



COMMUNICATIONS LAW COUNSEL, P.C.

September 10, 2013

Via Electronic Filing

Nancy Hey
Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th St., S.W.
Room 7-A322
Washington, DC 20554

Re: Modification of Experimental License, Call Sign WF2XYY,
File No. 0164-EX-ML-2013
Request for Confidential Treatment

Dear Ms. Hey:

Google Inc. ("Google"), pursuant to Sections 0.457 and 0.459 of the Commission's rules, respectfully requests confidential treatment in connection with Google's above-referenced Modification of Experimental License ("Modification").

Google provides the following information pursuant to Section 0.459(b) of the rules, 47 C.F.R. § 0.459(b).

(1) Identification of the specific information for which confidential treatment is sought.

This request is limited to the following information that has been redacted from the Modification:

Manufacturer

Model Number

[REDACTED]

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Google does not seek to withhold from public inspection Form 442 information necessary for interference mitigation, including applicant name, contact information, location, frequency, and power.

Google also requests confidential treatment of the proposed number of fixed and mobile transmitters to be operated, and of the following portion of Exhibit 1 to the Modification, which contains confidential and proprietary information regarding its proposed experimentation:

[REDACTED]

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(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.

The information was submitted in connection with Google's Modification of Experimental License, Call Sign WF2XYY, File No. 0164-EX-ML-2013, filed September 10, 2013.

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.

Agreements entered into between Google and the manufacturers identified above require that confidential information of the parties be held in strict confidence, and that such information not be disclosed to any third party (with limited exceptions not applicable to this request). The manufacturer name and model number constitutes confidential trade secrets, technical information, and business information under the agreements. The redacted information in Exhibit 1 also is commercial information regarding Google's plans regarding experimentation and testing of new services and equipment.

(4) Explanation of the degree to which the information concerns a service that is subject to competition:

The information for which confidential treatment is sought concerns the highly competitive consumer electronics market, and this information regarding Google's private business and operations "would customarily be guarded from competitors." See 47 C.F.R. §§ 0.459(a)(4), 0.457(d)(2).

(5) Explanation of how disclosure of the information could result in substantial competitive harm.

Disclosure of the information would reveal confidential trade secrets, technical information, and business information, resulting in disruption of Google's vendor relationships in the highly competitive consumer electronics market.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.

Please see response to item (7) below.

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

Google has not made the information subject to this request available to the public or to any third parties, does not routinely disclose such commercially sensitive information to the public or to third parties, and has established procedures to protect such information internally. Google voluntarily provides the information to the Commission at this time with the expectation that it will be treated confidentially in accordance with the Commission's rules. *See Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (commercial information provided on a voluntary basis "is 'confidential' for the purpose of Freedom of Information Act (FOIA) Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.").

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

Google requests that the information be held confidential during the period for which experimental authority is requested, and thereafter until such information no longer is deemed confidential and proprietary by Google and no longer subject to Google's internal procedures for maintaining its confidentiality.

(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.

The information for which confidential treatment is requested falls within Exemption 4 of the FOIA, which provides a statutory basis for withholding from public inspection "matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 522(b)(4).

Consistent with 47 C.F.R. § 0.459(d)(1), Google requests notification if release of the information subject to this request is requested pursuant to the FOIA or otherwise, so that Google may have an opportunity to oppose grant of any such request.

Respectfully submitted,



E. Ashton Johnston
Counsel to Google Inc.