From: Jay Gnowles

To: Doug Young
Date: May 08, 2020

Subject: Request for Info - File # 0301-EX-CN-2020

Message:

Digital Ocean Exploration – Request for Confidential Treatment
File No. 0301-EX-CN-2020

Pursuant to Sections 0.457(d) and 0.459 of the Commission's Rules, Digital Ocean Exploration (“Digital Ocean”) respectfully requests that its experimental application be accorded confidential treatment by the Commission and withheld from public inspection, but only for a temporary period -- three months after grant of the experimental license. Public disclosure of the experimental application would provide competitors with knowledge of where Digital Ocean stands with regard to implementation of its services. Due to the sensitive nature of the information revealed by the experimental application, Digital Ocean is hereby requesting confidential treatment of all of the application for a temporary period. Below is the specific information requested under Section 0.459(b) of the Commission’s rules. Accordingly, grant of the instant request to temporarily limit public disclosure of the experimental application will serve the public interest, convenience and necessity.

(1)   Identification of the specific information for which confidential treatment is sought:

Digital Ocean is requesting that all of the experimental application be withheld from public disclosure, but only for a temporary period.

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

The information was submitted in an experimental application -- File No. 0301-EX-CN-2020.

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

The status of Digital Ocean’s plans for implementation is proprietary commercial information.

(4)   Explanation of the degree to which the information concerns a service that is subject to competition:

High-speed satellite services are subject to significant competition.

(5)   Explanation of how disclosure of the information could result in substantial competitive harm:

Competitors could deduce from the experimental application the status of Digital Ocean’s implementation plans.

(6)   Identification of any measures taken by the submitting party to prevent unauthorized disclosure:

Digital Ocean limits distribution of information on its implementation schedule by requiring the potential market study participants to enter into non-disclosure agreements.

(7)   Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:

Information on the Digital Ocean service implementation schedule is not publicly available, and as mentioned above, disclosure of this information to third parties is subject to non-disclosure agreements.

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

Digital Ocean is requesting that the experimental application be withheld from public disclosure until three months after grant of the experimental license. This relatively brief period of time should not prejudice any other parties, and will prevent competitively-sensitive information from being disclosed during a critical period.

(9)   Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.

As explained above, the sensitive nature of the information regarding the timing of implementation of Digital Ocean’s plans, combined with the relatively short time period from which it would be withheld from public disclosure, justifies the requested relief.