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June 9, 2003

GEORGE WHEELER
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Office of Engineering and Technology
Experimental Licensing Branch, MS 1300E1
Federal Communications Commission
445 12th Street, SW
Washington D.C.

Re: Request for Confidential Treatment of Narrative Statement for
Application for Experimental License

Dear Sir,

Ambient Corporation ("Ambient") respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commissions Rules, the Narrative Statement, accompanying Ambient's application for an experimental license be treated as confidential for the reasons set forth herein:

Because the Narrative Statement contains proprietary and confidential technical information about Ambient's technology, which would customarily be guarded from competitors, Ambient requests that the Narrative Statement be treated as confidential and withheld from public inspection in accordance with Section 0.457(d) (trade secrets) of the Commission's Rules. This Narrative Statement contains information similar to earlier submissions regarding a Special Temporary Authorization (STA), for which confidential treatment was granted.¹

¹ Ambient requested and was granted confidential treatment of narrative statements and progress reports filed with respect to its STA, WB9XQT. File No. 0218-EX-ST-2002. The

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 the Narrative Statement and attachments thereto. The Narrative Statement is marked as "Proprietary and Confidential;"
- (2) This Narrative Statement is submitted to the Commission in support of Ambient's application for an experimental license to conduct technical performance testing, interference analysis, and marketing studies of customer acceptability for its proprietary Power Line Communications ("PLC") Network technology. The detailed technical information in the Narrative Statement is required to support of this application;
- (3) This Narrative Statement contains highly confidential and proprietary information about Ambient's unique experimental network, including information about system architecture, equipment, and initial 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 the Narrative Statement as "Proprietary and Confidential." At Ambient's requests, the FCC has granted confidential status to narrative statements and progress reports relating to Ambient's Special Temporary Authorization, WB9XQT, which statements contain information similar to the Narrative Statement herein. 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 Narrative Statement has not 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 experimental license would compromise Ambient's position *visa vis* competitors.
- (9) Confidential treatment of this Narrative Statement will allow Ambient to fully disclose the details of its proposed experimental system 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 nature of this experiment. Refusal to treat such documents as confidential, would result in submission of insufficient information on which the FCC could base its decision to grant the experimental license requested.

If there are any questions regarding the submission and the request for confidentiality, please contact Jonathan Epstein, Esq. at (202) 828-1870. For technical questions concerning the Narrative Statement itself, contact Dr. Yehuda Cern, Ambient's Chief Engineer, at (617) 735-9395.

Sincerely,

/s/ George Wheeler

George Wheeler

Jonathan Epstein

Holland & Knight LLP

Counsel for Ambient Corp.