

REDACTED – FOR PUBLIC INSPECTION

September 29, 2016

VIA HAND DELIVERY

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

Re: **Notice of Written Ex Parte in IB Docket Nos. 11-109 and 12-340; IBFS File Nos. SES-MOD-20151231-00981, SAT-MOD-20151231-00090, and SAT-MOD-20151231-00091**

Dear Ms. Dortch:

On September 1, 2016, Iridium Communications Inc. (“Iridium”) submitted a paper titled “Technical Analysis of Ligado Interference Impact on Iridium User” (“Technical Analysis”) and requested that the redacted portions of the Technical Analysis be withheld from public disclosure pursuant to Sections 0.459 of the Commission’s Rules.¹ The confidential version of the paper was submitted with a request for confidentiality that itself includes commercially sensitive information that Iridium also requests be withheld from public disclosure for the same reasons articulated in the request for confidentiality of portions of the Technical Analysis. By this letter, the September 1, 2016 request for confidentiality is being submitted with redactions to those portions that should not be made available for public inspection. As with the Technical Analysis, the request for confidentiality contains highly sensitive information that Iridium has not and will not make available for public inspection and the disclosure of which would result in substantial competitive harm. As such, the redacted language in the confidentiality request is also eligible to be withheld from public disclosure under Freedom of Information Act (“FOIA”) Exemption 4 which covers “trade secrets and commercial or financial information [that are] privileged or confidential.”²

¹ 47 C.F.R. §0.459(a)(1).

² 5 U.S.C. § 552(b)(4).

WILKINSON) BARKER) KNAUER) LLP

Marlene H. Dortch
September 29, 2016
Page 2

REDACTED – FOR PUBLIC INSPECTION

If you have any questions concerning this matter, please do not hesitate to contact me.

Respectfully submitted,

Iridium Communications Inc.

By: /s/ Patrick R. Halley
Patrick R. Halley
Counsel to Iridium Communications Inc.

Enclosures

REDACTED – FOR PUBLIC INSPECTION

September 1, 2016

VIA HAND DELIVERY

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

Attn: Ron Repasi
Office of Engineering and Technology
Federal Communications Commission

Re: **Notice of Ex Parte Presentation in IB Docket Nos. 11-109 and 12-340; IBFS
File Nos. SES-MOD-20151231-00981, SAT-MOD-20151231-00090, and SAT-
MOD-20151231-00091**

Dear Ms. Dortch:

Iridium Communications Inc. (“Iridium”), by its attorneys, hereby requests that the redacted portions of the enclosed paper titled “Technical Analysis of Ligado Interference Impact on Iridium User” (“Technical Analysis”), be withheld from public disclosure pursuant to Sections 0.459 of the Commission’s Rules.¹ The Technical Analysis contains highly sensitive, proprietary information that Iridium has not and will not make available for public inspection and the disclosure of which would result in substantial competitive harm. As such, the redacted language (the “Confidential Information”) is eligible to be withheld from public disclosure under Freedom of Information Act (“FOIA”) Exemption 4 which covers “trade secrets and commercial or financial information [that are] privileged or confidential.”²

Specifically, the Technical Analysis includes information identifying the adverse impact that the terrestrial network proposed by Ligado Networks LLC (“Ligado”) would have on

¹ 47 C.F.R. §0.459(a)(1).

² 5 U.S.C. § 552(b)(4).

Marlene H. Dortch
September 1, 2016
Page 2

REDACTED – FOR PUBLIC INSPECTION

Iridium's deployed mobile satellite services ("MSS"). The Confidential Information included in the Technical Analysis provides proprietary details regarding the interference tolerance of Iridium's deployed devices and the manner in which its allocated spectrum is used to communicate with those devices. The Confidential Information is based on these proprietary details and reflects Iridium's internal analysis and conclusions regarding the vulnerability of Iridium's systems to potential harmful interference from Ligado's proposed terrestrial network.

Iridium is submitting the Confidential Information contained in the Technical Analysis voluntarily to aid the Commission's analysis of Ligado's proposal. Information voluntarily submitted to the government may be considered confidential for Exemption 4 purposes "if it is a kind that would customarily not be released to the public by the person from whom it was obtained."³ Iridium does not customarily release to the public the technical details or internal analysis contained in the Confidential Information and it thus is entitled to confidential treatment pursuant to Exemption 4. Information not voluntarily shared with the government is considered confidential for Exemption 4 purposes if disclosure would cause substantial harm to the competitive position of the submitting party.⁴ Even if the Confidential Information were subject to this higher threshold, which it is not, it would be entitled to confidential treatment because, as set forth herein, release of the Confidential Information would cause Iridium substantial competitive harm.

In light of the above, Iridium respectfully requests that the Commission withhold the Confidential Information from public disclosure. Information in support of this request for confidential treatment and in response to Section 0.459(b) of the Commission's rules, 47 C.F.R. § 0.459(b), is provided below.

1. **Specific information for which confidential treatment is sought, 47 C.F.R. § 0.459(b)(1).** Iridium seeks confidential treatment for those portions of the Technical Analysis that have been marked as Confidential – Not For Public Inspection and redacted from the public version of the Technical Analysis. The Confidential Information is limited to the most sensitive results of Iridium's analysis of the potential harmful interference from Ligado's proposed terrestrial network to Iridium's existing MSS systems.
2. **Circumstances giving rise to this submission, 47 C.F.R. § 0.459(b)(2).** The Technical Analysis is filed voluntarily in response to the Commission's request for

³ *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 873 (D.C. Cir. 1992).

⁴ *Nat'l Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).

REDACTED – FOR PUBLIC INSPECTION

would have a negative impact on Iridium's [REDACTED]
[REDACTED]

6. **Measures taken to prevent unauthorized disclosure, 47 C.F.R. § 0.459(b)(6).** Iridium has not made the Confidential Information available to the public. The Confidential Information has only been made available to a limited subset of Iridium employees, technical consultants and outside counsel. Information has been and will be made available to internal Iridium employees and consultants on a “need to know” basis.
7. **Whether the information submitted is available to the public and the extent of any previous disclosure of the information to third parties, 47 C.F.R. § 0.459(b)(7).** Iridium has not made the Confidential Information available to the public. The analysis reflected in the Confidential Information was prepared internally and has not been shared with any third parties other than a technical consultant and outside counsel to Iridium.
8. **Period during which the submitted material should not be available for public disclosure, 47 C.F.R. § 0.459(b)(8).** Iridium respectfully requests that the Commission withhold the Confidential Information from public inspection indefinitely. The potential vulnerabilities discussed in the Confidential Information would remain subject to [REDACTED]
[REDACTED]
9. **Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.** Public release of the proprietary commercial information that makes up the Confidential Information not only would expose Iridium to competitive harm as set forth above but also could impact the critical systems that rely upon Iridium's MSS service.

Therefore, pursuant to Section 0.459 of the Commission's rules, Iridium respectfully requests that the redacted portions of the Technical Analysis be treated under the Commission's rules as not available for public inspection. Iridium additionally requests that its information not be included in any publication while this request is pending.

If you have any questions concerning this matter, please do not hesitate to contact me.

WILKINSON) BARKER) KNAUER) LLP

Marlene H. Dortch
September 1, 2016
Page 5

REDACTED – FOR PUBLIC INSPECTION

Respectfully submitted,

Iridium Communications Inc.

By: /s/ Bryan N. Tramont
Bryan N. Tramont
Counsel to Iridium Communications Inc.

Enclosures