

Date: November 12, 2019  
Subject: Supplemental Exhibit  
File Number: 0829-EX-CN-2019

Pursuant to 5 U.S.C. § 552 and Sections 0.457 and 0.459 of the Commission's Rules, Walt Disney Parks and Resorts U.S., Inc. ("WDPR") hereby requests that certain information contained in the attached supplemental exhibit ("Supplemental Exhibit") to the above-referenced application for an experimental license be treated as confidential and not subject to public inspection. The designated information constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm to WDPR. As described below, WDPR's request satisfies the standards for grant of such requests set forth in Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459.

In accordance with Section 0.459(b), 47 C.F.R. § 0.459(b), and in support of this request, WDPR provides the following information:

**1. Identification of the information for which Confidential Treatment is Sought**

WDPR's request for confidential treatment is limited to information between the headings **\*\*\*BEGIN CONFIDENTIAL INFORMATION\*\*\*** and **\*\*\*END CONFIDENTIAL INFORMATION\*\*\*** that has been redacted from the Supplemental Exhibit.

**2. Identification of the circumstance giving rise to the submission**

WDPR is submitting the Supplemental Exhibit in support of its application for an experimental license to test certain aspects of wireless operations in the 4.9 GHz band.

**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 confidential treatment is requested has significant commercial and strategic value to WDPR. The exhibit supporting the application discusses tests/experiments that include trade secret information. WDPR's tests and experiments and proprietary wireless applications using particular radio frequency equipment and shared spectrum technology represent a "secret commercially valuable plan" within the meaning of a trade secret as recognized by the Commission, and thus justifies withholding such information from public inspection.

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

WDPR is planning to test potential wireless operations in the 4.9 GHz band. The services and technologies that are the subject of this application have not been fully developed, but are expected to lead to material developments in markets subject to fierce competition.

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

The technology under test is very sensitive and confidential in nature. Disclosure of the redacted information could cause substantial competitive harm to WDPR because it would provide competitors insight into confidential development, operational, and strategic information that would not otherwise be available, which would work to WDPR's competitive disadvantage.

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

WDPR routinely treats the redacted information as highly confidential and exercises significant care to ensure that such information is not disclosed to its competitors or the public.

**7. Identification of whether the information is available to the public and the extent of any previous disclosures of the information to any third parties**

The information contained in the Supplemental Exhibit is not available to the public and has not been previously disclosed to third parties.

**8. Justification of the requested period of confidentiality**

WDPR requests that the redacted information be treated as confidential on an indefinite basis as it cannot identify a date certain on which this information could be disclosed without causing competitive harm to WDPR.

Supplemental Exhibit to File No. 0829-EX-CN-2019

Pursuant to Section 5.85(d)(1) of the Federal Communications Commission's ("FCC" or "Commission") Rules, 47 C.F.R. § 5.85(d)(1), Walt Disney Parks and Resorts U.S., Inc. ("WDPR") is providing this supplemental exhibit in support of its application ("Application") for an experimental license to test [\*\*\*BEGIN CONFIDENTIAL INFORMATION\*\*\*]

[\*\*\*END CONFIDENTIAL INFORMATION\*\*\*]. This supplemental exhibit sets forth the requisite compelling showing demonstrating that grant of WDPR's request for experimental authorization to use frequencies allocated for use by public safety entities in the 4940-4990 MHz band is in the public interest. WDPR thus respectfully requests that the FCC act on this application as expeditiously as possible.

Use of the public safety-allocated spectrum at 4940-4990 MHz for such purposes will serve the public interest for a number of reasons. First, the vast majority of equipment that would otherwise be suitable for use in WDPR's planned [\*\*\*BEGIN CONFIDENTIAL INFORMATION\*\*\*]

[\*\*\*END CONFIDENTIAL INFORMATION\*\*\*] uses the low Unlicensed National Information Infrastructure ("U-NII") bands beginning at 5150 MHz. However, the U-NII bands are widely and densely used by Wi-Fi and other unlicensed devices, and thus are susceptible to congestion and harmful interference, both unintentional and intentional. As a result, use of unlicensed devices and spectrum for WDPR's planned operations could [\*\*\*BEGIN CONFIDENTIAL INFORMATION\*\*\*]

[\*\*\*END CONFIDENTIAL INFORMATION\*\*\*]

Second, use of the 4940-4990 MHz spectrum for the experimental operations described in the Application would be consistent with the Commission's goals in its ongoing proceeding to determine whether and how to allow non-public safety entities to access the band. *See Amendment of Part 90 of the Commission's Rules*, WP Docket No. 07-100, Sixth Further Notice of Proposed Rulemaking, FCC 18-33 (2018). Grant of the Application to enable WDPR's use of the band would allow for further experimentation and testing to demonstrate that non-public safety entities can make use of this valuable spectrum without impacting critical public safety uses of the spectrum. *Id.* at paras. 82-86. As described in the Application, WDPR's planned operations will use very low power levels and take place only on property owned and controlled by WDPR, such that there will be no interference to authorized public safety users in the surrounding areas. Further, WDPR agrees, in accordance with Section 5.85(d)(1) of the Commission's rules, to coordinate its operations the appropriate frequency coordinator or all of the public safety licensees using the 4940-4990 MHz frequencies in its proposed area of operations. 47 CFR § 5.85(d)(1).

For the foregoing reasons, WDPR respectfully requests that the Commission determine it has made the compelling showing required by Section 5.85(d)(1) for use of the 4940-4990 MHz public safety spectrum.