

NextNav LLC

Supplemental Request for Confidential Treatment

NextNav LLC (“NextNav”) hereby supplements its request that the narrative attachment and the other exhibits to its experimental license application be given confidential treatment and withheld from public inspection pursuant to Section 0.459 of the Commission’s Rules, 47 C.F.R. § 0.459. Pursuant to the Freedom of Information Act (“FOIA”), public disclosure is not required for “trade secrets, commercial or financial information obtained from a person and privileged and confidential.”¹ The commercial information contained herein falls within this exemption from public disclosure.

Pursuant to Section 0.459(b) of the Commission’s Rules, 47 C.F.R. § 0.459(b), the following information is provided in support of the request for confidential treatment:

Section 0.459(b)(1). Identification of the specific information for which confidential treatment is sought.

NextNav seeks confidential treatment for the narrative attachment and the other exhibits to its experimental license application.

Section 0.459(b)(2). Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.

The material was submitted as a part of an experimental license application that would be used to support experimental testing involving a large potential customer of NextNav’s services.

Section 0.459(b)(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 confidential treatment is sought is a description of NextNav’s specific efforts to demonstrate to potential customers the capabilities of its wireless location technology, as well as technical details regarding its deployment.² This information involves proprietary trade secrets and commercial information of NextNav.³ NextNav believes that the substance of the materials would be protected from disclosure under the Freedom of Information Act (“FOIA”) as “trade secrets and commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. § 552(b)(4).

Section 0.459(b)(4). Explanation of the degree to which the information concerns a service that is subject to competition.

The commercial market for wireless location services has recently become extremely competitive as a result of the Commission’s adoption of its *Indoor Location Order* in 2015.

¹ 5 U.S.C. § 552(b)(4); *see also* 47 C.F.R. § 0.457(d).

² *See* 47 C.F.R. § 0.459(b)(1), (2).

³ *See* 47 C.F.R. § 0.459(b)(3).

Currently, multiple vendors of location services are competing vigorously against each other to secure commercial agreements with the major wireless carriers to provide some of the location services that the carriers will use to comply with the Commission's new wireless location rules. Vendors of location services are also competing with each other to secure collateral contracts with other large consumers of highly-precise location services. Due to the competitive environment for such services, release of this information could harm NextNav.⁴

Section 0.459(b)(5). Explanation of how disclosure of the information could result in substantial competitive harm.

NextNav is competing with other vendors of indoor location services to secure commercial contracts with the major wireless carriers to provide location services in support of their compliance with the Commission's new wireless location rules. Disclosure to NextNav's competitors of its work with other potential customers to incorporate its indoor location technology into various applications would place NextNav at a substantial competitive disadvantage. NextNav's competitors could use this information to improve their own efforts to deploy their location technology and secure commercial contracts with customers in support of their competing technologies.

Section 0.459(b)(6). Identification of any measures taken by the submitting party to prevent unauthorized disclosure.

NextNav does not permit the dissemination of its confidential trade secrets and proprietary information regarding the deployment of its indoor location technology to non-employees without the execution of a confidentiality agreement. The commercial information contained in the narrative attachment and in the other exhibits has been strictly controlled by NextNav, with distribution limited to internal use only and to other parties (pursuant to appropriate non-disclosure agreements) only for the specific purpose of conducting research, development, and demonstration of the technology.⁵

Section 0.459(b)(7). Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

NextNav has not disclosed this commercial information to the public and disclosure to any other party has been only as described herein.⁶ For example, NextNav has entered into non-disclosure agreements with its technology vendors and the wireless carriers that it is negotiating with prohibiting the disclosure of NextNav's confidential information regarding the details of its technology deployment efforts.

⁴ See 47 C.F.R. § 0.459(b)(5).

⁵ See 47 C.F.R. § 0.459(b)(6).

⁶ See 47 C.F.R. § 0.459(b)(7).

Section 0.459(b)(8). Justification of the period during which the submitting party asserts that material should not be available for public disclosure.

For the foregoing reasons, NextNav respectfully request that the narrative attachment and other exhibits be granted confidential status and be withheld from public inspection for a period of three years. This period of disclosure is justified because the preferences of various large customers and the major wireless carriers for specific indoor location technology vendors is likely to be resolved within the next three years, reducing the anti-competitive impact of the release of this information. Finally, the public interest will be served by the granting of this request for confidential treatment. It is in the public interest that equipment and technologies be developed to provide wireless location monitoring services to facilitate competition in the provision of such services.⁷

⁷ See 47 C.F.R. § 0.459(b)(9).