

REQUEST FOR CONFIDENTIAL TREATMENT



VIA ICFS

July 24, 2026

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: Request for Confidential Treatment — Application of Kuiper Systems LLC for Authority to Launch and Operate a Non-Geostationary Satellite Orbit System

Dear Ms. Dortch:

Kuiper Systems LLC, a wholly owned subsidiary of Amazon.com Services LLC (collectively, “Amazon”), pursuant to Section 0.459 of the Commission’s rules,¹ respectfully requests that the Commission withhold from public disclosure and afford confidential treatment to the National Aeronautics and Space Administration’s Debris Assessment Software (“DAS”) activity log submitted as Confidential Appendix 2 to Exhibit C of the Application of Kuiper Systems LLC for Authority to Launch and Operate a Non-Geostationary Satellite Orbit System concurrently filed with this request (the “Amazon Leo D2D System Application”).²

This request is submitted in accordance with Exemption 4 of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(b)(4), (“FOIA Exemption 4”) and Sections 0.457(d)(2) and 0.459(b) of the Commission’s rules.³ FOIA Exemption 4 requires an agency to withhold from public disclosure any information that qualifies as “trade secrets and commercial or financial information obtained from a person and privileged or confidential.”⁴ Section 0.457 of the Commission’s rules allows persons submitting materials that they wish withheld from public inspection in accordance with the non-disclosure provisions of FOIA to file a request for non-disclosure. The requirements governing such requests are set forth in Section 0.459(b) of the Commission’s rules.

In accordance with Section 0.459, this request is supported by the following showing:

¹ 47 C.F.R. § 0.459.

² On November 13, 2025, Amazon replaced the Project Kuiper code name with Amazon Leo, its permanent brand for its satellite broadband system.

³ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d)(2), 0.459(b).

⁴ 5 U.S.C. § 552(b)(4).

- (1) *Identification of the specific information for which confidential treatment is sought.*

Confidential treatment is sought for the DAS activity log submitted as Confidential Appendix 2 to Exhibit C of the Amazon Leo D2D System Application (the “Confidential Information”).

The information has been labeled “**CONFIDENTIAL, NOT FOR PUBLIC INSPECTION.**” Amazon requests that such information not be made available for public inspection.

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

The Confidential Information is being submitted as Confidential Appendix 2 to Exhibit C of the Amazon Leo D2D System Application.

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

Amazon has a commercial interest in maintaining confidentiality with respect to the Confidential Information. Courts have found that information is commercial so long as the party submitting the information has a “commercial interest” in it.⁵ The Confidential Information contains specific, proprietary, and technical information concerning Amazon’s space technology design and operation. Disclosure of the Confidential Information would reveal commercially sensitive information about Amazon’s technologies and plans to Amazon’s competitors. Thus, the Confidential Information contains information that is clearly “commercial” in nature.⁶

In addition, the Confidential Information is “confidential” under FOIA Exemption 4, as it “is both customarily and actually treated as private by its owner”⁷ The Confidential Information contains sensitive commercial information of the type that businesses normally keep confidential and that Amazon, in fact, keeps confidential.⁸ Amazon marks this type of information as confidential (or similar) and has taken concrete steps to protect the information, even internally, such as by storing information about satellite system design, operation, and technologies securely, on systems accessible only by those with a need to know. When the Confidential Information has been shared with outside consultants who have a need to know the subject matter, those outside

⁵ *Pub. Citizen Health Rsch. Grp. v. FDA*, 704 F.2d 1280, 1290-91 (D.C. Cir. 1983) (finding information has a “commercial interest” where revelation would cause “harm to the competitive position of the person from whom the information was obtained” (internal quotation marks omitted)).

⁶ *See Bd. of Trade v. Commodity Futures Trading Comm’n*, 627 F.2d 392, 403 & n.78 (D.C. Cir. 1980) (courts have given the term “commercial,” as used in Section 552(b)(4), its ordinary meaning).

⁷ *Food Mktg. Inst. v. Argus Leader Media*, 588 U.S. 427, 440 (2019); *see also* U.S. Dep’t of Just., *Exemption 4* (Jan. 29, 2025), <https://www.justice.gov/oip/media/1386526/dl?inline>. Additionally, the FCC has previously treated similar such information as confidential. *See, e.g.*, Kuiper Systems LLC, ELS File No. 0956-EX-CN-2021, Call Sign WM2XKY (filed Sept. 1, 2021) (permitting confidential treatment of the Orbital Debris Assessment Report (“ODAR”)); Kuiper Systems LLC, ELS File No. 0234-EX-CM-2022, Call Sign WM2XKY (filed Oct. 10, 2022) (permitting confidential treatment of the appendices to the ODAR).

⁸ *See* 5 U.S.C. § 552(b)(4).

consultants have been made aware of the confidential and sensitive nature of the information and are required to protect that information as well. Similarly, where the Confidential Information has been provided to U.S. Government agencies, Amazon has sought confidential treatment.

- (4) *Explanation of the degree to which the information concerns a service that is subject to competition.*⁹

Substantial competition exists in the satellite and communications industry.¹⁰ The presence of competitors makes imperative the confidential treatment of sensitive commercial information.

- (5) *Explanation of how disclosure of the information could result in substantial competitive harm.*

Disclosure of the Confidential Information would result in substantial competitive harm to Amazon by revealing to competitors sensitive commercial information that competitors could use to Amazon's disadvantage, including by engaging in unfair competition with Amazon. In particular, competitors could use the Confidential Information to deduce sensitive and non-public information about the design and functionality of Amazon's satellite system and business plans. In addition, disclosure of the Confidential Information would reveal confidential trade secrets and technical information, which could result in disruption of Amazon's commercial relationships.

The D.C. Circuit has found parties do not have to "show actual competitive harm" to justify confidential treatment.¹¹ Rather, "[a]ctual competition and the likelihood of substantial competitive injury" is sufficient to bring commercial information within the realm of confidentiality."¹² Additionally, as noted, the U.S. Supreme Court has ruled that a showing of substantial competitive harm is not necessary to come within FOIA Exemption 4.¹³

- (6) *Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*

Amazon does not release the proprietary commercial information contained in the Confidential Information to the public in the normal course of business. As noted above, Amazon maintains

⁹ In *Argus*, the Supreme Court overruled *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974), which had held that FOIA Exemption 4 requires a showing of substantial competitive harm, and which supported the Commission's requirement that parties seeking confidential treatment under FOIA Exemption 4 make the showings under Sections 0.459(b)(4) and (5) of the Commission's rules. Notwithstanding this development, this request addresses each of the requirements of Section 0.459(b), although we note that *Argus* precludes the Commission from requiring a demonstration of substantial competitive harm under FOIA Exemption 4. *Argus*, 588 U.S. at 433–40.

¹⁰ See, e.g., Leandra Bernstein, *The Coming Wave of Competition in LEO Constellations*, ViaSatellite (Feb. 23, 2026), <https://tinyurl.com/5he8rxdn>.

¹¹ *Pub. Citizen Health Rsch. Grp.*, 704 F.2d at 1291 (quoting *Gulf & W. Indus., Inc. v. United States*, 615 F.2d 527, 530 (D.C. Cir. 1979)).

¹² *Id.* (quoting *Gulf & W. Indus.*, 615 F.2d at 530).

¹³ See *Argus*, 588 U.S. at 439.

strict internal processes to ensure that such information is protected from public disclosure. Amazon consistently safeguards the Confidential Information as highly confidential. The Confidential Information is known only to those employees and outside consultants who have a need to know the subject matter, and those employees and outside consultants are aware of the confidential and sensitive nature of the information and are required to protect that information as well. Where the Confidential Information has been provided to U.S. Government agencies, Amazon has sought confidential treatment.

Amazon voluntarily provides the Confidential Information to the Commission at this time with the expectation that it will be treated confidentially in accordance with the Commission's rules.¹⁴ To the extent that the FCC does not agree with treating any of the Confidential Information as confidential, Amazon respectfully requests that the FCC contact the undersigned and afford Amazon the opportunity to withdraw or otherwise revise the Confidential Information prior to making any such information public.

(7) *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*

Amazon has not previously disclosed the Confidential Information in this form to the public or third parties other than as addressed above, nor does it intend to do so.¹⁵

(8) *Justification of the period during which the submitting party asserts that material should not be available for public disclosure.*

Amazon requests that the Confidential Information for which it requests confidentiality be protected indefinitely. At no time would Amazon, in the normal course of business, provide the Confidential Information to the public. There is no public benefit to be derived from the public disclosure of the Confidential Information, and its release could only cause Amazon competitive and other harm.

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

Under applicable precedent, the Confidential Information provided by Amazon on a confidential basis should be protected from public disclosure. FOIA Exemption 4 shields from disclosure information that is: (1) a trade secret, commercial, or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The Confidential Information clearly satisfies this test.

¹⁴ See, e.g., *Critical Mass Energy Project v. Nuclear Regul. Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992) (commercial information provided on a voluntary basis "is 'confidential' for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.").

¹⁵ Although Amazon, as a publicly traded company, reports certain information to the public in accordance with Securities and Exchange Commission requirements, the Confidential Information is not and will not be included in those public reports.

Indeed, the sensitive commercial information contained in the Confidential Information would be of immense value to competitors, and therefore public release would harm Amazon. Amazon therefore requests that the Confidential Information be treated as confidential and withheld from public inspection indefinitely.

Please direct any questions or further communications regarding this request to the undersigned.

Respectfully submitted,

/s/ Michael John Carlson

Michael John Carlson
Senior Corporate Counsel

/s/ Emily Hsu

Emily Hsu
Corporate Counsel

Kuiper Systems LLC,
an Amazon subsidiary