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CONFIDENTIAL TREATMENT REQUESTED

July 2, 2008

FILED/ACCEPTED
JUL -2 2008

Federal Communications Commission
Office of the Secretary

BY HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: ***Iridium Constellation LLC***
File No. SAT-MOD-20080701-00140
Request for Confidential Treatment

Dear Ms. Dortch:

Pursuant to Sections 0.457 and 0.459 of the Commission’s rules, 47 C.F.R. §§ 0.457 and 0.459, Iridium Constellation LLC (“Iridium”) hereby requests that the Commission withhold from public inspection and accord confidential treatment to the redacted portion of Attachment A to the Application for Minor Modification filed yesterday by Iridium in the above reference proceeding. A redacted version of this Attachment A has been filed electronically through IBFS along with the application for inclusion in the Commission’s public files. The non-redacted version of this document contains sensitive trade secrets, and commercial and financial information that fall within Exemption 4 of the Freedom of Information Act (“FOIA”).¹

Exemption 4 of FOIA provides that the public disclosure requirement of the statute “does not apply to matters that are . . . (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential.”² Iridium is voluntarily providing precisely this type of sensitive, proprietary commercial and technical information “of a kind that would not customarily be released to the public” in

¹ 5 U.S.C. § 552(b)(4).

² *Id.*

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support of its request for license modification; therefore, this information is “confidential” under Exemption 4 of FOIA.³ Moreover, Iridium would suffer substantial competitive harm if the confidential portion of Attachment A were disclosed.⁴

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules,⁵ Iridium hereby states as follows:

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁶

Iridium seeks confidential treatment of those portions of Attachment A that are redacted from the version publicly filed with the application. These portions of the document reflect key information regarding the life expectancy and technical operation of Iridium’s satellites and therefore qualify as sensitive commercial and technical information subject to Exemption 4 of FOIA.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁷

Iridium is submitting Attachment A to the Commission in support of its request for minor license modification and in compliance with requirements for orbital debris mitigation showings.⁸ Iridium submitted a redacted version of this document with its publicly filed application.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁹

Attachment A contains highly sensitive, confidential, and proprietary commercial and technical information, including trade secrets regarding the operation of its satellites. Iridium treats such information as highly confidential. For example, it has previously submitted such information to the Commission, and has requested confidential treatment

³ See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

⁴ See *National Parks and Conservation Ass’n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

⁵ 47 C.F.R. § 0.459(b).

⁶ 47 C.F.R. § 0.459(b)(1).

⁷ 47 C.F.R. § 0.459(b)(2).

⁸ See 47 C.F.R. § 25.114(d)(14).

⁹ 47 C.F.R. § 0.459(b)(3).

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on each such occasion.¹⁰ As such, the information qualifies as material that “would customarily be guarded from competitors.”¹¹ The redacted information contained in Attachment A would not customarily be released by the persons from whom they are obtained and are therefore covered by Exemption 4 of FOIA when, as here, it is submitted by such persons to the Government.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION¹²

Confidential information in Attachment A concerns the highly competitive satellite services industry in which Iridium participates. Iridium faces competition from companies operating, or planning to operate, various types of satellites and satellite systems. Those competitors stand to benefit competitively from any knowledge of the technical and operational information contained in Attachment A. For example, disclosure could enable competitors to use such information to market competing services to Iridium’s customers.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹³

Release of the confidential information contained in Attachment A could have a significant impact on Iridium’s commercial operations. Disclosure of this information would reveal to Iridium’s competitors and the public commercially sensitive and proprietary information that they could not otherwise obtain. Current or future competitors could use this information to determine details about Iridium’s cost structure and satellite system that are extremely confidential and are not available in any other public forum.

¹⁰ See FCC File No. SAT-AMD-20051118-00236, Application, Attachment A (filed Nov. 18, 2005); Letter from Jennifer D. Hindin, counsel for Iridium Satellite LLC, to Marlene H. Dortch, Secretary, FCC, FCC File No. SAT-AMD-20051118-00236 (dated Aug. 20, 2007).

¹¹ 47 C.F.R. § 0.457.

¹² 47 C.F.R. § 0.459(b)(4).

¹³ 47 C.F.R. § 0.459(b)(5).

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6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹⁴

Iridium limits access to the confidential information in Attachment A to necessary personnel only. Iridium takes every precaution to ensure that this information is not disclosed to the public.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹⁵

Iridium has not made the confidential information in Attachment A available to the public and, to the best of Iridium's knowledge, such information has not been disseminated to non-Iridium personnel without the execution of a confidentiality agreement. Accordingly, Iridium requests that the Commission accord the information covered by this Request confidential treatment under Sections 0.457 and 0.459 of the Commission's rules.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹⁶

Iridium requests that the confidential version of Attachment A be withheld from public disclosure indefinitely. Release of this information at any time in the future could jeopardize Iridium's competitive position.

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¹⁴ 47 C.F.R. § 0.459(b)(6).

¹⁵ 47 C.F.R. § 0.459(b)(7).

¹⁶ 47 C.F.R. § 0.459(b)(8).


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For the foregoing reasons, Iridium respectfully requests that the redacted portion of Attachment A be granted confidential status and be withheld from public inspection. If confidential treatment is not granted this confidential material, Iridium requests that all non-redacted copies of Attachment A be returned to Iridium without submission to the public files.

If you have any questions, please do not hesitate to contact undersigned counsel.

Respectfully submitted,


William M. Wiltshire
Counsel for Iridium Constellation LLC

Enclosure