

May 29, 2015

Nnake Nweke, Ph.D.
Branch Chief
Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

File No: **0356-EX-PL-2015**

Subject: **Request for Confidential Treatment of Exhibits 1-5**

Dear Dr. Nweke:

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 otherwise be withheld from public inspection.

(1) Identification of the specific information for which confidential treatment is sought:

The Confidential Materials consist of the following technical exhibits:

- Exhibit 1 – Information Regarding Satellite System
- Exhibit 2 – Information Regarding Power Flux Density
- Exhibit 3 – Information Regarding Ground Stations
- Exhibit 4 – X Band Antenna Patterns [spreadsheet]
- Exhibit 5 – Ku Band Antenna Patterns [spreadsheet]

(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 SpaceX’s request for an Experimental License (File No. 0356-EX-PL-2015) for the MicroSat-1a/b test and demonstration mission.

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

The Confidential Materials contain specific, sensitive proprietary technical and commercial information relating to SpaceX’s planned NGSO satellite project.

(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 satellite operators (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, such disclosure could enable unfair competition with SpaceX. Accordingly, public disclosure of any of the information contained in the Confidential Materials is likely to cause competitive injury and substantial irreparable harm to SpaceX, and is therefore exempted from mandatory disclosure under FOIA Exemption 4, and Section 0.457(d) of the Commission's rules, 47 C.F.R. § 0.457(d).

(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 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). Efforts to pre-coordinate early iterations of the materials with relevant U.S. Government agencies have followed the same such measures, and any disclosure of the Confidential Materials to SpaceX related entities has been in confidence, subject to a binding non-disclosure agreement, and/or subject to attorney-client privilege, where applicable.

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

Except for the parts reproduced in the Appendix A narrative, 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 unlimited distribution. The extent of previous disclosure of the information to third parties is limited to pre-coordination with other U.S. Government agencies, subject to the restrictions noted above, and among SpaceX related entities such as agents, contracts and subcontractors, on a need-to-know basis and subject in each case to nondisclosure obligations.

(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. SpaceX has expended substantial financial and in-kind resources to organize and develop its business. 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 of the Technical Exhibits, 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 on (202) 649-2705 or via email at David.DenHerder@SpaceX.com.

Very respectfully,

/David J. Den Herder/

David J. Den Herder
Sr. Counsel, SpaceX