead to material developments in markets subject to competition.

5. Knowledge of Applicant's technologies and specifications of its testing plan would allow competitors to infer or confirm information about Applicant's business strategy of which they are currently unaware or uncertain, and could jeopardize Applicant's competitive position in the market.

6. Applicant strictly limits information about its technologies and test plans to Applicant employees and potential clients, subject to execution of binding non-disclosure agreements.

7. Applicant has not made the Confidential Information publicly available and the Confidential Information is not generally available for any other source.

8. Applicant requests that the proprietary information be withheld from disclosure for an indefinite period, at a minimum the entire duration of the experimental license.

9. The public interest would not be served by making publically available the Confidential Information. Grant of the Application would not result in harmful interference. Accordingly, public review of the Confidential Information would not be beneficial or necessary.

Applicant is submitting a Confidential Narrative Statement providing information regarding the specifications of the experiments to be conducted under its amended application. Applicant requests that the Commission return this submission if its request for confidentiality is denied.<sup>4</sup> Please direct any questions to the undersigned.

Respectfully submitted,

*/s/ C. Sean Spivey*

C. Sean Spivey

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<sup>4</sup> See 47 C.F.R. § 0.459(e).