

DUPLICATE

LAW OFFICES
LEVENTHAL, SENTER & LERMAN P.L.L.C.
SUITE 600
2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

TELEPHONE
(202) 429-8970

TELECOPIER
(202) 293-7783

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BRIAN M. MADDEN
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
NANCY L. WOLF
DAVID S. KEIR
DEBORAH R. COLEMAN
NANCY A. ORY
WALTER P. JACOB
LINDA D. FELDMANN
RENÉE L. ROLAND
ROSS C. GREENBERG
JOHN D. POUTASSE
MATTHEW H. BRENNER*

November 14, 1997

Received

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Satellite Policy Branch
International Bureau

WWW.LSL-LAW.COM

WRITER'S DIRECT DIAL
202-416-6744

WRITER'S E-MAIL
NLEVENTHAL@LSL-LAW.COM

*ADMITTED CA ONLY

**REQUEST FOR CONFIDENTIAL
TREATMENT PURSUANT TO
47 C.F.R. § 0.459**

RECEIVED

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BY HAND

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Regina L. Keeney
Chief, International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 800
Washington, D.C. 20554

**Re: Request for Confidential Treatment Pursuant to Section 0.459
Of the Commission's Rules With Respect to TRW's Report
Concerning Odyssey™ System Construction**

Dear Ms. Keeney:

TRW Inc. ("TRW"), by its counsel, hereby requests that the attached report on the first Odyssey™ system milestone, submitted under the terms of TRW's 1996 authorization, be accorded confidential treatment and withheld from public inspection pursuant to Sections 0.457 and 0.459 of the Commission's rules. The attached letter contains commercially sensitive financial and proprietary information concerning TRW's implementation of the Odyssey™ satellite network. Public disclosure of this sensitive material would be harmful to TRW and would compromise its ability to promote its system and compete effectively in the emerging mobile-satellite service industry.

Specifically, the attached document is by its very nature commercially sensitive and contains details of TRW expenditures for Odyssey™ development and the status of plans for system construction. This is not information that TRW would ordinarily disseminate outside the company absent the specific requirement to keep the FCC informed of its fulfillment of its system

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construction milestones. *See* TRW Inc., DA 96-1923, slip op. at ¶ 27 (released November 19, 1996). Moreover, any legal determination concerning FCC requirements that is necessary with respect to issues raised by the attached report is uniquely within the agency's power to make, and does not require any public comment or other input. Accordingly, it is appropriate that the Commission withhold this letter from public disclosure under statutory and regulatory provisions applicable to confidential commercial information. *See* 5 U.S.C.A. § 552(b)(4) (1996); 47 C.F.R. § 0.457(d) (1996) (Commission authorized to withhold "materials which would not customarily be released to the public"). *See also* Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, 9 FCC Rcd 5936, 6010 (¶ 195) (1994) (Commission specifically contemplated confidential treatment for MSS Above 1 GHz licensee reports).

In the event, however, that the Commission determines, for any reason, that TRW's report should be divulged to parties outside the Commission, TRW respectfully requests that any parties requesting an opportunity to review the document be required to enter into a mutually-acceptable non-disclosure agreement beforehand. Such an agreement would be critical to minimize the potential for harm to TRW and its business partners.

Should there be any questions concerning this request, please contact the undersigned counsel.

Respectfully submitted,



Norman P. Leventhal

Stephen D. Baruch

David S. Keir

Counsel to TRW Inc.

cc (w/encl.): Tom Tycz

Attachment