

To the Office of Engineering and Technology:

Re: Request for confidential treatment for information within Special Temporary Authority Application, File. No. 1276-EX-ST-2018

Ericsson respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457 and 0.459, the Commission withhold from public inspection and accord confidential treatment to the location information and testing details from our application, File Number 1276-EX-ST-2018. This information qualifies as trade secrets and commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").¹ Ericsson has previously requested, and been granted, confidential treatment for this information.²

Exemption 4 of FOIA provides that the public disclosure requirement of the statute "does not apply to matters that are . . . (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential."³ Ericsson is providing the trade secrets and commercial information "of a kind that would not customarily be released to the public" because such disclosure is necessary to obtain an STA. Therefore, this information is "confidential" under Exemption 4 of FOIA.⁴ Moreover, Ericsson would suffer substantial competitive harm if the identified information in our research program were disclosed.⁵

In support of this request and pursuant to Section 0.459(b) of the Commission's rules,⁶ Ericsson hereby states as follows:

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁷

Ericsson seeks confidential treatment of location information and testing details that are contained in the application.

¹ 5 U.S.C. § 552(b)(4).

² See, e.g., File Number 0801-EX-PL-2015.

³ *Id.*

⁴ See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

⁵ See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

⁶ 47 C.F.R. § 0.459(b).

⁷ 47 C.F.R. § 0.459(b)(1).



2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁸

Ericsson is submitting an application for authorization for Special Temporary Authority to conduct wireless research.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁹

The information for which Ericsson seeks confidential treatment contains sensitive trade secrets and commercial information “which would customarily be guarded from competitors.”¹⁰ Ericsson has invested finances, planning and expertise into developing the “secret commercially valuable plan” that is the program of research into future wireless communication. The location and testing details are part of this plan and that is not information we would disclose except for the need to obtain the STA.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION¹¹

Developing network products is the core of Ericsson’s business, and we face competition in the competition in the US and globally to develop the best products, especially for new offerings.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹²

The release of the plan we are using to research and develop products could result in competitive harm to Ericsson to the extent it became available to competitors. Disclosing the information would enable competitors to use and benefit from the investment Ericsson has made to develop the current program of research and to undermine our position with customers. It would unjustly benefit our competitors to gain this insight into our research.

⁸ 47 C.F.R. § 0.459(b)(2).

⁹ 47 C.F.R. § 0.459(b)(3).

¹⁰ 47 C.F.R. § 0.457.

¹¹ 47 C.F.R. § 0.459(b)(4).

¹² 47 C.F.R. § 0.459(b)(5).



6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹³

The information has been disclosed only to Ericsson personnel as needed, and when it has been necessary to disclose any of this information for joint research with a partner, that has been done under a Nondisclosure Agreement.

We will, of course, disclose the information to any parties that it is necessary for Ericsson to coordinate with as a condition of operation.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹⁴

The information is not available to the public. Ericsson has shared some of the technical information with a limited number of partner personnel for joint research pursuant to a Nondisclosure Agreement. Per the NDA, all the information will remain confidential.

These are the only disclosures that have been made outside of Ericsson. Accordingly, Ericsson requests that the Commission accord the information covered by this Request for Confidential Treatment under Sections 0.457 and 0.459 of the Commission's rules.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹⁵

Ericsson requests that the requested information be treated as confidential for a period of 1 year. After 1 year, disclosing this information to the public would not be a competitive risk nor undermine our position with our customers.

If the Commission ultimately declines this request, we still request the information be kept confidential until the license is granted.

9. OTHER INFORMATION THAT ERICSSON BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹⁶

Granting this request for confidentiality is consistent with a policy of supporting innovation and the investment necessary to conduct research.

¹³ 47 C.F.R. § 0.459(b)(6).

¹⁴ 47 C.F.R. § 0.459(b)(7).

¹⁵ 47 C.F.R. § 0.459(b)(8).

¹⁶ 47 C.F.R. § 0.459(b)(9).



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Respectfully submitted,

/s/ Kelley A Shields

Kelley A. Shields

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