

Date: April 25, 2014
Subject: Request for Confidentiality
FCC File Number: 0347-EX-PL-2014

To Whom It May Concern:

Google Inc. (“Google”), pursuant to 5 U.S.C. § 552 and Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, hereby requests that certain information complementary to its above-referenced application for a New Radio Station Under Part 5 of FCC Rules – Experimental Radio Service (“License Application”) be treated as confidential and not subject to public inspection. The designated information constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm. As described below, Google’s request satisfies the standards for grant of such requests set forth in Sections 0.457 and 0.459 of the Commission’s Rules.

In accordance with Section 0.459(b) and in support of this request, Google provides the following information:

1. Identification of the Information for Which Confidential Treatment is Sought:

Google’s request for confidential treatment is limited to the following information that has been redacted from the License Application and complementary exhibits:

Application:

[REDACTED]

Google does not seek to withhold from public inspection information in the License Application necessary for interference mitigation, including applicant name, contact information, test location, frequency, output power, effective radiated power, emission characteristics and modulation.

Exhibit A - License Justification:

Google requests confidential treatment of the following underlined text from Exhibit A that contains confidential and proprietary information regarding the proposed tests/experiments.

The License is needed for demonstration and testing of technology

[REDACTED]

Timely grant of this License request will serve the public interest by allowing Google to test and demonstrate

[REDACTED]

Grant of this experimental License will not adversely impact any authorized user of RF spectrum.

[REDACTED]

Moreover, Google has already been conducting similar tests in this area under a grant of special temporary authority, and no disruptions have been noted.

[REDACTED]

Exhibit B - Technical Information:

Google requests confidential treatment of the following portions from Exhibit B that contain confidential and proprietary information regarding the proposed tests/experiments.

[REDACTED]

Exhibit C - [REDACTED]:

Confidential treatment is sought for Exhibit C in its entirety.

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

The above-referenced Exhibits were submitted to the Commission in support of the License Application. These Exhibits were filed with the Office of Engineering and Technology on April 25, 2014. For additional information, please see File No. 0347-EX-PL-2014.

3. Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged.

The information requested to be kept confidential has significant commercial value. The details of the License Application tests/experiments may include trade secret information. The Commission has clarified that confidential treatment should be afforded to trade secrets.¹ Google's tests/experiments and proprietary wireless applications using particular

¹ *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, GC Docket No. 96-55, at para. 3, (released Aug. 4, 1998) (defining "trade secrets" for purpose of Commission rules on confidential treatment).

radiofrequency equipment represent a “secret commercially valuable plan” within the meaning of a trade secret as recognized by the Commission.

In addition, agreements entered into between Google and the parties identified above require that confidential information of the parties be held in strict confidence, and that such information not be disclosed to any third party (with limited exceptions not applicable to this request). The manufacturer name and model number constitutes confidential trade secrets, technical information, and business information under the agreements.

4. Explanation of the degree to which the information concerns a service that is competitive.

The services and technologies that are the subject of this License Application have not yet been fully developed but are expected to lead to material developments in markets subject to competition from multiple U.S. and non-U.S. third parties.

5. Explanation of how disclosure of the information could result in substantial competitive harm.

The technology under development is highly sensitive and confidential in nature. The release of such information would provide valuable insight into Google’s technology innovations and potential business plans and strategies. Public disclosure will jeopardize the value of the technology under examination by enabling others to utilize Google’s information to develop similar products in a similar timeframe.

6. Identification of any measures taken by the requesting party to prevent unauthorized disclosure.

Google has taken steps to keep confidential the information set forth in the confidential exhibits by limiting the number of people involved in the tests/experiments to only those on a “need to know” basis, and by requiring that all third parties involved in the preliminary analysis execute robust nondisclosure agreements.

7. Identification of whether the information is available to the public and the extent of any previous disclosures of the information to any third parties.

The information contained in the confidential exhibits is not available to the public, and has only been disclosed to third parties pursuant to the restrictive safeguards described above.

Google voluntarily provides the information to the Commission at this time with the expectation that it will be treated confidentially in accordance with the Commission's rules. *See Critical Mass Energy Project v. Nuclear Regulatory Comm’n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (commercial information provided on a voluntary basis “is ‘confidential’ for the purpose of Freedom of Information Act (FOIA) 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.”)

8. Justification of the requested period of confidentiality.

Google expects that confidential treatment is necessary for the length of the proposed experiment and thereafter in order to protect its evolving business and technology strategies.

9. Any other information that would be useful in assessing whether this request should be submitted.

The information subject to this request for confidentiality should not be made available for public disclosure at any time. There is nothing material that public review of this information would add to the Commission’s analysis of Google’s request for an experimental authorization.

Moreover, public disclosure of the sensitive information in the confidential exhibits to the License Application after the Commission has ruled on the Request for Confidentiality is not necessary for the Commission to fulfill its regulatory responsibilities.

Consistent with 47 C.F.R. § 0.459(d)(1), Google requests notification if release of the information subject to this request is requested pursuant to the FOIA or otherwise, so that Google may have an opportunity to oppose grant of any such request.

Sincerely yours,



Aparna Sridhar
Counsel
Google Inc.

EXHIBIT A – NARRATIVE STATEMENT

Consistent with the standards set forth in Section 5.63 of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) Rules, 47 C.F.R. § 5.63, Google Inc. (“Google”) outlines below its need for the requested New Experimental Radio Service License (“Experimental License”) and the compelling reasons why File No. 0347-EX-PL-2014 should be granted expeditiously.

Google requests that the Experimental License be granted for a period up to 7 months. At this time, it is uncertain whether testing will continue for a longer duration. *See* 47 C.F.R. § 5.71(b). If so, Google will file for an extension of the Experimental License term as necessary.

Google offers technologies that span the entire wireless economy—including mobile operating systems, mobile search, cloud-based services, and maps. Without exception, these businesses depend on access to robust spectrum resources as well as wireless infrastructure. Given the ever-increasing and competing demands on finite spectrum resources and wireless infrastructure, Google has become an advocate for responsible shared use of spectrum resources, an innovator in developing cutting-edge technologies to maximize the efficient reuse of spectrum, and a pioneer in extending wireless infrastructure to underserved or unserved communities.

The Experimental License is needed for demonstration and testing of technology

[REDACTED]

Timely grant of File No. 0347-EX-PL-2014 will serve the public interest by allowing Google to test and demonstrate

[REDACTED]

Grant of this Experimental License will not adversely impact any authorized user of RF spectrum.

[REDACTED]¹²

¹ [REDACTED]

In summary, grant of the requested Experimental License is required for the purpose of allowing Google to test and demonstrate innovative technology with the potential to advance numerous public interest goals. For these reasons, Google requests approval of File No. 0347-EX-PL-2014.

² [REDACTED]

EXHIBIT B - TECHNICAL INFORMATION

Applicant Name: Google Inc.
Applicant FRN: 0016069502

Legal Contact Details

Name of Contact:	Aparna Sridhar
Contact Details:	Counsel 1101 New York Avenue NW, Second Floor Washington, DC 20009

Technical Contact Details

Name of Contact:	Cyrus Behroozi
Contact Details:	1600 Amphitheatre Parkway Mountain View, CA 94043 Phone: 650-906-9938 Email: cyrusb@google.com

[REDACTED]

[REDACTED]	[REDACTED]
------------	------------

[REDACTED]	[REDACTED]
Radius of Operation	Not to exceed 161 kilometers (100 miles) from geographic centerpoint
Geographic Centerpoint (Lat / Long. NAD 83)	40° 25' 26.1" N
	116° 16' 39.8" W

Equipment under test will not operate in a 25-mile radius around the coordinates of 40° 50' 1.5216" N / 115° 45' 40.7154" W.

Frequency Range / Tolerance	High (MHz)	Low (MHz)
	2145.0000	2155.0000

Frequency Range / Tolerance	Modulation	Emission Designator	Bandwidth (MHz)	Power Out (Watts)	EIRP (dBW)
	Digital	W7D	10	10 W	24.27

Antenna Details	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Gain	6 dBi
Beam Width at Half-Power Point	90

Orientation in Horizontal Plane	NA
Orientation in Vertical Plane	NA

[REDACTED]

[REDACTED]	[REDACTED]
------------	------------

[REDACTED]	[REDACTED]
Radius of Operation	Not to exceed 161 kilometers (100 miles) from geographic centerpoint
Geographic Centerpoint (Lat / Long, NAD 83)	40° 25' 26.1" N
	116° 16' 39.8" W

Equipment under test will not operate within a 25-mile radius around the coordinates of 40° 50' 1.5216" N / 115° 45' 40.7154" W.

Frequency Range / Tolerance	High (MHz)	Low (MHz)
	1745.0000	1755.0000

Frequency Range / Tolerance	Modulation	Emission Designator	Bandwidth (MHz)	Power Out (Watts)	EIRP (dBW)
	Digital	W7D	10	10 W	24.27

Antenna Details	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Gain	6 dBi
Beam Width at Half-Power Point	90
Orientation in Horizontal Plane	NA
Orientation in Vertical Plane	NA

[REDACTED]

EXHIBIT C – [REDACTED]