

July 24, 2006

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REQUEST FOR CONFIDENTIAL TREATMENT

Via Hand Delivery and ECFS

James Ball
Chief, Policy Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: NTT DoCoMo, Inc. Petition for Declaratory Ruling
WT Docket No. 06-96, ISP-PDR-20060404-0005

Dear Mr. Ball:

Enclosed is the response ("Response") of NTT DoCoMo, Inc. ("DoCoMo") to your June 26, 2006 letter requesting additional information regarding DoCoMo's Petition for Declaratory Ruling ("Petition") that it would not serve the public interest to prohibit the 100 percent foreign ownership of DoCoMo Guam Holdings, Inc. ("DoCoMo Guam") under Section 310(b)(4) of the Communications Act of 1934, as amended. The Response includes: (1) a letter answering your supplemental questions regarding DoCoMo's foreign ownership, and (2) a revised and expanded version of Exhibit B that was initially submitted with the Petition. Exhibit B provides information regarding the top shareholders of DoCoMo and Nippon Telegraph and Telephone Corporation ("NTT"), and includes commercial information that is competitively sensitive. Accordingly, pursuant to Section 0.459 of the Commission's rules and Section 552(b)(4) of the Freedom of Information Act ("FOIA"),² DoCoMo requests that Exhibit B be given confidential treatment in part. A public, redacted copy of the Response is being filed via the Commission's Electronic Comment Filing System.

Exhibit B discloses the identities and home markets of the top 21 shareholders of DoCoMo and the top ten shareholders of NTT. DoCoMo seeks confidential treatment for the

¹ 47 C.F.R. § 0.459.

² 5 U.S.C. § 552(b)(4) (exemption 4 of the FOIA provides that an agency need not disclose "trade secrets and commercial of financial information obtained from a person which is privileged or confidential").

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information regarding DoCoMo's top 11 through 21 shareholders. As further discussed below, this ownership information is confidential commercial information that is carefully guarded and not disclosed to the public or typically disclosed within the industry.

Pursuant to Japanese law, widely held companies such as DoCoMo publicly release information regarding their top ten shareholders. However, information regarding all other shareholders is not publicly disclosed by DoCoMo or other widely held Japanese companies. Rather, such shareholder information is considered private and proprietary information that cannot be publicly disclosed without individual authorization from each shareholder. DoCoMo's wireless services are subject to competition and any release of such confidential information would result in substantial customer harm and thus substantial competitive harm to DoCoMo. For example, unauthorized disclosure of private shareholder information would considerably damage DoCoMo's relationship with its shareholders and thus its competitive position.

The information identified above constitutes sensitive commercial information that "would customarily be guarded from competitors"³ and the general public. Such sensitive information is exempted from mandatory disclosure under "Exemption 4" of the FOIA,⁴ and Section 0.457(d) of the Commission's rules.⁵ Exemption 4 allows the withholding of commercial or financial information that is privileged or confidential.⁶ The confidentiality requirement is satisfied if substantial competitive injury would likely result from disclosure.⁷ DoCoMo has taken steps to safeguard from disclosure the portions of Exhibit B for which confidential treatment is sought, and public disclosure of that information would cause substantial customer and competitive harm to DoCoMo,⁸ more than satisfying the Exemption 4 standard for nondisclosure⁹ as well as the criteria set forth in Section 0.459(b) of the

³ 47 C.F.R. § 0.457(d)(2).

⁴ 5 U.S.C. § 552(b)(4).

⁵ 47 C.F.R. § 0.457(d). See *National Parks and Conservation Ass'n. v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974) ("National Parks"); *Southern Company*, 14 FCC Rcd 1851, 1860 (WTB 1998) ("Southern Company").

⁶ 5 U.S.C. § 552(b)(4).

⁷ *Public Citizen Research Group v. FDA*, 704 F.2d 1280, 1290-91 (D.C. Cir. 1983) ("Public Citizen").

⁸ See *National Parks*, 498 F.2d at 770; *Southern Company*, 14 FCC Rcd at 1860.

⁹ See *Public Citizen*, 704 F.2d at 1290-91.

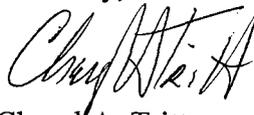
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Commission's rules.¹⁰ DoCoMo accordingly requests confidential treatment of the information in Exhibit B regarding DoCoMo's top 11 through 21 shareholders.

In the event that any person or entity requests disclosure of any portion of the confidential portions of Exhibit B, DoCoMo requests that it be so notified immediately so that it can oppose such request or take such other action to safeguard its interests as it deems necessary. After the Commission concludes this proceeding, DoCoMo requests the return of the confidential information to the undersigned within one month. However, in the event the Commission has reason to keep the confidential materials after the conclusion of this proceeding, DoCoMo requests that all material be kept under protective seal.

Please direct any questions as to this matter, including the request for confidential treatment, to the undersigned.

Sincerely,



Cheryl A. Tritt
Counsel to NTT DoCoMo, Inc..

Enclosures

cc: Susan O'Connell
Erin McGrath
Susan Singer
David Krech
Tracey Wilson-Parker
Kimberly Jackson
Neil Dellar

¹⁰ 47 C.F.R. § 0.459(b).