



AERIS, INC.
ADVANCED EARTH RESOURCE IMAGING SYSTEMS

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Fax Message

Date: Thursday, November 30, 2000

From: AERIS, Inc.

To: Doug Young, FCC

Fax Number: 202 418-1918

Total Pages: 4

Memo: Additional information to support confidentiality request attached.



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ADVANCED EARTH RESOURCE IMAGING SYSTEMS

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November 30, 2000

FEDERAL COMMUNICATIONS COMMISSION
Experimental Radio Service
P.O. Box 358320
Pittsburgh, PA 15251-5320

Reference: AERIS Request for Special Temporary Authorization (STA) and attached Form 442, Application For New or Modified Radio Station Authorization, dated July 25, 2000

AERIS Request for Confidentiality and Non-Disclosure, dated July 28, 2000

REQUEST FOR CONFIDENTIALITY AND NON-DISCLOSURE (Supplemental Data)

Dear Sirs:

The following information is provided to supplement our request that specific data contained in Form 442, Application For New or Modified Radio Station Authorization, be withheld from public disclosure and this information not be made routinely available for public inspection. The sections to follow respond to the specific requirements of 47 CFR § 0.459 (b) and provide a statement of the reasons for withholding the materials from public inspection.

§ 0.459 (b) (1). Identification of the Specific Information:

Our application for special temporary authorization contains business and technical data which are confidential/proprietary and competition sensitive. This information is contained in three sections of our application as noted below:

Section	Confidential/Proprietary Data
Section 4. Particulars of Operation	Specific frequencies, power levels, pulse width and bandwidth reveal our technical approach to applications of airborne ground-penetrating radar and planned commercial capabilities
Exhibit 2. Exact Area of Operations and Approach	Airborne radar swath width and data collection methods reveals our approach to commercial services and ultimate capabilities
Exhibit 3. Narrative Describing Government Project	AERIS technical approach (including use of a specific existing radar system and technical capabilities of the system) reveals our approach to commercial services, our strategic business focus, and planned technical capabilities and performance levels

§ 0.459 (b) (2). Description of Circumstances Giving Rise to The Submission:

AERIS Request for Special Temporary Authorization (STA) and Form 442, Application For New or Modified Radio Station Authorization, dated July 25, 2000, submitted to support the demonstration of an airborne ground-penetrating radar system. The request is associated with a U.S. Department of Transportation (U.S. DOT) Other Transaction Agreement executed between AERIS and DOT on June 21, 2000.

§ 0.459 (b) (3). Explanation of the Degree to Which The Information is Commercial or Financial, or Contains a Trade Secret or is Privileged:

Information contained in our application reveals the technical specifics of our approach to airborne ground-penetrating radar that AERIS considers a trade secret and privileged information. For instance, the application reveals the source of the radar system and specifics of our airborne data collection and processing approach. AERIS, Inc. is investing substantial private funds to develop and demonstrate specific environmental and resource management applications of airborne ground-penetrating radar. We are now working with the U.S. Department of Transportation (U.S. DOT) to gather airborne radar data over selected sites in the Tulsa, Oklahoma area. Data on our particular technical approach to data gathering is proprietary and competition sensitive. AERIS is co-funding the project and will invest to analyze the signatures of surface and buried targets contained in the radar imagery and develop and demonstrate applications of this advanced remote sensing technology.

§ 0.459 (b) (4). Degree to Which The Information Concerns a Service That is Subject to Competition:

The services associated with this technology are subject to competition from existing ground-based radar and, more importantly, airborne radar systems. Whereas competitors are attempting to field impulse radar systems that produce ultra-wideband emissions, our approach provides higher performance while meeting FCC requirements. AERIS has invested private funds to develop our radar system approach and the specifics of the approach are competition sensitive.

§ 0.459 (b) (5). Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm:

Once performance levels are revealed, competitors could use the information contained in our application to replicate the radar system and data collection approach developed by AERIS. The results would undermine the intellectual property developed by AERIS using private funds and substantially harm our competitive advantage.

§ 0.459 (b) (6). Identification of Any Measures Taken By The Submitting Party to Prevent Unauthorized Disclosure:

To date, all material associated with our technical approach, strategic business focus and market objectives has been marked "proprietary - competition sensitive" and handled as such by NASA, the U.S. EPA, U.S. DOT and other agencies. As this material contains sensitive information on our business approach and capabilities, we have requested the material be held confidential and not be disclosed to other parties at any time in the future. The AERIS application submitted to the FCC contains is marked "proprietary - competition sensitive".

§ 0.459 (b) (7). Identification of Whether The Information is Available to The Public and The Extent of Any Previous Disclosure of the Information to Third Parties:

As mentioned above, all information has been handed as "proprietary - competition sensitive" and is not available to the public. Disclosures of information to third parties is controlled by formal Non-Disclosure Agreements executed between AERIS and the party to which information is disclosed.

§ 0.459 (b) (8). Justification of the Period During Which The Submitting Party Asserts That Material Should Not be Made Available For Public Disclosure:

AERIS requests that the relevant sections of our application not be made available for public disclosure for a period of three years. This period corresponds to the nominal three-year period used in our standard Non-Disclosure Agreement to provide adequate protection of proprietary information and avoid the business and financial impacts of disclosure to third parties.

§ 0.459 (b) (9). Any Other Information That May Be Useful:

The technical performance of the AERIS system as well as the intellectual property owned by AERIS are essential elements for obtaining the private funds necessary to achieve full business operations. Should intellectual property (including the technical specifics of our approach) be compromised, the success of a private offering to raise business capital will be impacted and the investments made by AERIS put at risk.

We will be glad to work with the FCC and respond to any questions concerning our Form 442 application and this request. I can be reached at (703) 444-3771 or through e-mail at AERISRWD@aol.com.

Sincerely,

Robert W. Davis
President and CEO

cc: Jack Young, AERIS