

HARRIS CORPORATION
EXPERIMENTAL LICENSE APPLICATION
Naval Research Laboratory Contract No. N00014-96-C-2063
February 2003

REQUEST FOR CONFIDENTIAL TREATMENT

Pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, Harris Corporation ("Harris") hereby requests that the attachment entitled "Description of Experiment" submitted with its application for an experimental license be treated as confidential and withheld from public inspection.

In accordance with the requirements of Section 0.459(b), 47 C.F.R. § 0.459, Harris submits the following:

- 1) 0.459(b)(1): Identification of the specific information for which confidential treatment is sought: Harris requests that the attachment entitled "Description of Experiment" be treated as confidential and withheld from public inspection. The equipment is intended for use in connection with contracted United States governmental services. Although the use of the equipment has not been classified, its use is being treated as privileged and confidential information by the United States Government. In addition, the Harris application contains commercial information about market and product development and proprietary technical information pertaining to the service to be offered. Pursuant to the Freedom of Information Act ("FOIA"), public disclosure is not required for documents that are "trade secrets, commercial or financial information obtained from a person and privileged and confidential." For both reasons, the information contained in the Harris attachment is covered by the FOIA exceptions.
- 2) 0.459(b)(2): Identification of the Commission Proceeding in which the Information Was Submitted or a Description of the Circumstances Giving Rise to the Submission: The application is being submitted to the Commission pursuant to Section 5.55, 47 C.F.R. § 5.55, in support of Harris' application for an experimental license to conduct technical performance evaluations and determine customer acceptability of the equipment specified in the application. The Naval Research Laboratory has contracted Harris to develop experimental equipment to solve various data communication needs of the Navy (Contract No. N00014-96-C-2063). See 47 C.F.R. § 5.3(b).

- 3) 0.459(b)(3): Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged: The attachment entitled “Description of Experiment” contains highly sensitive commercial and technical information. Such information “would customarily be guarded from competitors.” 47 C.F.R. § 0.457(d)(2). Disclosure of such information to the public will compromise Harris’ efforts to develop and introduce innovative technologies. In addition, as indicated, the use of this equipment by the Navy is being treated by the United States government as privileged and confidential information.
- 4) 0.459(b)(4): Explanation of the degree to which the information concerns a service that is subject to competition: Although the equipment proposed in the application is intended to be operated in the ISM band (2418-2450 MHz), which is subject to various commercial operations, the service to be provided in connection with Harris’ contract with the Naval Research Laboratory is not subject to competition.
- 5) 0.459(b)(5): Explanation of how disclosure of the information could result in substantial competitive harm: If the contents of the attachment entitled “Description of Experiment” were to be disclosed, Harris’ efforts to develop equipment under contracted services with the U.S. military would be undermined, resulting in substantial competitive injury. Harris has extended funds and resources for the development of this service. Sharing the contents of the attachment with the public would compromise Harris’ past efforts to develop its technology as well as threaten its ability to profit from those efforts in the future.
- 6) 0.459(b)(6): Identification of any measures taken by the submitting party to prevent unauthorized disclosure: Harris has complied with the Naval Research Laboratory’s request that the information contained in the attachment entitled “Description of Experiment” not be disclosed to unauthorized individuals, and be treated as confidential and privileged. Harris has done so, and in keeping with its obligation to do so, Harris has requested confidential treatment by the Commission of the contents of the attachment.
- 7) 0.459(b)(7): Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties: Information contained in the “Description of Experiment” is proprietary and is not available to the public. The application has not been disclosed to third parties other than Harris’ legal counsel.

- 8) 0.459(b)(8): Justification of the period during which the submitting party asserts that material should not be available for public disclosure: Due to the risk to national security presented by a premature release to the public of the information contained in the attachment, Harris requests that the Commission withhold the information contained in the attachment until the United States government determines that its release would not be harmful to national security interests.
- 9) 0.459(b)(9): Any other information: The public interest will be served if the Commission treats the attachment as confidential. Such treatment will serve national security interests while permitting the Commission to review the application without disclosing to the public Harris' proprietary technology.

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