

CONFIDENTIALITY REQUEST
Application for Special Temporary Authority
FILE NO. 1046-EX-ST-2018

By the above-referenced application (“Application”), ADC Automotive Distance Control Systems GmbH (“ADCs”) requests that the Commission grant a conventional experimental Special Temporary Authority (STA) for the operation of the facilities (“Facilities”) specified in the instant Application.

Pursuant to 47 C.F.R. §0.459, confidential treatment of the information contained in Confidential Exhibit submitted to the FCC on June 7 to the instant Application (“June 7 Confidential Exhibit”) is requested.

In accordance with 47 C.F.R. §0.459(b), confidential treatment of the June 7 Confidential Exhibit is requested for the following reasons:

1. Confidential treatment is requested for the entirety of the information contained in ADC’s June 7 Confidential Exhibit. For the sake of clarity, this is to confirm that confidentiality is requested for June 7 Confidential Exhibit to the Application, but the technical data present in the Form itself can be made publicly available. This Confidentiality Request itself does not contain any confidential information and, therefore, can also be made publicly available.
2. The submission in connection with which the subject information is being submitted is the instant Application submitted by ADC under File No. 1046-EX-ST-2018.
3. The information contained in the June 7 Confidential Exhibit constitutes confidential, proprietary trade secret or other commercial information concerning the services and operations that ADC provides or hopes to provide to current and potential customers, and the company’s strategic research and development strategies. Disclosure of such information would cause irreparable injury and substantial harm to ADC’s ongoing business operations and competitive position. The information is extremely sensitive and is not available to the public in any substantially similar form. The information in the June 7 Confidential Exhibit is an integral part of the design and engineering process associated with ADC’s implementation of the research program with which the Application is associated.
4. The information contained herein includes information of a highly confidential and proprietary nature, as the development and creation of invention and technology is the backbone of the automotive industry. As ADC seeks to achieve an edge over its competitors, it is the development of its proprietary information that will dictate to what extent the company may maintain such edge. The industry is a most competitive one, and the inadvertent release of any proprietary information would have a severe negative impact on ADC’s position in the marketplace.

5. ADC's competitive position could be particularly negatively affected by a disclosure of confidential information to the public, which, of course, includes ADC's larger competitors. Due to ADC's relative size and power in the marketplace, disclosure of the information in June 7 Confidential Exhibit would cause irreparable injury and substantial harm to ADC's ongoing business operations and competitive position. At the core of ADC's operations is its development of proprietary information, which it uses as the basis to obtain a competitive edge over other companies. Improper disclosure of proprietary information, and the release of such disclosure could have an extremely negative impact on the ability of ADC and its operations.

6. The information in the June 7 Confidential Exhibit is not currently available to the public in any substantially similar form. ADC takes all commercially necessary steps to prevent this information from being disclosed to the public. ADC requires, prior to the release of any of its proprietary information, that any such receiving party execute a fully negotiated non-disclosure agreement to restrict the use and potential redisclosure of ADC proprietary information. All proprietary information released by ADC, whether it is to a competitor or to the United States government, is appropriately marked as proprietary prior to delivery, along with cautionary statements regarding the use of such information.

7. The information in the June 7 Confidential Exhibit is not currently available to the public in any substantially similar form. ADC takes all commercially necessary steps to prevent the information in the Exhibit from being disclosed to the public. As mentioned above, only those persons or entities such as subcontractors, joint venturers and the United States government, are privy to the company's proprietary information, and only after any such party has executed a non-disclosure agreement.

8. ADC requests that the June 7 Confidential Exhibit be kept confidential indefinitely. Such a time period is justifiable in light of the substantial and continuing competitive concerns inherent in the automotive industry that are discussed above in paragraph 4. Given the substantial public policy reasons provided by ADC in support of maintaining the confidentiality of the June 7 Confidential Exhibit, and the lack of any compelling reason to make the June 7 Confidential Exhibit available to the public, ADC hereby respectfully requests that the June 7 Confidential Exhibit be withheld from public disclosure pursuant to 47 C.F.R. §0.459.

Pursuant to 47 C.F.R. §0.459(e), ADC hereby reserves the right— in the unlikely event that the instant Confidentiality Request is denied by the Commission – to withdraw the June 7 Confidential Exhibit in its entirety prior to the June 7 Confidential Exhibit being placed in the Commission's public files.