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VIA IBFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Spaceflight, Inc.; Request for Special Temporary
Authority to Deploy and Operate its SSO-A
Spacecraft for Its Commercial Rideshare Mission

REQUEST FOR CONFIDENTIAL TREATMENT

Dear Ms. Dortch:

Spaceflight, Inc. ("Spaceflight") has filed an application for special temporary authority (the "STA Application") for the deployment and operation of its SSO-A spacecraft that are themselves planned to deploy 114 small spacecraft belonging to Spaceflight's customers (the "SSO-A Mission"). In that connection, Spaceflight has submitted to the Commission's public file a redacted copy of its customer manifest as Exhibit 2 in the STA Application. Spaceflight is delivering a non-redacted copy of its customer manifest to the Commission separately on a confidential basis.

Pursuant to Sections 0.457(d) and 0.459 of the Commission's rules and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4), Spaceflight hereby requests confidential treatment for the information contained in its customer manifest.

I. THE REDACTED INFORMATION CONTAINS COMMERCIAL OR FINANCIAL INFORMATION AND TRADE SECRETS THAT ARE ENTITLED TO PROTECTION UNDER FOIA EXEMPTION 4 AND PARALLEL COMMISSION RULES.

FOIA Exemption 4 and Section 0.457(d) of the Commission's rules allow protection from disclosure for "trade secrets and commercial or financial information obtained from a person and privileged or confidential." The information redacted from the public copy of the customer manifest falls squarely within this definition.

The redacted information is commercially sensitive both to Spaceflight and many of its customers. Access to this compiled list is limited to Spaceflight and Space Exploration Technologies Corporation ("SpaceX") personnel who have a need to know such information in the performance of their duties.¹ While some individual customers may choose to make information about their own missions public, many do not, and, in any event, the compiled list of operators and their satellites to be deployed is confidential and has not been disclosed to the public in unredacted form. Other information redacted from the manifest, even if not specifically by name of a satellite or its operator, could be used by those knowledgeable in the industry to gain insight into the nature of Spaceflight's customer base and thereby give competitors of Spaceflight and its customers a leg up to be able use that information to compete against Spaceflight and/or its customers.

II. DISCLOSURE OF THE REDACTED INFORMATION WOULD CAUSE SPACEFLIGHT COMPETITIVE HARM.

The Commission has recognized that it should not require the public disclosure of information that might put a regulated entity at a competitive disadvantage.² That policy clearly applies in the present circumstances.

Spaceflight and its customers operate in a highly competitive environment. The release of the confidential information that has been redacted would give their competitors an unfair competitive edge by revealing to them the identity of Spaceflight's customers, and other commercially sensitive information about Spaceflight's customer's base. Piecing that information together with the information contained in the STA Application itself would allow third parties to know when competing spacecraft are intended to be launched as well as other parameters regarding their mission. Such a release would have a negative impact on Spaceflight both directly,

¹ SpaceX also provides such customer and operator information to the Federal Aviation Administration for inter-agency review with a request that the information be held confidential.

² See, e.g., *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, 13 FCC Rcd 24816, 24822 (1998).

as to information that is privileged and confidential to Spaceflight's own operations, and indirectly, on many of its customers who choose to keep their planned missions confidential. Such a release could, among other things, dissuade potential customers of Spaceflight from employing its rideshare missions, for example, in favor of other non-U.S. rideshare companies who, to Spaceflight's knowledge, would not be subject to such disclosure requirements.

Spaceflight notes that in an earlier application for its then-planned Sherpa mission Spaceflight submitted customer manifest information without requesting confidentiality for it. At that time, the Sherpa mission was less in the public eye and including the information without a confidentiality request did not appear to be an issue. Now, however, several of Spaceflight's customers have raised concerns with Spaceflight about maintaining the confidentiality of their missions and Spaceflight itself has growing concern about the use of its manifest information by its competitors. Further, there are active efforts reflected on third party websites to unearth that manifest, which would be the result if filed with the Commission without confidentiality protection.

III. A BALANCING OF INTERESTS FAVORS NON-DISCLOSURE OF THE REDACTED INFORMATION.

The identity of Spaceflight's customers, while informative to the Commission, is not be a matter that should be of material significance to the public examination of Spaceflight's legal or technical qualifications to proceed with its SSO-A mission. Those qualifications are demonstrated in the extensive showings that are submitted with the request for special temporary authority. The identity of Spaceflight's customers does not affect or alter the analysis that is presented.

Conversely, revealing the identify of Spaceflight's customers would cause competitive injury both to Spaceflight and many of its customers and damage Spaceflight's relationship with those customers.

Given these circumstances, "a balancing of the interests favoring disclosure and non-disclosure"³ weighs heavily in favor of allowing non-disclosure of the information that has been redacted. The Commission has made clear that in balancing such interests, it is "sensitive to ensuring that the fulfillment of its regulatory responsibilities does not result in the unnecessary disclosure of information that might put its regulatees at a competitive disadvantage."⁴ Spaceflight urges that this policy apply in this case.

³ *Id.*

⁴ *Id.*

IV. CONCLUSION

For the reasons stated herein, Spaceflight requests that the Commission withhold from public inspection the information that has been redacted from the Application. If its request is not granted, Spaceflight asks that all non-public materials be returned to it.

Respectfully submitted,

/s/ _____
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