

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT LLP
1025 Connecticut Avenue, N.W., Suite 1000
WASHINGTON, D.C. 20036-5417

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN L. WIENER

W. KENNETH FERREE*
HENRIETTA WRIGHT
THOMAS G. GHERARDI, P.C.
COUNSEL

THOMAS S. TYCZ**
SENIOR POLICY ADVISOR

*NOT ADMITTED IN DC

**NOT AN ATTORNEY

(202) 429-4900
FAX:
(202) 327-5499
e-mail:
general@g2w2.com
website: www.g2w2.com

REQUEST FOR CONFIDENTIAL TREATMENT

April 28, 2023

ELECTRONIC FILING VIA IBFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

Re: BlackSky Global LLC; Request for Special
Temporary Authority to Operate Two Satellites
at a Lower Altitude Than Currently Authorized

Dear Ms. Dortch:

BlackSky Global LLC ("BlackSky") has filed an application for special temporary authority (the "STA Request") to operate two of the satellites in its constellation at a lower altitude than currently authorized. In that connection, BlackSky has submitted to the Commission's public file a redacted copy of the Narrative that accompanies that STA Request. BlackSky is delivering a non-redacted copy of the Narrative 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), BlackSky hereby requests confidential treatment for the information that has been redacted from the public copy of the Narrative.

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 Narrative falls squarely within this definition.

The redacted information all of which relate to the conditions of the satellites giving rise to the STA Request and associated customer requirements is commercially sensitive and confidential. Access to this information is limited to BlackSky personnel who have a need to know such information in the performance of their duties. BlackSky has also provided relevant information to other federal government agency personnel on a confidential basis.

II. DISCLOSURE OF THE REDACTED INFORMATION WOULD CAUSE BLACKSKY 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.¹ That policy clearly applies in the present circumstances.

BlackSky operates in a highly competitive environment. The release of the confidential information that has been redacted would give BlackSky's competitors an unfair competitive edge by revealing operational concerns regarding two of BlackSky's satellites and associated customer requirements. Such a release could, among other things, dissuade potential customers of BlackSky from employing its services.

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

The nature of the circumstances confronting BlackSky, while informative to the Commission, is not a matter that should be of material significance to the public examination of BlackSky's legal or technical qualifications relative to the proposed operation of the two satellites in question.

¹ See, e.g., *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, 13 FCC Rcd 24816, 24822 (1998).

Conversely, revealing such information would cause competitive injury to BlackSky.

Given these circumstances, “a balancing of the interests favoring disclosure and non-disclosure”² 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.”³ BlackSky urges that this policy apply in this case.

IV. CONCLUSION

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

Respectfully submitted,

/s/ Jonathan Wiener
Jonathan Wiener
Attorney for BlackSky Global LLC

² *Id.*

³ *Id.*