

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.step toe.com

May 17, 2017

Federal Communications Commission
7435 Oakland Mills Road
Columbia MD 21046

Subject: Request for Confidentiality

FCC ID: **2AK7S-FBC1701**

To Whom It May Concern:

Pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, and the Commission's Equipment Authorization Confidentiality Request Procedures ("EA Confidentiality Procedures"),¹ FCL Tech hereby respectfully requests confirmation that certain attachments to FCL Tech's equipment authorization application, identified below, qualify as trade secrets under 47 C.F.R. § 0.457. In addition, FCL Tech requests that this material be withheld from public inspection under 47 C.F.R. § 0.459.

Specifically, pursuant to the EA Confidentiality Procedures, FCL Tech requests long-term confidentiality for an indefinite period for the following attachments:

- Schematic Diagram
- Block Diagram
- Theory of Operation (providing the operational description)

These exhibits are explicitly listed in the EA Confidentiality Procedures as ones for which an applicant can request long-term confidentiality.²

In addition, FCL Tech is requesting short-term confidentiality until October 31, 2017 for certain attachments, pursuant to the Commission's Public Notice, OET Equipment

¹ Office of Engineering and Technology, Equipment Authorization Confidentiality Request Procedures, KDB Docket No. 726920 (Apr. 8, 2016) ("EA Confidentiality Procedures").

² *Id.* at 2.

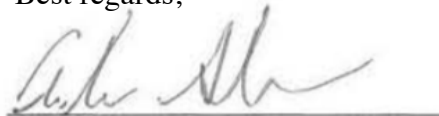
Authorization System Upgrade Permits Electronic Submittal of Short-Term Confidentiality Requests, DA-04-1705 (rel. June 15, 2004). This short-term protection will permit FCL Tech to comply with the marketing regulations in 47 C.F.R. § 2.803 and the importation rules in 47 C.F.R. § 2.1204, while ensuring that trade secrets and other confidential, privileged or proprietary commercial information is protected from disclosure until the actual marketing of newly authorized devices. The attachments covered by the short-term confidentiality request are:

- External Photos
- Internal Photos
- Test Setup Photos
- User Manual

In connection with both its long-term and short-term confidentiality requests, FCL Tech states that none of the aforementioned exhibits is publicly available. All of this information qualifies as trade secrets or privileged or confidential commercial information. In addition, FCL Tech provides the following information required by 47 C.F.R. § 0.459(b). FCL Tech has already identified the specific information for which confidential information is sought and the application in support of which the information is being submitted. FCL Tech has also explained that the information qualifies as a trade secret, and is commercially sensitive and privileged. The information moreover concerns a service that is subject to competition—advanced wireless services. Disclosure of the information could result in substantial competitive harm for FCL Tech, since competitors could gain a competitive edge by knowledge of its closely guarded operational secrets. FCL Tech takes a number of measures to prevent unauthorized disclosure of this information. These measures include a prohibition on providing any of the information to any person outside FCL Tech, its affiliates and advisors without adequate confidentiality protection, and marking all documents and emails containing any of this information as confidential.

Finally, FCL Tech respectfully requests that the Commission return this information to FCL Tech in the unlikely event that this request were to be denied.³

Best regards,



Christopher Bjornson

Andrew W. Guhr

Counsel to FCL Tech, Inc.

³ See 47 C.F.R. § 0.459(e).