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November 20, 2007
(as revised, 12/03/2007)

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CONFIDENTIALITY REQUEST PURSUANT TO 47 C.F.R. § 0.459

FILED ELECTRONICALLY

Mr. James Burtle, Chief
Experimental Licensing Branch
Office of Engineering & Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Trident Space & Defense, LLC - Experimental License Application

Dear Mr. Burtle:

Trident Space & Defense, LLC ("Trident S&D"), by counsel, hereby requests that the Explanatory Statement and all other Exhibits included with its new application for experimental license (hereinafter identified as the "Confidential Exhibits") be held in confidence pursuant to Section 0.459 of the Commission's rules and not made available for public inspection or otherwise disclosed to the general public in any manner.

Confidential treatment of the Confidential Exhibits is appropriate under Exemption 4 of the Freedom of Information Act ("FOIA"), which applies to information constituting "technical data which would customarily be guarded from competitors" and "would not customarily be released to the public." See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d)(2). For public use purposes, Trident S&D offers the following description of its Yona, Guam operation: "Trident S&D's facility will be used on an intermittent basis as a telemetry and flight control station."

In support of this request, Trident S&D provides the following information, as required under Section 0.459(b) of the Commission's Rules –



Mr. James Burtle
November 20, 2007
(as revised, 12/03/2007)
Page 2 of 4

1. Specific Information for Which Confidential Treatment is Sought - § 0.459(b)(1): Trident S&D seeks confidential treatment for the Confidential Exhibits, which include supporting and explanatory information that is being provided to the Commission as part of Trident S&D's experimental license application subject to this formal request for confidential treatment. The Confidential Exhibits contain specific technical and operational data and descriptions concerning the specific users and uses of the facility that could be damaging to the security and scientific goals of the research users that rely on the facility.

Specifically, Trident S&D seeks confidential treatment of the following attachments submitted with its application:

Attachment 1 - Question 7: Description of Experimental Program

Attachment 3 - Question 5: Antenna Figure

Attachment 4 - FAA No Hazard Determination

2. Circumstances Giving Rise to the Submission - § 0.459(b)(2): Trident S&D is providing the information in the Confidential Exhibits to provide Commission staff with a comprehensive description of its continuing program at the Guam Earth station facility.

3. Degree to Which the Information Is Commercial or Financial, or Contains A Trade Secret or Is Privileged - § 0.459(b)(3): The technical and operational information for which Trident S&D is requesting confidential treatment is sensitive information involving space operations "which would customarily be guarded" from public disclosure.¹ This information includes, but is not limited to, specific users, operations and frequencies used at the facility. Disclosure of these terms would be damaging to Trident S&D and to users of its Guam Earth station. Accordingly, public disclosure of this confidential data could materially impair Trident S&D's Guam operations.

4. Degree to Which the Information Concerns a Service That Is Subject to Competition - § 0.459(b)(4): Not applicable. The Confidential Exhibits which Trident S&D seeks to protect do not contain commercially sensitive information, but they do include confidential scientific and research operational data and information, the disclosure of which could potentially damage users of the Yona facility and Trident S&D itself.

¹ See, e.g., *DTV Build-Out Applications Requesting Extension of the Digital Television Construction Deadline*, 22 FCC Rcd 9789, 9798 (¶ 36) (2007) (granting request for confidential treatment and withholding any reference to such information in order granting applications).



Mr. James Burtle
November 20, 2007
(as revised, 12/03/2007)
Page 3 of 4

5. *How Disclosure of the Information Could Result In Substantial Competitive Harm - § 0.459(b)(5):* See response to Item 4, above.

6. *Measures Taken By Trident S&D to Prevent Unauthorized Disclosure - § 0.459(b)(6):* Trident S&D has sought to limit access to the information contained in the Confidential Exhibits solely to those employees, contractors and agents who require knowledge of the Guam facility's operations in order to perform their duties and fulfill the company's obligations under its agreements with the experimental Earth station's users. Any other disclosure not compelled by law requires prior written consent of the affected party. Those persons who are not Trident S&D employees who are nonetheless privy to information concerning the uses and technical data used in connection with and gathered using the facility are required to execute Non-Disclosure Agreements or similar protective agreements.

7. *The Information Submitted Is Not Available To The Public and Has Not Previously Been Disclosed To Third Parties, Except For Appropriately Limited Circumstances - § 0.459(b)(7):* The information contained in the Confidential Exhibits has not been publicly disclosed by Trident S&D. As described above, with respect to item 6, Trident S&D has sought to limit access to the information contained in the Confidential Exhibits solely to those employees, contractors and agents who require knowledge of the Guam facility's operations in order to perform their duties and fulfill the company's obligations under its agreements with the facility's users. Other than users of the facility, this information has not been provided to any other U.S. Government agency or to any other private or public entity or person except under the procedures described in response to Item 6.

8. *Period During Which The Submitted Material Should Not Be Available For Public Disclosure - § 0.459(b)(8):* Trident S&D respectfully requests that the Confidential Exhibits be kept confidential indefinitely, or at least until Trident S&D no longer operates the facility subject to any experimental authorization ultimately granted pursuant to the application, including any future renewals of such authority. Accordingly, Trident S&D requests that the Commission refrain from any public disclosure of the Confidential Exhibits at least until it notifies the Commission that such treatment is no longer required.

9. *Other Information Supporting Request for Confidential Treatment - § 0.459(b)(9):* The subject facility performs critical downrange telemetry and safety command tracking operations in connection with satellite launches. Public disclosure of mission critical information contained in this application could potentially expose the public, property and mission payloads to substantial levels of risk.



Mr. James Burtle
November 20, 2007
(as revised, 12/03/2007)
Page 4 of 4

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For all of the foregoing reasons, Trident S&D requests that the Commission withhold the Confidential Exhibits from public inspection, according them fully confidential treatment. ****In the event that a request for examination of this document is filed, Trident S&D requests an opportunity to respond and to provide a redacted version of these documents in lieu of full disclosure.****

Respectfully submitted,

TRIDENT SPACE & DEFENSE, LLC

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