



HARRIS CORPORATION

1201 E. Abingdon Drive
Alexandria, VA 22314
phone 1-703-739-1942
fax 1-703-739-2775

www.harris.com

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Harris Corporation's Request for Confidentiality

Dear Ms. Dortch:

Harris respectfully requests that the attached experimental license application and related supporting materials be treated as confidential and withheld from public inspection in accordance with Sections 0.457(g) (non-disclosure of investigative techniques and procedures) and 0.457(d) (non-disclosure of trade secrets) of the Commission's Rules. This confidentiality request is not intended to include technical information used for identifying interference (location, frequency and power levels).

Section 0.457(g)(1) provides confidentiality if the production of such records would interfere with enforcement proceedings and section 0.457(g)(6) provides that confidentiality shall be granted if production of such records would endanger the life or physical safety of law enforcement personnel. The Harris Wireless Surveillance Devices, which are the subject of the experimental license request, are intended for use by state and local law enforcement entities to perform surreptitious surveillance. These activities are a significant and increasingly important component of the investigative techniques and procedures employed by state and local law enforcement officials. Moreover, the Harris Wireless Surveillance Devices are protected technologies and can only be utilized by "authorized users" per 18 USC §2512. The description of these capabilities, technical information regarding the performance parameters, design and operation of the Harris Wireless Surveillance Devices used by law enforcement entities for this work and information regarding the identity of the entities proposing to use such devices contained in this application and supporting documents should be protected from public disclosure under Section 0.457(g) of the Commission's rules.

Section 0.457(d) provides that trade secrets be granted confidentiality. Harris competes with a number of companies that are developing and marketing similar surreptitious surveillance devices. The identities of prospective customers disclosed in the application are proprietary, commercial information and should be accorded confidential treatment. Disclosure of these customer records could result in substantial competitive harm because Harris' competitors could use this information to solicit its customers. Disclosure of the technical information disclosed in the application to competitors could compromise Harris's ability to develop this technology, in that other companies could reverse engineer products using this information. Moreover, disclosure would relinquish valuable proprietary information about the technologies Harris has developed and its manufacturing processes. Disclosure would also offer competitors additional unwarranted insight into the state of Harris's product development thereby allowing competitors an advantage that would otherwise be unavailable to Harris.



Pursuant to Section 0.459(b) of the Commission's rules, Harris also provides the following information as additional support for its request for confidential treatment:

- (1) The information disclosed in its experimental license request includes highly confidential and proprietary technical information about the equipment design and operating characteristics; we respectfully request that all technical information about the equipment be granted confidentiality.
- (2) The Commission proceeding by which the information is submitted is identified as experimental license—file no. 0646-ex-pl-2007.
- (3) Disclosure of the technical information disclosed in the application to competitors could compromise Harris's ability to develop this technology, in that other companies could reverse engineer products using this information;
- (4) There are many competitors that provide this type of equipment to law enforcement officials. Most of them have ignored FCC processes and rules. Thus, any disclosure of Harris technical information regarding this application would relinquish valuable proprietary information about the technologies Harris has developed and its manufacturing processes. Disclosure would also offer competitors additional unwarranted insight into the state of Harris's product development thereby allowing competitors an advantage that would otherwise be unavailable to Harris.
- (5) Disclosure would result in substantial competitive harm. Disclosure would also offer competitors additional unwarranted insight into the state of Harris's product development thereby allowing competitors an advantage that would otherwise be unavailable to Harris. Harris is careful in protecting proprietary aspects of its equipment design and processes. The information for which confidential treatment is sought has been kept confidential from public disclosure by Harris and has not been made available to third parties except pursuant to non-disclosure agreements.
- (6) Harris has taken several measures to ensure confidentiality of its technical information. We have held several of meetings with the Office of Engineering and Technology to discuss the filing the experimental license application and how best to protect the proprietary information contained in the application. Pursuant to those discussions, we have filed an extensive confidentiality request to accompany the application.
- (7) None of the technical information included in the experimental license application has been made available to the public.
- (8) Harris requests that this information be withheld from public disclosure until and unless Harris notifies the Commission that such information may be publicly released. This equipment is designed for governmental surveillance applications only and may be used for more than a decade in some cases. Moreover, the Wireless Surveillance Devices will be used by state and local law enforcement officials, thus, it is important that its design and operational details not be made available to unauthorized persons who might attempt to use knowledge of such details to compromise the applications for which the equipment



will be employed.

- (9) In view of the fact that the materials contained in this experimental license application are being submitted voluntarily, Harris also requests the Commission to return the materials without consideration if its request for confidentiality should be denied. Confidential treatment of the information contained in its application allows Harris to provide a full technical description of the equipment, which disclosure is in the public interest. Refusal to treat such documents as confidential would result in submission of insufficient information on which the FCC could base its decision on this application and delay deployment of these new and improved devices for law enforcement applications.

Regards,

Tania Hanna
Harris Corporation