

Response to questions from jkennedy@fcc.gov in email dated 4/10/02

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Response to statements in 47 CFR Part 0.459 (b) in Q&A format:

(1) Q: Identify the specific information for which confidential treatment is sought.

A: The only information that ABB Inc. requests to be treated with confidentiality is the description of the system and the nature of the products deployed.

(2) Q: Identify the Commission proceeding in which information was submitted or describe the circumstances giving rise to the submission.

A: ABB Inc. is interested in testing a system and proving the validity of a system prior to all products receiving formal FCC certification.

(3) Q: Explain the degree to which the information is commercial or financial, or contains a trade secret or is privileged.

A: The request for confidentiality is primarily due to commercial considerations to keep the nature of the development effort hidden from our competition until the product is ready to be released and offered for sale. There are also pending patent disclosures that are yet to be filed with the US Patent office. There are no direct financial considerations related to the confidentiality request.

(4) Q: Explain the degree to which the information concerns a service that is subject to competition.

A: There are several competing companies that offer similar products. ABB Inc. believes the system being developed offices electric, gas and water utilities a system at a lower total cost point while at the same time increasing the capabilities of the system.

(5) Q: Explain how the disclosure of this information could result in substantial competitive harm.

A: In addition to keeping information about our product development efforts hidden from our competition, we would like to keep the specific details of the system confidential until we have filed patents to protect our intellectual property.

(6) Q: Identify any measures taken by the submitting party to prevent unauthorized disclosure.

A: To date, the development effort has only been disclosed to employees of ABB Inc and to other parties who have signed a non-disclosure agreement.

(7) Q: Identify whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

A: The information is not available to the public. ABB Inc has only disclosed the information to companies who have signed a non-disclosure agreement. This includes four of our electric utility customers and one 3rd party consulting firm who is helping with the development effort.

(8) Q: Justify the period during which the submitting party asserts that material should not be available for public disclosure.

A: The requested period covers the length of time required to perform the field test. Product will not be offered for sale until the completion of the field test. This time also allows all related pending patents to be filed with the patent office.

(9) Q: Is there any other information that the party seeking confidential treatment believes may be useful in assessing whether the request for confidentiality should be granted?

A: No.

Questions from 4/10/02 email:

Q1: Please justify the need for the use of 520 equipment units.

A1: We are testing a fixed network 2-way system with multiple data collectors, where each data collector will be configured to talk to 50 to 100 meters, where each group of meters and a data collector is referred to as a subnet. One aspect of the system that we want to investigate is the interference between neighboring data collectors and their subnets. It is likely that the field test will not actually deploy 520 units. 520 units is the maximum number to be deployed.

Q2: Will Electricity Metering ABB Incorporated retain ownership of the devices tested under this experimental license during and after testing?

A2: Yes

Q3: Will a market study test be performed under this experimental license? If so, what financial or contractual arrangement will Electricity Metering ABB Incorporated have with the customers who will perform the market study test?

A3: A market study will not be performed. This product is targeted for an existing market and the test will be used to validate the operation of this new system. ABB Inc. will have a Memorandum of Understanding (MOU) with Greenville Utilities in Greenville, NC. The MOU states that all equipment is owned by ABB Inc. Greenville Utilities will assist with the installation and maintenance of the equipment during the test period.