



Digital Receiver Technology, Inc.
12409 Milestone Center Dr.
Germantown, MD 20876

October 6, 2015

Federal Communications Commission
7435 Oakland Mills Road
Columbia, MD 21046

Re: Digital Receiver Technology, Inc. Request for Confidential Treatment; Application for
Equipment Authorization

Dear FCC,

Digital Receiver Technology, Inc. ("DRT") hereby requests that the exhibits listed below and attached to the FCC Forms 731 for XLM9955C1 (Model DRT9955C-1) and XLM9955C3 (Model DRT9955C-3) be given confidential treatment and withheld from public inspection pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459. DRT is submitting a version of the Label Location exhibit that contains a drawing of the device rather than an external photograph. The Label Location exhibit therefore removes the protected information and can be made available to the public.

Block Diagrams
Schematics
Operational Descriptions / Theory of Operation
User Manuals
Part Lists / BOM
Internal Photos
External Photos
Test Setup Photos



Pursuant to Section 0.459(b) of the Commission's Rules, 47 C.F.R. § 0.459(b), the following information is provided in support of the request for confidential treatment.

The information contained in the above-referenced exhibits is restricted from disclosure to non-U.S. persons pursuant to International Traffic in Arms Regulations ("ITAR"). The DRT9955C-1 and DRT9955C-3 are categorized as "Military Electronics" pursuant to Category XI(b) of The United States Munitions List because it is "[e]lectronic...equipment specifically designed...for intelligence, security, or military purposes for use in search, reconnaissance, collection, monitoring, direction-finding, display, analysis and production of information from the electromagnetic spectrum...."¹

All documentation, photographs and descriptions of the subject equipment are identified as "Technical Data" under ITAR² and require a U.S. Department of State Export License (DSP-5 Technical Data License) specific to the receiving non-U.S. party prior to disclosure.³ Technical Data is defined as "[i]nformation...which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles," and includes "information in the form of blueprints, drawings, photographs, plans, instructions or documentation."⁴ The information contained in each of the exhibits listed above, including photos that show wiring connections on the outer enclosures of the devices, constitutes "Technical Data" pursuant to this definition.

Moreover, Technical Data relating to DRT's equipment is not subject to the exception in the ITAR for information in the "public domain."⁵ The information contained in the exhibits is not published or generally accessible or available to the public through any means including through public release approved by a cognizant U.S. government department or agency. Further, the equipment is sold only to qualified government entities in the United States. Accordingly, the above referenced exhibits cannot be disclosed to the public before or after the equipment authorization is granted. Violation of these export regulations is subject to criminal penalties.

¹ See 22 C.F.R. § 121.1 Category XI(b).

² "Technical data" for the subject equipment is itself controlled pursuant to 22 C.F.R. § 121.1 Category XI(d).

³ See 22 C.F.R. § 125.2(a).

⁴ See 22 C.F.R. § 120.10(a)(I).

⁵ See 22 C.F.R. § 120.11.



In addition, pursuant to the Freedom of Information Act (“FOIA”), public disclosure is not required for “trade secrets, commercial or financial information obtained from a person and privileged and confidential.”⁶ The commercial proprietary information contained herein falls squarely within this exemption from public disclosure.

The exhibits for which confidential treatment is sought contain DRT trade secrets and proprietary information relating to a wireless signal measurement product that DRT has developed and for which it seeks certification.⁷ This information is proprietary commercial information of DRT.⁸

The market for development of these products is very competitive.⁹ Due to the competitive environment for such products, release of this information to its competitors would harm DRT.¹⁰ DRT would lose the competitive benefit of the substantial resources it invested in the development of these products should the information contained in these exhibits be disclosed to its competitors.

It is customary for companies such as DRT not to disclose the details of its designs, technologies and products to competitors or to the public, and DRT has taken reasonable actions to keep these trade secrets confidential.¹¹ Specifically, the products will only be sold to the U.S. government, allies of the United States, and public safety and corrections agencies, and are not marketed to the general public. Further, access to DRT's facilities is restricted and limited to U.S. citizens. DRT employees also sign agreements restricting their ability to disclose DRT's intellectual property used to develop products such as the DRT9955C-1 and DRT9955C-3.

The DRT9955C-1 and DRT9955C-3 are marketed, sold and will be used in a manner such that technical information, including external photos, are not provided to the general public. Prospective government, public safety and corrections customers are vetted and technical information, including external photos, are only provided through secure means to properly vetted potential government, public safety and corrections customers. Trade shows where the products are displayed are restricted to appropriate government, public safety and corrections personnel. The public and press are not permitted to enter or view the products. Further, once the products are purchased they will be used inside government, public safety or corrections surveillance vehicles or facilities not accessible to the general public.

⁶ 5 U.S.C. § 552(b)(4); *see also* 47 C.F.R. § 0.457(d).

⁷ *See* 47 C.F.R. § 0.459(b)(1), (2).

⁸ *See* 47 C.F.R. § 0.459(b)(3).

⁹ *See* 47 C.F.R. § 0.459(b)(4).

¹⁰ *See* 47 C.F.R. § 0.459(b)(5).

¹¹ *See* 47 C.F.R. § 0.459(b)(6).



DRT has not disclosed information regarding these products to any other party.¹² DRT requests that the subject information not be made routinely available for public inspection at any time.¹³ The design and technology included in the products would benefit DRT's competitors, harm DRT, and potentially harm U.S. national security if it is released for public inspection at any time.

Finally, the public interest will be served by granting this request for confidential treatment. It is in the public interest that equipment manufacturers invest in the development of new technologies and be permitted to benefit from those efforts.¹⁴

Sincerely,

Steven J. Hudson
Systems Compliance Engineer
Digital Receiver Technology, Inc.

¹² See 47 C.F.R. § 0.459(b)(7).

¹³ See 47 C.F.R. § 0.459(b)(8).

¹⁴ See 47 C.F.R. § 0.459(b)(9).