



Federal Communications Commission
Washington, D.C. 20554

October 3, 2011

Ms. Catherine Wang
Counsel for Deere & Company
Bingham McCutchen, LLP
2020 K Street, N.W.
Washington, D.C. 20006-1806

Re: NTIA Request for Confidential Information

Ms. Wang,

Thank you for your letter dated August 23, 2011 providing additional information¹ in response to my August 10, 2011, letter requesting Product/Sales information and Technical Performance Data² to support ongoing evaluation of the June 30, 2011, Final Report of the Technical Working Group that was formed to study the GPS overload/desensitization issue described the January 2011 *LightSquared Order*.³

I noted in my August 10th letter that certain information may be kept confidential pursuant to Section 0.459 of our rules upon appropriate request for such treatment and that the Commission may disclose such confidential information to other federal agencies under the procedures set forth in Section 0.442 of our rules.⁴ Your August 23rd response requested confidential treatment of the product information stating that, if that information were subject to public disclosure, it would cause significant commercial and competitive harm to Deere.

On September 16, 2011, the Commission received a request from NTIA,⁵ pursuant to Section 0.442 of the FCC rules, for access to the Production/Sales information and Technical Performance Data collected by our office pursuant to my August 10, 2011 letter. Specifically, NTIA requests access to the Production/Sales information to provide it insight into the scope, scale and likely duration of potential interference to GPS users and uses and to assist it in developing recommendations and identifying remediation(s) to help federal users avoid harmful interference to their GPS operations caused by LightSquared's terrestrial wireless broadband service. It adds that this information is particularly relevant given that many federal agencies use off-the-shelf GPS equipment for tasks that are important to their missions.⁶

¹ Letter from Catherine Wang, Counsel for Deere & Company, Bingham McCutchen, LLP, to Julius Knapp, Chief, Office of Engineering and Technology, Federal Communications Commission (August 23, 2011).

² Letter from Julius Knapp, Chief, Office of Engineering and Technology, Federal Communications Commission to Jeffrey Carlisle, Executive Vice President for Regulatory Affairs and Public Policy, LightSquared Subsidiary LLC and Charles R. Trimble, Chairman, U.S. GPS Industry Council (August 10, 2011).

³ "In the Matter of LightSquared Subsidiary LLC, Request for Modification of its Authority for an Ancillary Terrestrial Component," DA 11-133, (rel. January 26, 2011).

⁴ 47 C.F.R. §§ 0.442, 0.459.

⁵ Letter from Karl B. Nebbia, Associate Administrator, Office of Spectrum Management, National Telecommunications and Information Administration (NTIA) to Marlene H. Dortch, Secretary, Federal Communications Commission (Sep. 16, 2011).

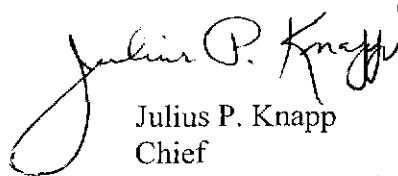
⁶ *Id.*

Additionally, NTIA seeks access to the Technical Performance Data to provide it insight into the specific technical specifications that are successful in limiting the interference susceptibility of certain receivers against LightSquared's anticipated emissions. It adds that this information will assist it in analyzing potential solutions and workarounds for federal users' GPS devices that may be susceptible to harmful interference from LightSquared's terrestrial operations.⁷

NTIA agrees to treat the information as confidential consistent with applicable law and regulation. NTIA will distribute the Production/Sales information and Technical Performance Data only to those NTIA staff working directly on this matter and NTIA does not intend to disclose the information to any other person or entity. Moreover, NTIA agrees to notify the FCC in the event it receives a request or order for the confidential information and to consult with the Commission prior to any required release.⁸

Section 0.442(d)(1) provides that a party who furnished records to the Commission with a request for confidential treatment will be notified at the time that the request for disclosure is submitted and will be afforded ten calendar days in which to submit an opposition to the disclosure. We therefore request that you submit as soon as practicable any opposition to providing the product information to NTIA for its internal use only, but no later than October 13, 2011, and provide a courtesy copy of any opposition to NTIA. Should you have any questions concerning this request, please do not hesitate to contact me or Ron Repasi, Deputy Chief of OET.

Sincerely,



Julius P. Knapp
Chief

Office of Engineering and Technology

cc: Karl B. Nebbia
Associate Administrator, Office of Spectrum Management
United States Department of Commerce
National Telecommunications and Information Administration
Washington, D.C. 20230

⁷ *Id.*

⁸ *Id.*