



October 21, 2011

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Robert Nelson, Chief
Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Application of ORBCOMM License Corp. For Authority to
Modify its Non-Voice, Non-Geostationary Satellite Service
Space Segment License (S2103) to Revise the Next-Generation
Satellite Deployment Plan**

File No. SAT-MOD-20111021-00207

REQUEST FOR CONFIDENTIAL TREATMENT

Dear Mr. Nelson:

Pursuant to Sections 0.457(d) and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457(d) & 0.459, the Freedom of Information Act, 5 U.S.C. 552 ("FOIA"), and the Trade Secrets Act, 18 U.S.C. § 1905, ORBCOMM Inc. and its wholly-owned subsidiary ORBCOMM License Corp. (collectively "ORBCOMM") respectfully request that the information submitted herewith (the "Confidential Materials") not be placed in the public file and otherwise be withheld from public inspection. The Confidential Materials are being submitted in connection with the above-referenced Application of ORBCOMM License Corp. For Authority to Modify its Non-Voice, Non-Geostationary Satellite Service Space Segment License (S2103) to Revise the Next-Generation Satellite Deployment Plan (the "ORBCOMM License Modification Application"). The Confidential Materials consist of the following items:

Exhibit	Description
1	Sierra Nevada Corporation Hazard Report No. 101 <i>Explosion, Ignition or Leakage of Battery</i>
2	Sierra Nevada Corporation Hazard Report No. 102 <i>Explosion, Ignition or Leakage of Propulsion System</i>
3	Sierra Nevada Corporation Hazard Report No. 103 <i>Rupture or Explosion of Heat Pipes</i>
4	Sierra Nevada Corporation Range Safety Presentation August 9, 2011
5	Sierra Nevada Corporation Range Safety Presentation September 9, 2011
6	Space Exploration Technologies Corp. Falcon F9 ORBCOMM Mission NASA PSRP Presentation – September 13, 2011 (Excerpt)

Due to the nature and content of the documents containing the Confidential Materials, it is not feasible to separate any non-confidential portion of the documents that could be submitted as a redacted version. Accordingly, a copy of this Request For Confidential Treatment is being filed as Appendix C of the ORBCOMM Modification Application Narrative Exhibit, but no redacted version of the documents containing the Confidential Materials can be filed in the public record.¹ ORBCOMM requests that the Confidential Materials be withheld from public disclosure by the Commission for an indefinite period, or for the maximum permissible time.

¹ 47 C.F.R. § 0.459(a)(1).

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ORBCOMM has a proprietary right in its confidential commercial information. ORBCOMM has expended substantial financial and in-kind resources to organize and develop its business. ORBCOMM also has taken significant precautionary steps and measures to maintain and safeguard its confidential information, including the information contained in the Confidential Materials.

The Confidential Materials contain specific, highly sensitive proprietary technical and commercial trade secret information relating to ORBCOMM's Generation 2 ("OG2") satellite program, including but not limited to details regarding OG2 spacecraft technical designs and specifications, and manufacturing processes. None of the information contained in the Confidential Materials has previously been publicly disclosed.

As the owner and operator of the ORBCOMM satellite system, ORBCOMM is subject to substantial worldwide competition from other satellite and terrestrial service providers. Public disclosure of the Confidential Materials could allow ORBCOMM's competitors ready access to extremely sensitive proprietary company information, which, under normal business circumstances, is not and would not be publicly disclosed. Among other things, such disclosure could cause substantial economic harm to ORBCOMM, or otherwise enable unfair competition with ORBCOMM. Accordingly, public disclosure of any of the information contained in the Confidential Materials is likely to cause competitive injury and substantial irreparable harm² to ORBCOMM, and is therefore exempted from mandatory disclosure under FOIA Exemption 4,³ and Section 0.457(d) of the Commission's rules, 47 C.F.R. § 0.457(d).

The Confidential Materials are also subject to statutory disclosure restrictions to prevent unauthorized export pursuant to Arms Export Control Act ("AECA")⁴ and the associated provisions of the International Traffic in Arms Regulations ("ITAR").⁵ The Commission's public records are readily accessible to foreign persons⁶ that cannot be readily identified for purposes of export control compliance. Accordingly, the AECA & ITAR controlled Confidential Materials should not be placed in the Commission's public file and should be otherwise withheld from public inspection pursuant to FOIA Exemption 3, which is invoked with respect to information prohibited from disclosure by another statute.⁷

² See, e.g., National Parks and Conservation Association v. Morton, 498 F.2d 765 (D.C. Cir. 1974).

³ 5 USC § 552(b)(4). See, e.g., Public Citizen Health Research Group v. FDA, 704 F.2d 1280, 1290-91 (D.C. Cir. 1983).

⁴ 22 U.S.C. § 2778.

⁵ 22 C.F.R. §§ 120-129. Technical data relating to commercial satellites is AECA & ITAR controlled technical data. 22 C.F.R. § 121.1.

⁶ 22 C.F.R. § 120.16.

⁷ 5 USC § 552(b)(3).

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For all the above-stated reasons, the Commission should grant ORBCOMM's instant Request For Confidential Treatment, and should not place the Confidential Materials in the public file and otherwise should withhold the Confidential Materials from public inspection.⁸

Kindly direct any inquiries concerning this submission to the undersigned.

Respectfully submitted,



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⁸ ORBCOMM requests immediate Commission notification of any request for disclosure of the Confidential Materials so that ORBCOMM can oppose such request or take other actions as deemed necessary.