

March 10, 2010

ELECTRONIC FILING

James R. Burtles, Chief
Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Digital Receiver Technology Request for Confidential Treatment; Application for Special Temporary Authority; 0108-EX-ST-2010

Dear Mr. Burtles:

On February 25, 2010, Digital Receiver Technology ("DRT"), through its attorneys, submitted an application for Special Temporary Authority ("STA") to participate in a Maryland Department of Public Safety and Correctional Services ("Department") wireless communications management demonstration.¹ DRT submitted an STA application form (FCC Form 442) and an Exhibit entitled "Narrative" describing the demonstration and DRT equipment. For the reasons described below, DRT hereby renews its request that the application form and Narrative Exhibit be given confidential treatment and withheld from public inspection pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459.

Pursuant to the Freedom of Information Act ("FOIA"), public disclosure is not required for "trade secrets, commercial or financial information obtained from a person and privileged and confidential."² The commercial proprietary information contained in the STA application form and Narrative Exhibit fall squarely within this exemption from public disclosure.

Pursuant to Section 0.459(b) of the Commission's Rules, 47 C.F.R. § 0.459(b), the following information is provided in support of the request for confidential treatment. The application form and Narrative Exhibit for which confidential treatment is sought contain DRT trade secrets and proprietary

¹ See ELS File No. 0108-EX-ST-2010.

² 5 U.S.C. § 552(b)(4); *see also* 47 C.F.R. § 0.457(d).

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information relating to the technical characteristics, emissions and capabilities of the wireless signal measurement products that DRT has developed, and for which it seeks STA to test and demonstrate.³ This information is proprietary commercial information of DRT and much of the information contained in the application form and Narrative Exhibit is restricted from disclosure to non-U.S. persons pursuant to International Traffic in Arms Regulations ("ITAR").⁴ The market for development of these products is very competitive.⁵ Due to the competitive environment for such products, release of this information to its competitors would harm DRT.⁶ DRT would lose the competitive benefit of the substantial resources it invested in the development of the device should the information contained in the application form and Narrative Exhibit be disclosed to its competitors.

It is customary for companies such as DRT not to disclose the details of its designs, technologies and products to competitors or to the public, and DRT has taken reasonable actions to keep these trade secrets confidential.⁷ Specifically, the products will only be used for a specific demonstration at the request of the Department. Further, DRT will discuss the capabilities of its wireless communications management device with wireless carriers that operate in the area of the demonstration only pursuant to an appropriate Nondisclosure Agreement.

DRT has not disclosed detailed information regarding its device to any other party that is not subject to a Nondisclosure Agreement.⁸ DRT requests that the subject STA application, including the Narrative Exhibit, not be made routinely available for public inspection at any time.⁹ The design and technology included in the device would benefit DRT's competitors, harm DRT, and potentially harm U.S. national security if it is released for public inspection at any time.

Finally, the public interest will be served by granting this request for confidential treatment. It is in the public interest that equipment manufacturers invest in the development of new technologies, test those products pursuant to STA and be permitted to benefit from their development efforts.¹⁰

³ See 47 C.F.R. § 0.459(b)(1), (2).

⁴ See 47 C.F.R. § 0.459(b)(3).

⁵ See 47 C.F.R. § 0.459(b)(4).

⁶ See 47 C.F.R. § 0.459(b)(5).

⁷ See 47 C.F.R. § 0.459(b)(6).

⁸ See 47 C.F.R. § 0.459(b)(7).

⁹ See 47 C.F.R. § 0.459(b)(8).

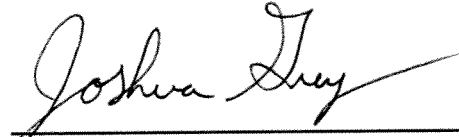
¹⁰ See 47 C.F.R. § 0.459(b)(9).

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Please feel free to contact me with any questions.

Sincerely,

DIGITAL RECEIVER TECHNOLOGY

A handwritten signature in black ink, reading "Joshua T. Guyan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joshua T. Guyan
Squire, Sanders & Dempsey L.L.P.
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Its Attorney