



January 28, 2021

Mr. Ronald Repasi
Acting Chief Engineer
Office of Engineering and Technology
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Subject: Redaction Request
Reference: Application File Number 0088-EX-CN-2021

Lynk Global, Inc. ("Lynk") respectfully requests that, pursuant to Sections 0.457 and 0.459, the Commission withhold from public inspection and accord confidential treatment to certain material related to the above referenced application. Specifically, Lynk requests confidential treatment of the following material contained in the narrative exhibit to the above-referenced STA request and other supporting documents:

- Commercial Business Plan:
Anything that describes or suggests non-public information about Lynk's business plans to provide a commercial global service to phones and cellular IOT devices. This includes specific details of the devices Lynk plans to utilize for testing on the ground, details related to Lynk's potential commercial business partners, and where Lynk may operate internationally.
- Spacecraft Technology:
Lynk's specific spacecraft technology and technology choices are trade secrets and the details of which are unnecessary for analyzing the potential interference on the ground. This includes details related to antennas, link budgets, cavity filters, triplexers, hexiplexers, antenna gain, emitter power, as well as anything else that provides information on the performance of our spacecraft technology (in Watts, dB, EIRP, gain), and related graphics. These details are not necessary for understanding the PFD on the ground.
- Commercial Business Methods:
Anything that discusses "how to conduct the test" is a trade secret. Lynk has invested years to develop innovative methods that provide a competitive advantage in the commercial market. Trade secrets include how Lynk conducts rapid, low-cost, low-risk testing of space technology. This includes anything relating to the details of the testing operations of the host spacecraft (if applicable), space station, ISS, hosted payload, free-flyer, cubesat/smallsat, satellite, astronauts, as well as language related to pointing

sessions. Trade secrets also include discussions of Lynk's partners, including flight integration partners, which we have invested years in developing and selecting.

The above outlined information qualifies as trade secrets and commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").¹ 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."² Lynk is providing the trade secrets and commercial information "of a kind that would not customarily be released to the public" because such disclosure may be necessary to obtain the Commission's authorization of the above referenced application.³ Therefore, this information is "confidential" under Exemption 4 of FOIA.⁴ Furthermore, Lynk would suffer substantial competitive harm if the information listed above for Lynk's research program were disclosed.⁵

In support of this request, Lynk provides the following requested information in accordance with Section 0.459(b) of the Commission's rules.⁶

(1) Identification of the specific information for which confidential treatment is sought. Lynk seeks confidential treatment of its Commercial Business Plan, Spacecraft Technology, and Commercial Business Methods as defined above and contained in the above referenced application. Lynk provided a public version of the application that redacts the information for which Lynk seeks confidential treatment.

(2) Identification of the Commission proceeding in which the information was submitted.

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

The information for which Lynk seeks confidential treatment contains sensitive trade secrets and commercial information, "which would customarily be guarded from competitors."⁷ Lynk has invested substantial finances, planning, and expertise into developing its "secret, commercially valuable plan" from the research program of deploying satellite technologies that connect to cellular telephone operations ("celltower in the sky").

¹ See 5 U.S.C. § 552(b)(4).

² *Id.*

³ See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

⁴ See *id.*

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 See 47 C.F.R. § 0.457.

Lynk will use analyze the results of the research program to continue developing and refining its concept of a ubiquitous communications service in the GSM and LTE bands that utilizes standard smartphones already deployed around the world. The patented technology used to allow ground-based smart phones to communicate with a constellation of LEO satellites are at the core of what and how Lynk will research, and it is not information Lynk would disclose to the public except for the need to obtain FCC authorization for the above referenced application.

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

Carriers and entrepreneurs worldwide are scrambling to find ways to economically deliver data to every habited and uninhabited point on the planet. The entity that can solve the economic and technical problems of delivering communications services to the last rural mile will have a huge competitive advantage.

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

The disclosure of the plan that Lynk is using to research and develop its products could result in competitive harm to Lynk, especially if the plan became available to competitors. Disclosing the methods and technologies being tested under Commission authorization would allow global competitors to quickly copy and seek a similar solution to what Lynk is proposing before Lynk is able to demonstrate and deploy its revolutionary technology. Disclosing the information would enable competitors to use and benefit from the investment Lynk has already made and is making. Disclosure would unjustly benefit Lynk's competitors to gain this insight into our research, increase the risk of those investing in Lynk, and reduce likelihood and size of future investments in Lynk.

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

The information for which Lynk seeks confidential treatment has been kept within Lynk and disclosed only to authorized personnel working on the project, except as noted in the following section. Again, Lynk provided a redacted public form of the above referenced application to keep trade secret and commercial information confidential, while providing sufficient information to demonstrate that no harmful interference will occur to other operators on the requested frequencies during testing periods.

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

The information for which Lynk seeks confidential treatment is not available to the public. Only employees and contractors to Lynk, and those who have signed non-disclosure

agreements, have access to this information. To the extent any of the redacted information has been shared with customer partners as Lynk conducts this research, such sharing occurred under a non-disclosure agreement.

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

Lynk requests that the information be treated as confidential for a period of five (5) years. Lynk requests this amount of time so that competitors cannot benefit from our research as the industry seeks ways to deliver communications into the most rural areas of the planet. By the end of five (5) years, research into this technological solution should have developed to an extent where disclosing this information to the public would not be a competitive risk.

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

Granting this request for confidentiality is consistent with the Commission's policy for supporting innovation and the investment necessary to conduct research to solve an important public safety need of being able to communicate in emergency situations anywhere on the planet. The research conducted under the above referenced application will therefore be in the public interest.

Respectfully submitted,



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