



Date: January 3, 2018
Subject: Request for Confidentiality
FCC File Number: 1759-EX-ST-2017

To Whom It May Concern:

Vivint Wireless, Inc. (“Vivint”), pursuant to 5 U.S.C. § 552 and Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, hereby requests that certain information complementary to its above-referenced application for Special Temporary Authority (“STA Application”) be treated as confidential and not subject to public inspection. The designated information constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm. As described below, Vivint’s 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) and in support of this request, Vivint provides the following information:

1. Identification of the Information for Which Confidential Treatment is Sought.

Vivint seeks confidential treatment for the unredacted/non-public versions of the following exhibits:

- Exhibit A – Narrative STA Justification**
- Exhibit B - Technical Information**

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

The above-referenced Exhibits were submitted to the Commission in support of the STA Application. These Exhibits were filed with the Office of Engineering and Technology on January 3, 2018. For additional information, please see File No. 1759-EX-ST-2017.

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

The information requested to be kept confidential has significant commercial value. The details of the STA Application tests/experiments may include trade secret information. The



Commission has clarified that confidential treatment should be afforded to trade secrets.¹ Vivint's tests/experiments and proprietary wireless applications using particular radio frequency equipment represent a "secret commercially valuable plan" within the meaning of a trade secret as recognized by the Commission.

4. Explanation of the degree to which the information concerns a service that is competitive.

The services and technologies that are the subject of this STA Application have not yet been fully developed but are expected to lead to material developments in markets subject to fierce competition from multiple U.S. and non-U.S. third parties.

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

The technology under development is highly sensitive and confidential in nature. The release of such information would provide valuable insight into Vivint's technology innovations and potential business plans and strategies. Public disclosure will jeopardize the value of the technology under examination by enabling others to utilize Vivint's information to develop similar products in a similar timeframe.

6. Identification of any measures taken by the requesting party to prevent unauthorized disclosure.

Vivint has taken steps to keep confidential the information set forth in the confidential exhibits by limiting the number of people involved in the tests/experiments to only those on a "need to know" basis, and by requiring that all third parties involved in the preliminary analysis execute robust nondisclosure agreements.

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

The information contained in the confidential exhibits is not available to the public, and has only been disclosed to third parties pursuant to the restrictive safeguards described above.

¹ Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order, GC Docket No. 96-55, at para. 3, (released August 4, 1998) (defining "trade secrets" for purpose of Commission rules on confidential treatment).



8. Justification of the requested period of confidentiality

Vivint expects that confidential treatment is necessary for the length of the proposed experiment and thereafter in order to protect its evolving business and technology strategies.

9. Any other information that would be useful in assessing whether this request should be submitted.

The information subject to this request for confidentiality should not be made available for public disclosure at any time. There is nothing material that public review of this information would add to the Commission's analysis of Vivint's request for an experimental authorization. STA grants are not subject to Public Notice requirements set forth in the Communications Act. Further, STA authorizations do not grant permanent rights to operate and do not permit the provision of commercial services to customers. See 47 C.F.R. § 5.3 (describing limited scope of permissible experimental services.)

Moreover, public disclosure of the sensitive information in the confidential exhibits to the STA Application after the Commission has ruled on the Request for Confidentiality is not necessary for the Commission to fulfill its regulatory responsibilities.

Sincerely yours,

/s/

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