

REQUEST FOR CONFIDENTIAL TREATMENT

Universal City Studios LLC (“Applicant”), pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ hereby requests confidential treatment of the information set forth in attached “Exhibit B – Objectives and Technical Information” and “Exhibit D – Supplemental Engineering Analysis” of the foregoing application for experimental license. As demonstrated below, the instant request satisfies the standards for grant of confidential treatment.

1. *Identification of the specific information for which confidential treatment is sought.* Applicant requests that the information listed in Exhibits B and D be treated as confidential pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and Sections 0.457(d) and 0.459 of the Commission’s rules which protect confidential and proprietary commercial and other information not routinely available for public inspection.
2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* Applicant is seeking an experimental license in order to conduct a product development trial to determine the suitability of the 4.9 GHz band for a wireless network to command and control the safe movement of guests through an attraction at Universal Studios Hollywood.
3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The information in Exhibits B and D concerns the development of proprietary, innovative technology with significant commercial value.
4. *Explanation of the degree to which the information concerns a service that is subject to competition.* Applicant proposes to use the subject equipment to command and safely control the movement of passenger-carrying cars through an entertainment attraction. The design, development and operation of such attractions is highly competitive.
5. *Explanation of how disclosure of the information could result in substantial competitive harm.* The information contained in Exhibits B and D is commercially sensitive. Its public release would provide insight into the Applicant’s commercial plans, potentially jeopardizing its business strategy and diminishing the value of its work to date.
- 6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The information in Exhibits B and D is not available to the public and has not otherwise been disclosed previously

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure “to any extent not authorized by law” of “information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association”).

to the public. In the normal course of its business, Applicant protects this information against public disclosure.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Applicant requests that Exhibits B and D and the information contained therein be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* Under applicable Commission and federal court precedent, the information provided by Applicant should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in Exhibits B and D clearly satisfies this test.

If a request for disclosure occurs, Applicant respectfully submits that it be provided sufficient advance notice prior to any such disclosure so that it may pursue appropriate remedies to preserve the confidentiality of this information.