

Second Annual Progress Report Submission and Request for Confidential Treatment

Toyota Motor Engineering & Manufacturing North America, Inc. (“Toyota”) hereby submits the second annual progress report in accordance with the conditions of its experimental authorization, call sign WH2XIZ (File No. 0537-EX-PL-2014), and Section 5.73 of the Commission’s rules, 47 C.F.R. § 5.73. Pursuant to the Freedom of Information Act (“FOIA”) and Sections 0.457(d) and 0.459 of the Commission’s rules, 5 U.S.C. § 552(b); 47 C.F.R. §§ 0.457(d), 0.459, Toyota respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the summary technical report describing Toyota’s progress on the experimental testing program to date (“Technical Report”). The Technical Report contains detailed specifications regarding the procedures for testing the wireless power transfer system, measurement methodologies and progress to date.

Toyota’s wireless power transfer system is still in development, and the details provided in the Technical Report constitute trade secrets and commercially sensitive information. Thus, this information falls within Exemption 4 of the FOIA and is entitled to confidential treatment under the Commission’s rules. See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d). Toyota has filed the Technical Report in OET’s electronic database on a confidential basis.

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules, 47 C.F.R. § 0.459(b), Toyota provides the following information:

1. **Identification of Specific Information for Which Confidential Treatment Is Sought (47 C.F.R. § 0.459(b)(1)).** Toyota respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed Technical Report in its entirety (“Confidential Material”). The Technical Report contains detailed specifications regarding the procedures for testing the wireless power transfer system, measurement methodologies and process to date.
2. **Description of Circumstances Giving Rise to the Submission (47 C.F.R. § 0.459(b)(2)).** The Confidential Material is being filed in satisfaction of the license conditions contained in Toyota’s experimental license and pursuant to Section 5.73 of the Commission’s rules. 47 C.F.R. §§ 5.73.
3. **Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret, or Is Privileged (47 C.F.R. § 0.459(b)(3)).** The Confidential Material contains sensitive commercial information “which would customarily be guarded from competitors,” because it pertains to the testing results of Toyota’s new wireless charging technology that is still in commercial development. Toyota has invested significant time and financial resources toward the development and testing of this technology. Insight into the confidential information could provide Toyota’s competitors with a competitive advantage in developing their own wireless charging technology and deploying it commercially.

4. **Explanation of the Degree to Which the Information Concerns a Service That Is Subject to Competition (47 C.F.R. § 0.459(b)(4)).** The worldwide automotive industry is highly competitive, and Toyota faces intense competition from automotive manufacturers in the U.S. and other markets. Toyota and other automotive manufacturers compete for customers on quality, safety and reliability, and work to reduce the amount of time required for product development.
5. **Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (47 C.F.R. § 0.459(b)(5)).** Public disclosure of the Confidential Material could provide advantages to competitors in developing a wireless charging product or bringing the product to market sooner. Competitors would unfairly benefit from the time and resources that Toyota has expended in designing and development of its wireless charging system.
6. **Identification of Any Measures Taken by the Submitting Party To Prevent Unauthorized Disclosure (47 C.F.R. § 0.459(b)(6)).** The Confidential Material is not normally distributed, circulated, provided or otherwise available to any party outside of Toyota absent an agreement to be bound by nondisclosure undertakings.
7. **Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (47 C.F.R. § 0.459(b)(7)).** The Confidential Material is not available to the public. As noted above, third parties who have or need access to the information are bound by nondisclosure undertakings.
8. **Justification of the Period During Which the Submitting Party Asserts That Material Should Not Be Available for Public Disclosure (47 C.F.R. § 0.459(b)(8)).** Toyota requests that the Confidential Material be treated as confidential indefinitely, unless affirmatively made publicly available in the future by Toyota. As discussed above, the Confidential Material pertains to its testing methodology that may be applicable to other new products and technologies that Toyota may develop in the future.
9. **Other Information That Toyota Believes May Be Useful in Assessing Whether Its Request for Confidentiality Should Be Granted (47 C.F.R. § 0.459(b)(9)).** The Confidential Material is exempt from public disclosure requirements under FOIA Exemption 4, which covers “trade secrets and commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. § 552(b)(4). As detailed above, the Confidential Material includes sensitive trade secrets and detailed commercial information that squarely fall within Exemption 4 insofar as the information contained in the Confidential Material is (i) commercial or financial in nature; (ii) obtained by a government agency from a person outside government; and (iii) privileged or confidential. *See, e.g., Pub. Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290-91 & n.30 (D.C. Cir. 1983) (emphasizing that commercial information is “confidential”

for purposes of Exemption 4 if its release would cause competitive harm flowing from the use of such information by competitors). In general, the Commission has adhered to a policy of not authorizing the disclosure of confidential information on the mere chance that it might be helpful to a third party. Rather, the Commission insists on a “showing that the information is a *necessary* link in a chain of evidence that will resolve an issue before the Commission.”

Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order, 13 FCC Rcd 24816, at ¶ 8 (1998) (emphasis added).

For these reasons, Toyota respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed Technical Report.