

1717 K STREET, N.W.
NUMBER 900
WASHINGTON, D.C. 20006

(202) 787-5621 FACSIMILE (202) 318-4257
johnelogan@jelogan.com

JOHN E. LOGAN, PLLC
ATTORNEY AT LAW

March 4, 2019

Mr. Anthony Serafini
Chief, Experimental Licensing Branch
Electromagnetic Compatibility Division
Office of Engineering and Technology
Federal Communications Commission
Washington, D.C. 20554

Re: Request of AeroVironment, Inc., for
Confidential Treatment

Dear Mr. Serafini:

On behalf of AeroVironment, Inc., pursuant to the Commission's rules relating to the Freedom of Information Act (FOIA), we request confidential treatment of information marked "Confidential and Proprietary" set forth in the attachment to this letter. The reason for this request is that specific information in this filing is confidential and proprietary as "trade secrets and commercial or financial information" under Section 47 C.F.R. § 0.457(d). Disclosure of such information to the public would risk revealing Sensitive proprietary information in connection with the Company's ongoing business and operations and that of its partners.

Set forth below are the reasons supporting this request:

Identification of the specific information for which confidential treatment is sought

AeroVironment requests that the attached information marked as "Confidential and Proprietary" be treated as exempt from the Freedom of Information Act (FOIA) under exemption 4, trade secret and commercial and financial information.

1) Identification of the Commission proceedings in which the information was submitted or a description of the circumstances giving rise to the submission

AeroVironment's application for an Experimental License has been designated Confirmation Number EL 445094, File No. 0140-EX-CN-2019.

2) Explanation of the degree to which the information is exempt from disclosure under the FOIA

Exemption 4 of the FOIA, as amended, protects information that details technology solutions; it is commercial information and contains trade secrets. The information is competitively sensitive information and is not normally released to the public. Its release would have a substantial negative competitive impact on the Company and its partners.

3) Explanation of how disclosure of the information could result in substantial harm

Disclosure of this information would undermine US and international law protecting intellectual and other proprietary property and assets.

4) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

As compiled and consolidated in the attachment, the information is not available to the public.

5) Justification of the period during which the submitting part asserts that material should not be available for public disclosure.

The material must be kept confidential for an indefinite period.

Protective Order Requested

During the Commission's consideration of this request that the information be withheld from public disclosure, AeroVironment requests that the Commission issue a Protective Order permitting disclosure of this information only to persons with a demonstrated interest and who agree to conditions of the Protective Order. 1 AeroVironment recommends the Protective Order contain the following conditions:

- The Confidential Information be placed in a non-public file at the Commission and withheld from inspection by any person not bound by the terms of this Protective Order.
 - Access to the confidential information shall only be made available to Commission staff, Commission consultants, and to counsel for authorized parties, or, if an authorized party has no counsel, to a person designated by the authorized party. Before counsel to an authorized party or such other person designated by the

authorized party may obtain access to the confidential information, counsel or such

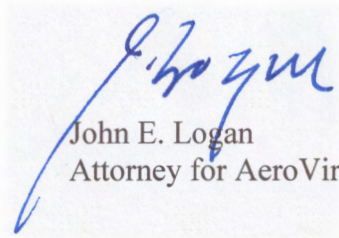
other designated person must execute a declaration agreeing to be bound by the Protective Order and not to disclose the information to anyone except in accordance with the terms of the Protective Order and that the information shall be used only for purposes of a Commission's consideration addressing AeroVironment's application.

- The Declaration must acknowledge that a violation of the Protective Order is a violation of a Commission Order and that the Protective Order is also a binding with regard to AeroVironment.
- Authorized Representatives must maintain a written record of any additional copies made and provide this record to AeroVironment upon request. The original copy and all other copies of the Confidential Information shall remain in the care and control of authorized representatives at all times. Authorized Representatives having custody of any Confidential Information shall keep the documents properly secured at all times.
- An authorized party filing a pleading containing Confidential Information shall also file a redacted copy of the pleading containing no Confidential Information, which copy shall be placed in the Commission's record.
- Should an authorized party that has properly obtained access to Confidential Information under the Protective Order violate any of its terms, it shall immediately convey that fact to the Commission and to AeroVironment. Further, should such violation consist of improper disclosure or use of Confidential Information, the violating party shall take all necessary steps to remedy the improper disclosure or use. The violating party shall also immediately notify the Commission and AeroVironment, in writing, of the identity of each party known or reasonably suspected to have obtained the Confidential Information through any such disclosure.
- Upon the completion of any proceeding, authorized parties shall certify in a writing served on the Commission and AeroVironment a statement that no material whatsoever derived from such Confidential Information has been retained by any person having access thereto.

Thank you for your consideration of this request. If the Commission does not grant complete confidentiality to this information, please provide AeroVironment sufficient advance notice prior to any disclosure to allow AeroVironment to pursue appropriate remedies to preserve the confidentiality of this information. In the event the Commission denies confidential treatment to these documents, we request, as provided under the Commission's rules, and that the documents be returned.

Please call upon us if we can provide additional information or assist in any way in the Commission's review of its experimental license application.

Respectfully submitted



John E. Logan
Attorney for AeroVironment, Inc.

Attachments