



August 14, 2020

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re. Request for Confidential Treatment, 1041-EX-ST-2020

Dear Ms. Dortch,

Pursuant to Sections 0.457(d) and 0.459 of the FCC Rules, 47 CFR §§ 0.457(d) and 0.459, the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the Trade Secrets Act, 18 USC § 1905, Space Exploration Technologies Corp. ("SpaceX") respectfully requests that the confidential information submitted herewith (the "Confidential Materials") not be placed in the public file and be otherwise withheld from public inspection.

(1) Identification of the specific information for which confidential treatment is sought: The Confidential Materials consist the exhibit attached to the above referenced experimental license application described as "Starship Prototype Test Hops Conops 150m to 20km."

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission: The Confidential Materials are being submitted in connection with the above referenced experimental license application.

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or privilege: The Confidential Materials contain specific proprietary technical and commercial information relating to testing of proprietary SpaceX technologies that are both commercially sensitive and constitute trade secrets.

(4) Explanation of the degree to which the information concerns a service that is subject to competition: SpaceX is subject to substantial competition from other commercial launch providers, both existing and planned. Public disclosure of the Confidential Materials could allow SpaceX's competitors ready access to sensitive proprietary company information, which, under normal business circumstances, is not and would not be publicly disclosed.

(5) Explanation of how disclosure of the information could result in substantial competitive harm: Among other things, disclosure of the Confidential Materials would provide potential competitors significant and detailed information on the design and capabilities of technologies SpaceX has under development, and could thereby enable unfair competition. Accordingly, public disclosure of any of the information contained in the Confidential Materials is likely to cause competitive injury and substantial

irreparable harm. It is therefore exempted from disclosure under FOIA Exemption 4, and Section 0.457(d) of the Commission's rules.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure: SpaceX has taken substantial and reasonable measures to prevent unauthorized disclosure of the Confidential Materials, including requesting confidential treatment of the materials by the FCC contemporaneously with their submission, marking the materials as proprietary or similar and, where appropriate, advising recipients of their proprietary and protected status prior to making related oral disclosure(s). Any disclosure of the Confidential Materials to other entities has been subject to a binding non-disclosure agreement, or subject to attorney-client privilege.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties: To the best of the applicant's knowledge, as of the date of this submittal, the information contained in the Confidential Materials is not presently available to the public, and SpaceX does not presently intend for it to be released for wider distribution. The extent of previous disclosure of the information to third parties has been strictly limited and subject to the restrictions noted above to ensure confidentiality.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure: SpaceX requests that the Confidential Materials be withheld from public disclosure by the Commission for an indefinite period, or for the maximum permissible time. SpaceX has a proprietary right in its confidential commercial information and has expended substantial financial and in kind resources to organize and develop the capabilities described in the Confidential Materials. SpaceX also has taken significant precautionary steps and measures to maintain and safeguard its confidential information, including the information contained in the Confidential Materials.

For all the above-stated reasons, the Commission should grant SpaceX's limited Request for Confidential Treatment and should not place the Confidential Materials in the public file and otherwise should withhold the Confidential Materials from public inspection.

If you require additional information, please contact the undersigned at the telephone number or email address listed below.

Respectfully submitted,



Patricia Cooper
Vice President, Satellite Government Affairs
Space Exploration Technologies Corp.
1155 F Street, NW, Suite 475
Washington, DC 20004
Email: Patricia.Cooper@spacex.com