

Equipment Authorization Division  
Federal Communications Commission

Request for Permanent Confidential Treatment of Exhibits to Application for Equipment Authorization for the **JANUS® Multi-Protocol RF Module Smart with External Amplifier**, proposed FCC ID JQU802295AA

On behalf of Kapsch TrafficCom Canada Inc. ("Kapsch"), we request confidential treatment for the following exhibits filed with Kapsch's application for equipment authorization for the model 802295AA, proposed FCC ID JQU802295AA being filed concurrently:

OPERATION DESCRIPTION and BLOCK DIAGRAM

SCHEMATICS

PARTS LISTS

TUNE UP

KAPSCH requests that these exhibits be treated as confidential and withheld from public inspection in accordance with Section 0.457(d) (trade secrets) of the Commission's Rules, pursuant to Section 0.459(b) of the Commission's rules.

These exhibits were submitted to the commission in support of KAPSCH's application for equipment authorization and provide the additional detail needed for the Agency's staff to properly evaluate the equipment. KAPSCH's practice to file a request for confidentiality at the time it submits an application for equipment authorization is intended to provide information relevant to the FCC Processing of its application without public disclosure of proprietary information.

These exhibits contain highly confidential and proprietary technical information about the equipment design and operating characteristics and internal construction.

KAPSCH provides the following information in support of its request for confidential treatment of these exhibits:

- (1) This equipment is used for intelligent transportation systems (ITS) applications, primarily roadway safety enforcement, traffic monitoring, and tolling operations applications. Its design is intended to meet the stringent robustness and security requirements of the 24 member E-ZPass Interagency Group of toll authorities operating in 13 states in the northeast, who are responsible for collecting billions of dollars in toll revenue annually.
- (2) These applications are public services that are largely deployed and managed by government agencies. The integrity and security of these systems is critical to their ongoing operation, and they require

that the product design inhibit the production of counterfeit devices and the avoidance of roadway safety enforcement or toll payments. One aspect of that security is to restrict casual view of the internal workings of the KAPSCH equipment.

(3) This equipment is expected to be used for more than a decade in some cases. Moreover, this equipment will be used in revenue collection (i.e. toll collections) where it is important that its design and operational details not be made available to unauthorized persons who might attempt to use knowledge of such details to compromise the applications for which the equipment will be employed.

(4) There is no value to a member of the public modifying this equipment to operate outside the FCC granted performance since they cannot provide any added functionality beyond the purposes of the contract with the agency. There is no incentive to a member of the public modifying them to operate outside the FCC granted performance since it could prevent them achieving the benefits of the contract.

(5) Further, KAPSCH competes with a number of companies that are developing and marketing similar RF Modules for ITS applications. Disclosure of such information to competitors could compromise KAPSCH's ability to develop this technology, in that other companies could reverse engineer products using this information.

(6) Disclosure would cause KAPSCH to relinquish valuable proprietary information about the technologies it has developed and its manufacturing processes. Disclosure would also offer competitors an unwarranted insight into the state of KAPSCH's product development thereby allowing competitors an unfair advantage that would otherwise be unavailable to KAPSCH.

(7) KAPSCH is careful in protecting proprietary aspects of its equipment design and processes. The information for which confidential treatment is sought has been kept confidential from public disclosure by KAPSCH and has not been made available to third parties except pursuant to non-disclosure agreements.

In conclusion therefore, KAPSCH requests that the information in the referenced exhibits be withheld from public disclosure until and unless KAPSCH notifies the Agency that such information may be publicly released. Our goal is simply to keep the information confidential as that is in the best interest of the public transportation agencies relying upon our technology. Confidential treatment of exhibits, such as these, allows KAPSCH to provide a full technical description of the equipment to the FCC, which disclosure is in the public interest. Refusal to treat such documents as confidential would result in submission of insufficient information on which the FCC could base its decision to grant authorizations and delay deployment of these new and improved devices for ITS applications.

