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February 16, 2000

Federal Communications Commission
Equipment Approval Services
7435 Oakland Mills Road
Columbia, MD 21046

Re: Mark IV Industries, Ltd.
Request for Confidential Treatment of Technical
Information Contained in Application filed
Under FCC ID No. JQU800200
Confirmation Number: EA95804

To the Commission:

Mark IV Industries, Ltd. (Mark IV), by its attorneys, hereby requests that the requested portions of the above-referenced application be kept confidential. Mark IV manufactures the device referred to in the above-referenced application.

Pursuant to Section 0.459 (b) of the Commission's rules, 47 C.F.R. § 0.459 (b), Mark IV requests that the technical documents (detailed system timing diagram, manufacturing test procedures, certain technical drawings that show manufacturing technique and circuit schematics critical to the design and manufacturing for this device) submitted herewith be withheld from public inspection and be treated confidentially. This request is made under the provisions of Section 0.457 (d) of the Commission's Rules, 47 C.F.R. § 0.457 (d), and Section 552 (b) (4), of the Freedom of Information Act, 5 U.S.C. § 552 (b) (4), which permit the withholding from public disclosure of "trade secrets and commercial or financial information obtained from any person and privileged or confidential." 47 C.F.R. § 0.457 (d); See also Gulf & Western Industries, Inc. v. United States, 615 F.2d 527, 529 (D.C. Cir. 1979).

The technical documents for which confidential treatment is sought clearly contain trade secrets. See Kewanee Oil Co. v. Bicron Corp., 416 U.S. 470, 474-75 (1974); Public Citizen Health Research Group v. FDA, 704 F.2d 1280 (D.C. Cir. 1983). The documents provide detailed technical specifications -- schematics, diagrams, and information on manufacturing techniques and methods -- for the Mark IV equipment for which certification is requested.

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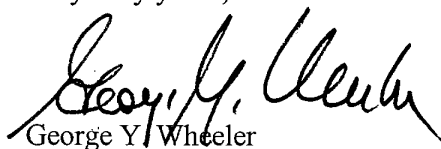
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Moreover, the documents contain technical information that is "confidential." As noted in Section 0.457 (d) of the FCC's Rules, the Commission may withhold materials "would customarily be guarded from competitors" by person supplying the information. 47 C.F.R. § 0.457 (d). The United States Court of Appeals for the District of Columbia Circuit has determined that such material "is 'confidential' for purposes of the exemption if disclosure of the information is likely to have either of the following effects: (1) to impair the government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained." National Parks & Conservation Ass'n. V. Morton, 498 F.2d 765, 770 (D.C. Cir. 1974) (footnote omitted); Neal-Cooper Grain Co. v. Kissinger, 385 F. Supp. 769, 776-77 (D.D.C. 1974).

The technical information that Mark IV seeks to protect is material that it customarily would not release to the public, and which, if it were released, would cause substantial harm to the competitive position of Mark IV. Mark IV has kept, and intends to keep, these technical documents confidential, i.e., non-affiliated third parties will not routinely be granted access to these documents or the information contained therein. Where access is provided to third parties, it will be pursuant to confidentiality agreements. If the FCC were to make these public, Mark IV's potential competitors would gain the benefit of detailed technical information developed by Mark IV. Under these circumstances, the information qualifies for withholding from public inspection. National Parks & Conservation Ass'n v. Kleppe, 547 F.2d 673, 684 (D.C. Cir. 1976).

Should any questions arise concerning this matter, please call me at (202) 467-5700.

Very truly yours,



George Y. Wheeler

Enclosures