

# **UltiSat Inc. -- Application for Experimental Special Temporary Authorization (“STA”)**

## **Request for Confidential Treatment**

UltiSat Inc. (“UltiSat”), pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457 and 0.459, hereby requests that certain information in connection with its new application for special temporary authorization (“STA”) be treated as confidential and not subject to public inspection (Exhibit 1). The designated information constitutes confidential and highly sensitive information that, if subject to public disclosure, would cause significant commercial and competitive harm and pose potential threats to the national security interests of the United States. It would also adversely affect U.S. military and security interests generally. As described below, UltiSat 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) of the Commission’s rules and in support of this request, UltiSat provides the following information:

### **1. Identification of the specific information for which confidential treatment is sought.**

The specific information which requires confidential treatment is the government customer contract and substantive project information to which UltiSat’s proposed experimental operations relate. The technical data provided in FCC Form 442, as well as the information contained in the application Narrative and Technical Appendix, can be made publicly available. This confidentiality request itself does not contain any confidential information and, therefore, can also be made publicly available.

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

The confidential information is submitted in connection with UltiSat’s application for six-month special temporary authorization filed on May 14, 2020 (File No. 0794-EX-ST-2020).

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

Information relating to UltiSat’s government customer and project specifics is highly sensitive military and security information that is not available to the public in any form. It also includes private information concerning the application of the relevant technology, including strategic research and development tactics. Disclosure of such information would cause irreparable injury and substantial harm to UltiSat’s ongoing business operations and competitive position and adversely affect U.S. military and security interests generally.

### **4. Explanation of the degree to which the information concerns a service that is subject to competition:**

The information contained herein includes information of a highly confidential and proprietary nature relating to the development of technology for the U.S. government. This is a highly competitive industry and the inadvertent release of any private government contract or

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project information would have a severe negative impact on UltiSat’s competitive position in the marketplace. It would also adversely affect U.S. military operations and security interests.

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

The disclosure of the substantive project scope and related government contract information could have an extremely negative impact on UltiSat’s ongoing business operations and competitive position. Certain proprietary information developed by UltiSat is used to support the development of systems and functions for United States military and security sectors. Moreover, due to the unique nature of the United States government customer, confidentiality of sensitive contractual information must not be shared with competitors.

**6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure:**

The substantive project scope and related government contract information is not currently available to the public in any form and UltiSat takes all commercially necessary steps to prevent this information from being disclosed to the public. UltiSat has made this information available only to a small selection of people directly related to the project, and only on a need-to-know basis.

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

The substantive project scope and related government contract information for this project is not currently available to the public and UltiSat takes all commercially necessary steps to prevent the information from being disclosed to the public. Only those persons or entities directly involved in the project, such as contractors/subcontractors and the United States government, are privy to the subject proprietary information, and only after any such party has executed a non-disclosure agreement.

**8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure:**

UltiSat requests that the substantive project scope and related government contract information be kept confidential indefinitely. Such a time period is justifiable in light of the substantial competitive concerns inherent in the defense contracting industry, and even more importantly to protect the military and security interests of the United States. Due to the sensitive nature of the information, UltiSat requests that the information be kept confidential for an indefinite period.