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July 8, 2021

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: Request for Confidential Treatment  
Toggle Communications LLC  
Experimental License Application: File No. 0517-EX-CN-2021

Dear Ms. Dortch:

Pursuant to Sections 0.457 and 0.459 of the Federal Communications Commission's ("Commission") rules,<sup>1/</sup> Toggle Communications LLC ("Toggle") hereby requests confidential treatment of information submitted in support of the above-referenced experimental license application ("Application"). The information contained in the Application is confidential and proprietary information that, if subject to public disclosure, would cause Toggle significant commercial, economic, and competitive harm. Therefore, Toggle seeks to keep this information from public disclosure in order to protect its confidential commercial information and trade secrets.

As detailed below, this request satisfies the Commission's standards for grant of confidential treatment.

- (1) **Identification of specific information for which confidential treatment is sought:** Toggle seeks confidential treatment of all the information in the application and in the exhibits attached to the application other than this Request for Confidential Treatment, the Form 442, and the Stop Buzzer contact information.
- (2) **Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:** File No. 0517-EX-CN-2021 (application for experimental license).
- (3) **Explanation of the degree to which the information is commercial or financial, or contains a trade secret, or is privileged:** Information regarding Toggle's specific purpose and method of testing, including antenna patterns, is highly confidential commercial information that are also protected trade secrets. Toggle is developing innovative services and technologies that may have significance commercial value, and Toggle makes great effort to keep this information confidential. Additionally, the antenna pattern information for one antenna is held confidential by the manufacturer, available to Toggle only *via* non-disclosure agreement.
- (4) **Explanation of the degree to which the information concerns a service that is subject to competition:** The technologies being developed may lead to material developments in markets subject to competition.

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<sup>1/</sup> 47 C.F.R. § § 0.457 and 0.459.

- (5) **Explanation of how disclosure of the information could result in substantial competitive harm:** The information that Toggle seeks to protect is highly sensitive commercial information and public release would provide insight into its intended innovative services and technologies, which would potentially jeopardize its business plans and strategies. Competitors could use information regarding the design of the system and use of frequencies to design similar systems. This would undermine the investments that Toggle has made into developing its system, diminishing the value of its efforts by unfairly enabling others to appropriate its technologies.
- (6) **Identification of any measures taken by the submitting party to prevent unauthorized disclosure:** Toggle ensures protection of this information through the use of non-disclosure agreements (NDAs) and confidentiality policies with employees, suppliers, consultants, etc. It stores information regarding its testing, including source code, in access-controlled repositories. Additionally, Toggle takes care not to disclose this information publicly on its website, in press releases, during interviews, or in any other manner. Additionally, Toggle limits the number of people involved in tests and experiments to only essential personnel.
- (7) **Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:** None of the information for which Toggle seeks protection is available to third parties other than those subject to NDAs or confidentiality requirements.
- (8) **Justification of the period during which the submitting party asserts that material should not be available for public disclosure:** Toggle seeks protection of its confidential information indefinitely, to ensure that competitors do not receive trade secrets *via* the Commission's licensing process. This will ensure that its evolving business plans and strategies will continue to be protected.
- (9) **Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted:** Toggle is developing a novel technology, the particulars of which could be used by other parties to gain a competitive advantage in the marketplace. The public interest would not be served by making this information available, especially as testing would not result in harmful interference to others, making public review unnecessary and not beneficial.

Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink that reads 'Laura A. Stefani'.

Laura A. Stefani  
*Attorney for Toggle Communications LLC*