



June 8, 2001

Federal Communications Commission – Office of Engineering and Technology

**Request for Confidential Treatment - Terion Incorporated
FCC ID No: OH6-4123DHF**

Dear Mr. Coperich,

Terion Incorporated requests that the schematics associated with this application be withheld from public disclosure in accordance with Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459 (1998), following grant of the application. In support of this request, Terion submits the following:

- (1) identification of the specific information for which confidential treatment is sought:

The schematics for which confidentiality is sought are clearly evident and were originally uploaded as files Digital_Board_Schematics.PDF and RF_Board_Schem_c_11.PDF, which were segregated from the balance of the application.

- (2) identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:

The proceeding is that involving the application for equipment authorization (certification) under **FCC ID No: OH6-4123DHF**

- (3) explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged:

This material includes schematics. As such, this material is treated as highly confidential and not provided to other parties except pursuant to confidentiality or non-disclosure agreements.

- (4) explanation of the degree to which the information concerns a service that is subject to competition:

The material for which confidentiality is sought is employed in the design and manufacture of a commercial radio service that competes with a variety of other such services including satellite and cellular based services.

- (5) explanation of how disclosure of the information could result in substantial competitive harm:

Disclosure would, in effect, give away the fruits of the labors of Terion's engineering personnel, who have designed the equipment. Disclosure would also offer competitors additional unwarranted insight into the state of product development thereby allowing such competitors an advantage that would not be available to Terion.

- (6) identification of any measures taken by the submitting party to prevent unauthorized disclosure:

The information for which confidential treatment is sought is kept confidential by Terion and not made available to third parties except pursuant to non-disclosure and confidentiality agreements.

- (7) identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:

To the knowledge of those preparing this application, the information has not been disclosed publicly heretofore. While the general theory of operation of this equipment has been the subject of numerous submittals made to the Commission in connection with the waiver granted to Terion, Inc. (then known as Flash Comm, Inc.), the protection sought is narrowly drawn and pertains to certain specific implementations of the communications technology previously described in general.

- (8) justification of the period during which the submitting party asserts that material should not be available for public disclosure:

This material should not be disclosed for at least 25 years. While improvements in design are made over the next few years, disclosure of the design information would lead to insights into both designs and manufacturing techniques and could have an adverse competitive effect for many years to come. This equipment is designed for commercial, industrial, and governmental transportation applications. As such, unlike most consumer equipment, it is expected to be used for more than a decade in some cases. Moreover, this equipment will be used in the transport of valuable cargo. As such, it is important that its design not be made available to unauthorized persons who might attempt to use knowledge of the design to compromise the applications for which the equipment will be employed.

- (9) any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted:

See item 8 above. Note that the equipment for which approval is being sought will be employed in applications that inherently carry a premium on security.

Sincerely,

James F. Roesch, Jr.
Assistant VP – Product Development

JFR