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September 2, 2004

GEORGE WHEELER
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VIA HAND DELIVERY

Office of Engineering and Technology
Experimental Licensing Branch, MS 1300E1
Federal Communications Commission
445 12th Street, S.W.
Washington D.C. 20054

Re: Submission of Progress Report and Request for Confidential
Treatment Regarding Special Temporary Authorization,
Call Sign WD2XEQ, File No. 0050-EX-ML-2003

Gentlemen:

In accordance with the terms of its Experimental License, Call Sign WD2XEQ ("License"), Ambient Corporation ("Ambient") is filing the attached six-month progress report ("Report") on its progress in evaluating the feasibility of broadband access via carrier current systems over power lines.

Because the Report contains proprietary and confidential technical information about Ambient's technology, which would customarily be guarded from competitors, Ambient requests that the map attached to the Report ("Map") be treated as confidential and withheld from public inspection in accordance with Section 0.457(d) (trade secrets) of the Commission's Rules. (This Report contains information similar to earlier submissions accorded confidential treatment.)¹

¹ This includes previous narrative statements submitted in support of STA applications and Ambient's previous progress reports.

Pursuant to Section 0.459(b) of the Commission's Rules, Ambient provides the following information in support of its request for confidential treatment:

- (1) Ambient's requests confidential treatment of its Map attached to its Report.
- (2) This Map is being submitted as required under its License;
- (3) This Map contains highly confidential and proprietary information about Ambient's unique experimental network, including information about system architecture, equipment and performance;
- (4) Although power line communications systems are still in the experimental stage in the U.S., there are a number of competitors all trying to be first to market in developing and deploying viable telecommunications systems;
- (5) Disclosure of such information to competitors could compromise Ambient's efforts to develop this technology, in that other PLC companies could better compete with Ambient if they had information concerning Ambient's proposed network architecture and technology. This would cause Ambient substantial competitive harm;
- (6) Ambient has marked its Map as "Proprietary and Confidential." In addition, Ambient has been careful in protecting proprietary aspects of its system, including the use of confidentiality agreements with technical consultants;
- (7) Technical information contained in the Map has neither been disclosed to the public, nor disclosed to third-parties (not including counsel or consultants bound by confidentiality agreements or otherwise);
- (8) Ambient requests that this information be withheld from public disclosure until such time as Ambient discloses such materials publicly as part of its anticipated commercial rollout. Disclosure during the term of the License or any experimental license would compromise Ambient's position *vis-à-vis* competitors; and
- (9) Confidential treatment of this Report will allow Ambient to fully disclose its progress under the License to the FCC. Because power line communications systems are still in development, it will serve the public interest if the FCC is fully informed of the progress of innovators like Ambient. Refusal to treat such documents as confidential, would result in less detailed reporting and defeat one of the objectives of the License.

If there are any questions regarding the submission and the request for confidentiality, please contact George Y. Wheeler, Esq. at (202) 457-7073. For technical questions concerning the Report itself, contact Dr. Yehuda Cern, Ambient's Chief Engineer, at (617) 332-7680.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Y. Wheeler", written over a horizontal line.

George Y. Wheeler
Holland & Knight LLP
Counsel for Ambient Corporation