

October 4, 2017

Office of Engineering and Technology
Federal Communications Division
445 12th Street SW
Washington, DC 20554

Altaeros Request for Confidential Treatment for Spectrum Consent Agreement.

Pursuant to 47 C.F.R. §§CFR 0.459, Altaeros Energies Inc. (Altaeros), by its attorneys, hereby requests that certain materials and information be withheld from public inspection. Specifically, Altaeros requests confidential treatment of the spectrum consent agreement which is included in its Special Temporary Authority (STA) filing dated October 4, 2017 as Attachment 9.

In support of its request for confidential treatment and pursuant to the requirements under 47 C.F.R. § 0.459, Altaeros provides the following reasons in response to the nine subsections of 47 C.F.R. § 0.459(a):

(1) Identification of the specific information for which confidential treatment is sought. The terms of the spectrum license holder's consent for temporary use of spectrum to Altaeros.

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission. Altaeros has submitted an application with the Commission's Office of Engineering and Technology for Special Temporary Authority (STA) to use of 1950-1965 MHz in Limestone, Maine. Consent from the license owner is required for use of the spectrum.

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged. The license holder requires Altaeros to keep the terms of the consent confidential. The license holder also requires that Altaeros submit a confidentiality request for the terms of the agreement if the document is submitted to the FCC.

(4) Explanation of the degree to which the information concerns a service that is subject to competition. The terms of the consent for use of the licensed spectrum contains information that is subject to competition.

(5) Explanation of how disclosure of the information could result in substantial competitive harm. If the terms for leasing the spectrum is disclosed, other companies seeking to use the spectrum will know the terms offered by the license holder to Altaeros.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure. Altaeros requires its employees, attorneys, and agents to maintain the confidentiality of the consent agreement.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties. Altaeros does not know of any disclosure of the terms of the consent agreement to the public or to a third party not under agreement with Altaeros to maintain the confidentiality of those terms.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure. Altaeros requests that the terms of the agreement be maintained as confidential for three years from the date of the agreement. Such a period of time will ensure that no competitive harm be incurred by the license holder. The license holder requires Altaeros to keep the terms confidential for three years.

(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted. The terms of the consent agreement are unique for the use of the spectrum by Altaeros. Other users who knew of these terms may be able use those terms to their advantage and to the disadvantage of Altaeros and the license holder.

In order to provide adequate protection from public disclosure, Altaeros requests that the Commission strictly limit distribution of the terms of the document within the Commission on a “need to know” basis and not allow any distribution outside of the Commission. In the event that any person or entity outside of the Commission requests disclosure of the document requests that it be so notified immediately so that it can oppose such request or take other action to safeguard its interests as it deems necessary and appropriate.