

Date: August 28, 2019

Subject: Public and Redacted Versions of Request for Confidential Treatment and Complementary Exhibits

Call Sign: WJ2XEW

To Whom It May Concern:

Waymo, pursuant to 5 U.S.C. § 552 and Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, hereby requests that certain information complementary to its above-referenced modify its Experimental Radio Service License for call sign WJ2XEW (File No. 0781-EX-CN-2017) (Modification Application) 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. As described below, Waymo's request satisfies the standards for grant of such requests set forth in Sections 0.457 and 0.459 of the Commission's Rules.

In accordance with Section 0.459(b) and in support of this request, Waymo provides the following information:

1. Identification of the Information for Which Confidential Treatment is Sought:

Waymo's request for confidential treatment is limited to the following information that has been redacted from the requested Modification Application and complementary exhibit (Exhibit). Waymo does not seek to withhold from public inspection information necessary for interference mitigation, including applicant name, contact information, test location, frequency, output power, effective radiated power, emission characteristics and modulation.

Exhibit - Special Temporary Authority Justification:

Waymo requests confidential treatment of the following underlined text that contains confidential and proprietary information regarding the proposed tests/experiments:

Modification

Waymo's existing experimental authorization for call sign WJ2XEW (File No. 0781-EX-CN-2017) permits nationwide testing of three transmitters in the 76-77 GHz range.

This modification proposes to increase the [REDACTED], and change the frequency range of Transmitter #2 from 76-77 GHz to 76-81 GHz. No other

technical details will change and Waymo is not seeking an extension of the duration of the experimental authorization. Accordingly, after the requested modification, the technical details of Transmitter #2 would be:

Transmitter #2 Details

Radio Information

Equipment	[REDACTED]
Quantity	[REDACTED]
Frequency Range	76-81 GHz

Configuration	Modulation	Emission Designator	Bandwidth (MHz)	Max Output Power (W)	Max ERP (W)
[REDACTED]	FM	1G00F3N	1000	0.040	15.389
	BPSK	1G00G3N	1000	0.040	15.389

This modification also changes the legal and technical contacts as follows:

Legal Contact Details

Name of Contact	Mari Davidson
Contact Details	100 Mayfield Avenue Mountain View, CA 94043 Phone: 510-469-5798 Email: maridavidson@waymo.com

Technical Contact Details

Name of Contact	Matt Markel
Contact Details	100 Mayfield Avenue Mountain View, CA 94043 Phone: 850-642-2021 Email: mattmarkel@waymo.com

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 Exhibit was submitted to the Commission in support of the requested Modification Application. The Exhibit was filed with the Office of Engineering and Technology on August 28, 2019. For additional information, please see File No. 0239-EX-CM-2019.

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

The information requested to be kept confidential has significant commercial value. The details of the requested Modification Application include trade secret information. The Commission has clarified that confidential treatment should be afforded to trade secrets.¹ Waymo's tests/experiments and proprietary wireless applications using particular radio frequency equipment represent a "secret commercially valuable plan" within the meaning of a trade secret as recognized by the Commission.

In addition, agreements entered into between Waymo and any parties that provided equipment for testing or will provide analysis of test results require that confidential information of the parties be held in strict confidence, and that such information not be disclosed to any third party (with limited exceptions not applicable to this request). The manufacturer name and model number constitutes confidential trade secrets, technical information, and business information under the agreements.

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

The services and technologies that are the subject of this Modification Application request have not yet been fully developed but are expected to lead to material developments in markets subject to competition from multiple U.S. and non-U.S. third parties.

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

The technology under development is highly sensitive and confidential in nature. The release of such information would provide valuable insight into Waymo's technology innovations and potential business plans and strategies. Public disclosure would jeopardize the value of the

¹ *In the Matter of Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd. 24816, ¶ 3 (1998) (defining "trade secrets" for the purpose of Commission rules on confidential treatment).

technology under examination by enabling others to utilize Waymo's information to develop similar products in a similar time frame.

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

Waymo has taken steps to keep confidential the information set forth in the confidential Exhibit by limiting the number of people involved in the tests/experiments to only those on a "need to know" basis, and by requiring any third parties involved in the testing process to execute robust nondisclosure agreements.

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 confidential Exhibit is not available to the public, and has only been disclosed to third parties pursuant to restrictive safeguards.

Waymo voluntarily provides the information to the Commission at this time with the expectation that it will be treated confidentially in accordance with the Commission's rules. See *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (commercial information provided on a voluntary basis "is 'confidential' for the purpose of Freedom of Information Act (FOIA) Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.").

8. Justification of the requested period of confidentiality.

Waymo expects that confidential treatment will be necessary for the length of the proposed experiment and thereafter in order to protect its evolving business and technology strategies.

9. Any other information that would be useful in assessing whether this request should be submitted.

The information subject to this request for confidentiality should not be made available for public disclosure at any time. There is nothing material that public review of this information would add to the Commission's analysis of Waymo's request for an experimental authorization.

Moreover, public disclosure of the sensitive information in the confidential Exhibit to the Modification Application request after the Commission has ruled on the Request for Confidentiality is not necessary for the Commission to fulfill its regulatory responsibilities.

Consistent with 47 C.F.R. § 0.459(d)(l), Waymo requests notification if release of the information subject to this request is requested pursuant to the FOIA or otherwise, so that Waymo may have an opportunity to oppose grant of any such request.

Sincerely yours,

Neela Paykel/md

Neela Paykel
Deputy General Counsel

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