

October 27, 2017

***Via Electronic Filing***

Experimental Licensing Branch  
Office of Engineering and Technology  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: Services Development Company LLC  
File No. 0042-EX-TU-2017; Call Sign: WH2XVO  
Request for Confidential Treatment**

To Whom It May Concern:

Services Development Company LLC (“SDC”), pursuant to 5 U.S.C. § 552 and 47 C.F.R. § 0.459, hereby requests that the “Progress Report for Experimental License” filed concurrently with this letter be treated as confidential and not subject to public inspection. The enclosed information constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm to SDC and its affiliates. As demonstrated below, SDC’s request satisfies the standards for grant of confidential treatment.

In accordance with 47 C.F.R. § 0.459(b), SDC is providing the following information in support of this request for confidential treatment:

**1. Identification of the specific information for which confidential treatment is sought:**

SDC seeks confidential treatment of the information contained in “Progress Report for Experimental Special Temporary Authorization” filed in association with File No: 0042-EX-TU-2017 and call sign WH2XVO (hereinafter, the “Report”).

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

SDC is submitting this Report as required by special condition (1) of the Commission’s Experimental Radio Station Construction Permit and License, File No. 0042-EX-TU-2017, Call Sign WH2XVO (effective Sept. 22, 2017). The License was originally granted effective November 6, 2015 has been subsequently modified and renewed. Pursuant to informal discussions with FCC staff, SDC will file an annual progress report on the anniversary of the November 6 grant.

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

The Report has significant commercial value, and the tests and experiments described therein include trade secrets.<sup>1</sup> Specifically, SDC's tests and experiments, including the frequencies and test equipment, will be used to develop innovative services and technologies.

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

The services and technologies that are subject to this application have not yet been fully developed but are expected to lead to material developments in markets subject to competition.

**5. Explanation of how disclosure of the information could result in substantial competitive harm:**

The Report is commercially sensitive. Its public release would provide insight into SDC's intended innovative services and technologies, which would potentially jeopardize the business plans and strategies of SDC and its affiliates. Public disclosure of the Report would also diminish the value of SDC's efforts by unfairly enabling others to appropriate SDC's efforts and develop similar services and/or technologies.

**6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure:**

SDC has taken steps to keep confidential the Report, including limiting the number of people involved in the tests and experiments included the Report and requiring all third parties involved to execute non-disclosure agreements.

**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 Report is not available to the public and has only been disclosed to third parties pursuant to non-disclosure agreements.

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

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<sup>1</sup> See *Public Citizen Health Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983) (defining a trade secret for purposes of the Freedom of Information Act as a "secret, commercially valuable . . . process or device that is used for the making . . . of trade commodities and that can be said to be the end product of either innovation or substantial effort"); see also *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 ¶ 3 (1998).

SDC respectfully requests that the Report be withheld from public inspection until such time as it is publicly disclosed by SDC. An indefinite period of confidentiality is required in order to protect the evolving business plans and strategies of SDC and its affiliates.

**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 public interest would not be served by making the Report publically available. The operation of the experimental license has not resulted in any harmful interference and, thus, disclosure of the Report would not be beneficial or necessary.

Very truly yours,

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