



July 19, 2001

Mr. Joe Dichoso
Applications Processing Branch
Equipment Authorization Division
Office of Engineering & Technology
Federal Communications Commission
7435 Oakland Mills Road
Columbia, MD 21406

Request for Non-disclosure of Confidential Information

Re: Application of Kohler Co. for Equipment Authorization
FCC ID: N82PNA1
Correspondence Reference No. 19988

Dear Mr. Dichoso,

On behalf of our client, Kohler Co., pursuant to 47 C.F.R. Sec 0.459, we hereby request confidential treatment for certain material filed in connection with the above-referenced application. Specifically, we request confidential treatment for the following three exhibits (hereinafter the "Exhibits"): 1) the schematic diagram of the product; 2) the block diagram of the product; and 3) the document entitled, "Toilet Ventilation Accessory Theory of Operation."

The Exhibits contain trade secrets and commercial information not routinely available to competitors or the public. As such, they are protected from disclosure pursuant to the Freedom of Information Act, 5 U.S.C. Sec 552 (b)(4) and Section 0.457(d) of the Commission's Rules, 47 C.F.R. Sec. 0.457(d).

Kohler Co. has spent a great deal of time and effort to develop this product. The device at issue employs a new technology that is not yet widely understood generally and in the bathroom products industry in particular. That industry is extremely competitive, and, disclosure of the information contained in the Exhibits could give competitors access to information that they would not, without a great deal of effort, be able to duplicate. The information contained in the Exhibits cannot readily be derived through examination of the device or reverse engineering. Non-disclosure of this information is of the utmost importance if Kohler is to maintain its competitive position in the industry.

Since it began to develop its ventilating toilet kit, Kohler has taken deliberate steps to ensure that the information contained in the Exhibits remains confidential and not available to competitors or the public.

For the reasons set forth above, Kohler Co. believes the Exhibits are exempt from public disclosure. Should any entity file a request for disclosure of any of the material sought to be withheld, we respectfully request that the Commission notify this Office, and we will be pleased to submit a detailed response supported by appropriate legal precedent.

At this point, we cannot estimate how long it will be necessary to maintain the confidentiality of the Exhibits. Issues involving Ultra-wideband (“UWB”) technology and its application to commercial devices are novel and complex. Once the Commission adopts rules allowing their use generally, UWB devices will likely be readily available, and application of UWB technology to devices of this type may become routine. At that point, it may no longer be necessary to maintain confidentiality of the exhibits. Until the UWB industry matures, we are unable to predict when that time will arrive.

Please call the undersigned or Craig Blakeley of this Office if you have any questions with respect to the foregoing. We appreciate your attention to this matter

Very truly yours,

/S/
Steve Kaminer