

## CONFIDENTIAL TREATMENT REQUESTED

July 22, 2015

### VIA ELECTRONIC FILING

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

### Re: Request for Confidential Treatment

Dear Ms. Dortch:

Pursuant to the provisions of Sections 0.457 and 0.459 of the Commission's rules governing submission of confidential materials,<sup>1</sup> Georgia-Pacific LLC ("GP") respectfully requests that certain portions of the attached application be afforded confidential treatment and not be placed in the Commission's public files. The confidential information qualify 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.<sup>2</sup> GP therefore requests that the Commission "not permit the inspection" of these materials.<sup>3</sup>

In support of this request and pursuant to 47 C.F.R. § 0.459(b), GP hereby states as follows:

1. The confidential information constitutes commercial information that has not been made public by GP, is not available to GP's competitors, and pertains to product specifications in the highly competitive dispenser market.
2. The confidential information provided is the use of wireless technology to provide product information for streamlined management of dispensing products and services. GP's competitors could use this information to create wireless monitoring dispensing products—placing GP at a competitive disadvantage.
3. The confidential information is being submitted to the Commission to assist in the review of the attached experimental license application.

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<sup>1</sup> *Id.* §§ 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.

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4. GP requests that the confidential information be withheld from disclosure for an indefinite period. Because of the competitive nature of the GP's business, disclosure of this information at any time could jeopardize GP's competitive position.
5. Finally, GP notes that a denial of its request would impair the Commission's ability to obtain this type of voluntarily disclosed information in the future, making review of applications more problematic. The ability of a government agency to continually obtain confidential information was the legislative intent for developing exemptions from the Freedom of Information Act.<sup>4</sup> The U.S. Court of Appeals for the D.C. Circuit has recognized a "private interest in preserving the confidentiality of information that is provided the Government on a voluntary basis."<sup>5</sup>

GP is also submitting a redacted version of the application. GP requests that the Commission return this submission if its request for confidentiality is denied.<sup>6</sup>

Respectfully submitted,

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Dave Hahn  
VP, Product Development

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<sup>4</sup> See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) ("Where, however, the information is provided to the Government voluntarily, the presumption is that [the Government's] interest will be threatened by disclosure as the persons whose confidences have been betrayed will, in all likelihood, refuse further cooperation.").

<sup>5</sup> *Id.* at 879.

<sup>6</sup> See 47 C.F.R. § 0.459(e).