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Federal Communications Commission
Office of the Secretary

August 7, 2015

FILED ELECTRONICALLY VIA IBFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: Skybox Imaging, Inc., Demonstration of Milestone Compliance for Application for Modification of Authorization to Operate Non-Geostationary Orbit Earth Exploration Satellite Service System, Call Sign S2862, SAT-MOD-20150408-00019.

REQUEST FOR CONFIDENTIAL TREATMENT

Dear Ms. Dortch:

Skybox Imaging, Inc. ("Skybox"), by its undersigned counsel, pursuant to 5 U.S.C. § 552 and Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459, hereby requests that Exhibit B, Exhibit C, and Exhibit D ("Confidential Exhibits") to its above-referenced *Demonstration of Milestone Compliance and Request for Bond Reduction* ("Bond Reduction Request") be treated as confidential and not subject to public inspection. The designated information constitutes confidential and proprietary information that, if subject to public disclosure, would cause significant commercial, economic, and competitive harm. As described below, Skybox's request satisfies the standards for grant of such requests set forth in Sections 0.457 and 0.459 of the Commission's Rules.

In accordance with Section 0.459(b) and in support of this request, Skybox provides the following information:

1. Identification of the information for which confidential treatment is sought.

Skybox seeks confidential treatment for the following exhibit:

Exhibit B - Executed Non-Contingent Agreement

Exhibit C - Engineering Declaration

Exhibit D - Supplemental Milestone Documentation

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

Skybox is filing this information as part of its application to launch and operate 13 additional high-resolution imagery satellites that complement the original SkySat system

to demonstrate milestone compliance and obtain a reduction in the bond required by the Commission pursuant to 47 C.F.R. § 25.165(a)(1).¹

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

The Confidential Exhibits identified above contain sensitive commercial information that competitors could use to the disadvantage of Skybox and its partners. The Confidential Exhibits contain specific, highly sensitive, proprietary, technical, commercial and financial information relating to the SkySat system that fall within the definition of “commercial information” recognized by the Commission, which “is broader than information regarding basic commercial operations, such as sales and profits; it includes information about work performed for the purpose of conducting a business’s commercial operations.”² The Confidential Exhibits include technical designs, specifications and manufacturing processes, payment terms and schedules, financial and performance objectives, and unique commercial terms and conditions. This information could be used by competitors to enhance their market position at Skybox’s expense.

4. Explanation of the degree to which the information concerns a service that is competitive.

Substantial competition exists in the satellite communications and imaging industries. The presence of competitors makes confidential treatment of the Confidential Exhibits imperative. Moreover, the Commission routinely grants confidential treatment of construction agreements used to demonstrate implementation milestone compliance.³

5. Explanation of how disclosure of the information could result in substantial competitive harm.

As explained in Section 3, above, release of information contained in the confidential, non-redacted Confidential Exhibits could cause substantial, irreparable, commercial harm to Skybox. If competitors were to obtain access to this information, it could jeopardize

¹ See IBFS File Nos. SAT-MOD-20150408-0009, SAT-LOA-20120322-00058 and SAT-T/C-20140613-00068.

² *Southern Company Request for Waiver of Section 90.629 of the Commission’s Rules*, Memorandum Opinion and Order, 14 FCC Rcd 1851, 1860 (1998) (citing *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).

³ See, e.g., *ORBCOMM Request for Determination of Compliance with First Three ORBCOMM Generation 2 Satellite Implementation Milestones & Reduction of Performance Bond*, IBFS File No. SAT-MOD-200770531-0076, SAT-AMD-20071116-00161 (filed Mar. 20, 2009); *Intelsat License LLC, Application for Authority to Launch and Operate Intelsat 27*, IBFS File No. SAT-LOA-20110610-00105 (filed June 10, 2011).

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Skybox's future satellite contract negotiations and could enable unfair competition with Skybox.

6. Identification of any measures taken by the requesting party to prevent unauthorized disclosure.

Skybox has taken steps to safeguard the information set forth in the confidential exhibits by limiting the number of people involved in the handling of the Confidential Exhibits to only those on a "need to know" basis, and by requiring that all third parties involved in the preliminary analysis execute robust nondisclosure agreements.

7. Identification of whether the information is available to the public and the extent of any previous disclosures of the information to any third parties.

Skybox has not made this information available to the public and has not disclosed this information to any third parties except pursuant to robust nondisclosure agreements.

8. Justification of the requested period of confidentiality.

Skybox requests confidential treatment of the Confidential Exhibits indefinitely as Skybox does not, in the ordinary course of business, make such proprietary, commercial information available for public inspection.

Please direct any inquiries concerning this submission to the undersigned.

Respectfully submitted,

/s/

Ulises R. Pin
Timothy L. Bransford

(Outside Counsel to Skybox Imaging, Inc.)

CONFIDENTIAL, NOT FOR PUBLIC INSPECTION

Skybox Imaging, Inc.

EXHIBIT B

Executed Non-Contingent Agreement

[SUBMITTED UNDER SEAL]

CONFIDENTIAL, NOT FOR PUBLIC INSPECTION

Skybox Imaging, Inc.

EXHIBIT C

Declaration of Joe Rothenberg, Engineering Director

[SUBMITTED UNDER SEAL]

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Skybox Imaging, Inc.

EXHIBIT D

Supplemental Milestone Documents

[SUBMITTED UNDER SEAL]