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August 22, 2011

Mr. Julius P. Knapp
Chief, Office of Engineering and Technology
Federal Communications Commission
Washington, D.C. 20554

Re: Response of TruePosition, Inc. and
Request for Confidential Treatment
Final Report of Working Group- GPS
Overload/Desensitization

Dear Mr. Knapp:

On behalf of TruePosition, Inc., this letter responds to your August 10, 2011 correspondence requesting information from those who participated in the Working Group formed to study GPS overload/desensitization associated with LightSquared Subsidiary LLC (LightSquared) proposed operations in the 1525-1559 MHz and 1626.5-1660.5 MHz bands (L-Band). TruePosition participated in the Working Group and filed reply comments in the Commission's docket.¹

Attached to this letter is a response to your inquiry. Pursuant to the Commission's rules relating to the Freedom of Information Act, 47 C.F.R. sections 0.457 and 0.459, TruePosition requests confidential treatment of information marked "Confidential and Proprietary- Not for Public Release" in the attachment. The purpose of this request is to protect the proprietary and confidential character of this information. Its release would present significant competitive harm. TruePosition is submitting a public redacted version together with a nonpublic, unredacted version filed under seal with this request.

¹ Reply Comments of TruePosition, IB Docket No. 11-109 (August 15, 2011).

1) Identification of the specific information for which confidential treatment is sought

TruePosition requests that the attached information marked as “Confidential and Proprietary- Not for Public Release” be treated as exempt from the Freedom of Information Act (FOIA) under exemption 4. The document for which confidential treatment is being requested contains sensitive information and constitute “trade secrets and commercial or financial information obtained from a person and privileged or confidential...”

2) Identification of the Commission proceedings in which the information was submitted or a description of the circumstances giving rise to the submission

The Commission has ongoing proceedings examining GPS Overload/Desensitization in the context of LightSquared's proposed operations. LightSquared's is a Mobile Satellite Service (“MSS”) licensee in the L-Band. Two proceeding are currently involved, File No. SAT-MOD-20101118-00239 and IB Docket No. 11-109.

3) Explanation of the degree to which the information is exempt from disclosure under the FOIA

Exemption 4 of the FOIA, as amended, protects from disclosure “trade secrets and commercial or financial information obtained from a person and privileged or confidential” as does 18 USC 1905. The information for which nondisclosure is requested is critical to TruePosition’s competitive position in that it provides insight to the technical and operational characteristics of the technology and services it provides customers. It is information that TruePosition protects on an ongoing basis and is considered a core responsibility of its managers, employees and counsel. The release of this information would compromise these responsibilities and TruePosition’s competitive position. The Commission’s regulations, 47 CFR 0.457(d), explicitly recognize this exemption as does your August 10, 2011 letter.

4) Explanation of how disclosure of the information could result in substantial harm

If this information were to be made public it would enable competitors and other interests’ to undermine TruePosition’s market leadership and ability to service current and future customers.

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

As compiled and consolidated in the attachment, the information is not available to the public.

6) Justification of the period during which the submitting part asserts that material should not be available for public disclosure

The material must be kept confidential for an indefinite period.

Protective Order Requested

During the Commission's consideration of this request that the subject information be withheld from public disclosure, TruePosition requests that the Commission issue a Protective Order permitting disclosure of this information only to persons with a demonstrated interest and who agree to conditions of the Protective Order.² TruePosition recommends the Protective Order contain the following conditions:

- The Confidential Information be placed in a non-public file at the Commission and withheld from inspection by any person not bound by the terms of this Protective Order.
- Access to the confidential information shall only be made available to Commission staff, Commission consultants, and to counsel for authorized parties, or, if an authorized party has no counsel, to a person designated by the authorized party. Before counsel to an authorized party or such other person designated by the authorized party may obtain access to the confidential information, counsel or such other designated person must execute a declaration agreeing to be bound by the Protective Order and not to disclose the information to anyone except in accordance with the terms of the Protective Order and that the information shall be used only for purposes of a Commission's proceeding addressing the TruePosition's information.
- The Declaration must acknowledge that a violation of the Protective Order is a violation of a Commission Order and that the Protective Order is also a binding with regard to TruePosition.
- Authorized Representatives must maintain a written record of any additional copies made and provide this record to TruePosition upon request. The original copy and all other copies of the Confidential Information shall remain in the care and control of authorized representatives at all times. Authorized Representatives having custody of any Confidential Information shall keep the documents properly secured at all times.
- An authorized party filing a pleading containing Confidential Information shall also file a redacted copy of the pleading containing no Confidential Information, which copy shall be placed in the Commission's record.

² See generally *In the Matter of Verizon Telephone Companies Tariff et al.*, WC Docket No. 02-317, DA 02-2949 (October 31, 2002).

- Should an authorized party that has properly obtained access to Confidential Information under the Protective Order violate any of its terms, it shall immediately convey that fact to the Commission and to TruePosition. Further, should such violation consist of improper disclosure or use of Confidential Information, the violating party shall take all necessary steps to remedy the improper disclosure or use. The violating party shall also immediately notify the Commission and TruePosition, in writing, of the identity of each party known or reasonably suspected to have obtained the Confidential Information through any such disclosure.
- Upon the completion of any proceeding, authorized parties shall certify in a writing served on the Commission and TruePosition a statement that no material whatsoever derived from such Confidential Information has been retained by any person having access thereto.

Thank you for your consideration of this request. If the Commission does not grant complete confidentiality to this information, please provide TruePosition sufficient advance notice prior to any disclosure to allow TruePosition to pursue appropriate remedies to preserve the confidentiality of this information. In the event the Commission denies confidential treatment to these documents, we request, as provided under the Commission's rules, that the documents be returned.

Please call upon us if TruePosition can provide additional information or assist in any way in the Commission's review of the LightSquared Working Group Report examining GPS Overload/Desensitization.

Respectfully submitted,


John E. Logan
Attorney for TruePosition, Inc.

Copy to:

Mr. Ron Repasi, Deputy Chief, Office of Engineering and Technology

Attachment: Sealed Document