

From: Benjamin Malphrus

To: Behnam Ghaffari

Date: September 02, 2020

Subject: FCC File No. 0612-EX-CN-2020

Message:

DATE: 09/02/2020

TO: OET FCC

FROM: Ben Malphrus, Morehead State University

RE: Confidentiality Request for File Number: 0612-EX-CN-2020

CORRESPONDENCE REFERENCE NUMBER: 56763

Dear Sir/Madam:

In our FCC 442 Application for IM-1 (File Number 0612-EX-CN-2020) submitted on 7/20/2020, we selected three (3) attachments to be kept confidential. In response to FCC Correspondence Number 56763, this letter is submitted to request confidentiality in accordance with the rules in CFR 47, Part 0.459(b). The nine items in CFR 47, Part 0.459(b) are addressed below for each of the three attachments. The three attachments for which confidentiality is requested are:

- Exhibit A Form 442 Question 6: Government Project Description IM-1 Research Mission Description

- Exhibit B Form 442 A Statement that the communications facilities requested are necessary for the research project

- Exhibit C Form 442 A description showing that existing communications facilities are inadequate

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

- Exhibit A Form 442 Question 6: Government Project Description IM-1 Research Mission Description

- o Information not previously published related to details regarding the details of the Project Plan, the Ground Segment, and information related to the IM-1 CLPS contract that is not publicly available.

- Exhibit B Form 442 A Statement that the communications facilities requested are necessary for the research project

- o Information related to mission control and the ground segment that has not been previously published, including aspects of the IM-1 VPN

- o Information regarding technical details of the communications link, including receive and transmit frequencies, bandwidths, coding and modulation schemes

- o Detailed information contained in the TT&C, Payload, and Uplink Communications Link Budgets

- Exhibit C Form 442 A description showing that existing communications facilities are inadequate

- o Information related to link budgets, EIRP, and specific performance requirements for commanding, ranging and downlink at ground stations providing services to IM-1

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

- Exhibit A Form 442 Question 6: Government Project Description IM-1 Research Mission Description

- Exhibit B Form 442 A Statement that the communications facilities requested are

necessary for the research project

• Exhibit C Form 442 A description showing that existing communications facilities are inadequate

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

The information for which confidentiality is requested is considered proprietary to Intuitive Machines, LLC, the small business venture that is developing the space asset for the IM-1 (NOVA C Mission). This information is considered by Intuitive Machines, LLC, to reflect results of trade secrets essential to their commercial competitiveness.

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

The services that both Intuitive Machines, LLC is providing to NASA under the Commercial Lunar Payload Services (CLPS) and that Morehead State University and its partners are providing to IM-1 (ground tracking, ranging and TT&C services) are entirely subject to commercial competition. Existing business concerns represent direct competitors for these specific services.

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

Disclosure of the information considered proprietary to Intuitive Machines, LLC, could result in substantial competitive harm through the revelation of information produced by proprietary processes developed by Intuitive Machines LLC. Information for which confidentiality is sought, if disclosed, could harm or eliminate the competitiveness that Intuitive Machines LLC has gained through the development of its intellectual property related to this information.

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

• Intuitive Machines LLC. has not previously published this content in the open literature.
• Intuitive Machines LLC. enters into Non-Disclosure Agreements with entities with which this proprietary information is shared.

(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 contained in Exhibit, A, B, and C is not publicly available. This content has not been disclosed in public documentation or published in open literature. Third parties, to which the information has been disclosed, including Morehead State University, has been disclosed under Non-Disclosure Agreements, to which both parties have agreed.

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

The period for which this information is requested to be maintained as confidential is the period of the IM-1 mission and follow-on lunar missions that Intuitive Machines may undertake.

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

Information contained in Exhibit, A, B, and C is proprietary to Intuitive Machines, LLC an independent commercial operation funded by the NASA Commercial Lunar Payload Services (CLPS) Program. As such, we request that the content described herein be maintained as proprietary to Intuitive Machines, to the extent possible.

We appreciate your consideration.

Sincerely,

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