

COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG
LONDON LOS ANGELES NEW YORK PALO ALTO
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

April 27, 2021

Via Electronic Filing

Marlene Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

**Re: Modification Application for Experimental License
File No. 0081-EX-CM-2021
Request for Confidential Treatment**

Dear Ms. Dortch:

Microsoft Corporation (“Microsoft”), by counsel, hereby requests confidential treatment pursuant to the Freedom of Information Act (“FOIA”)¹ and Section 0.459 of the Commission’s rules² for the exhibit that accompanies its application for a modification of its experimental license (Call Sign WL2XDI) (the “Exhibit”). As explained below, the Exhibit contains highly sensitive and confidential information, and the public disclosure of this information would have a significant and material adverse effect on Microsoft.

The Commission’s rules state that materials shown to “contain trade secrets or privileged or confidential commercial, financial, or technical data” shall be afforded confidential treatment and not be made available for public inspection. The Exhibit meets this definition, as it contains proprietary and commercially sensitive information that Microsoft does not in the ordinary course of business reveal to the public or its competitors.

In support of this request, Microsoft provides the following information, as required by Sections 0.457(d)(2) and 0.459(b) of the Commission’s rules.³

¹ See 5 U.S.C. § 552, *et seq.*

² 47 C.F.R. § 0.459.

³ See *id.* §§ 0.457(d)(2), 0.459.

COVINGTON

Request for Confidential Treatment
April 27, 2021

Page 2

1. Identification of Specific Information for Confidential Treatment. Microsoft seeks confidential treatment for the Exhibit on the basis that it contains confidential commercial information, technical data, and trade secrets concerning Microsoft products under development, as well as information on Microsoft's testing processes. Microsoft customarily protects this information from public disclosure.
2. Reason for Request for Confidential Treatment. Microsoft is submitting the information in support of its request to expand the experimental testing authorized under its existing experimental licenses. This expansion is necessary for Microsoft to more effectively test and develop its mobile operating system and other new technologies.
3. Nature of Confidential Information. The Exhibit contains highly confidential commercial information, technical data, and trade secrets, the release of which would cause substantial harm to Microsoft by revealing to its competitors non-public information about Microsoft's testing products and Microsoft products currently under development.
4. Competitiveness of Market. The mobile technologies and software market is fiercely competitive. Microsoft and its competitors carefully guard information about products in development.
5. Harm from Disclosure. The release of the Exhibit would provide Microsoft's competitors with non-public information concerning Microsoft products currently under development and disclose confidential information about Microsoft's testing processes. This information, which is not made public by industry participants, could be used to disadvantage Microsoft in the marketplace.
6. Measures Taken to Prevent Unauthorized Disclosure. Microsoft treats the information contained in the Exhibit as confidential and proprietary. Information on Microsoft's products under development and its testing processes is made available only on a "need-to-know" basis to the extent necessary for the operation of its business. For example, all employees and contractors who use Microsoft's experimental systems are subject to non-disclosure agreements pursuant to their work for the company.
7. Previous Disclosure. The information in the Exhibit is not publicly available.
8. Requested Duration of Nondisclosure. Given the sensitive nature of the information contained therein, the Commission should never make the Exhibit available for public inspection. Even if the products in development ultimately are released, the Exhibit still reveals non-public and confidential information concerning Microsoft's product testing processes.
9. Additional Information Concerning Request for Confidential Treatment. Microsoft will exercise strict control over the software and devices subject to its experimental testing to prevent any risk that such material could be identified or evaluated by a member of the public or a competitor.

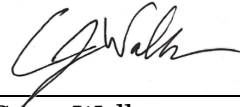
COVINGTON

Request for Confidential Treatment
April 27, 2021

Page 3

For the foregoing reasons, Microsoft respectfully requests that the Commission keep the Exhibit confidential and withhold it from public inspection. This request should not be construed as a waiver of any other protection from disclosure or confidential treatment accorded by law. Please contact the undersigned at (202) 662-5691 with any questions concerning this filing.

Respectfully submitted,



Corey Walker
*Counsel to Microsoft
Corporation*