



Federal Communications Commission
Washington, D.C. 20554

September 22, 2011

FILED/ACCEPTED

OCT - 5 2011

Federal Communications Commission
Office of the Secretary

Mr. Jeffrey Carlisle
Executive Vice President for Regulatory Affairs and Public Policy
LightSquared Subsidiary LLC
10802 Parkridge Boulevard
Reston, Virginia 20191

Re: NTIA Request for Confidential Information

Mr. Carlisle,

Thank you for your letter dated August 15, 2011 providing the Device Code Key for the devices tested and evaluated¹ in the June 30, 2011, Final Report of the Working Group that was formed to study the GPS overload/desensitization issue described in our Order and Authorization of SAT-MOD-20101118-00239.²

In my August 10, 2011, letter requesting additional information,³ I noted that certain information may be kept confidential pursuant to Section 0.459 of our rules upon your appropriate request for such treatment and that the Commission may disclose such confidential information to other federal agencies under the procedures set forth in Section 0.442 of our rules.⁴ Your August 15, 2011, response requested confidential treatment of the Device Code Key information to protect technical and commercially sensitive information resulting from the Technical Working Group testing.

On September 16, 2011, the Commission received a request from NTIA,⁵ pursuant to Section 0.442 of the FCC rules, for access to the information collected by our office pursuant to my August 10, 2011 letter. Specifically, NTIA requests access to the Device Code Key that identifies GPS receivers tested by the Technical Working Group. NTIA indicates that access to the device code key will enable it to more realistically determine the scale and scope of the potential impacts of LightSquared's operations on GPS users and uses and help facilitate the development of the most efficient federal next steps and/or test plan possible.

¹ Letter from Jeffrey Carlisle, Executive Vice President for Regulatory Affairs and Public Policy, LightSquared and Co-Chair, Technical Working Group to Marlene H. Dortch, Secretary, Federal Communications Commission (August 15, 2011).

² "In the Matter of LightSquared Subsidiary LLC, Request for Modification of its Authority for an Ancillary Terrestrial Component," DA 11-133, (rel. January 26, 2011).

³ Letter from Julius Knapp, Chief, Office of Engineering and Technology, Federal Communications Commission to Jeffrey Carlisle, Executive Vice President for Regulatory Affairs and Public Policy, LightSquared Subsidiary LLC and Charles R. Trimble, Chairman, U.S. GPS Industry Council (August 10, 2011).

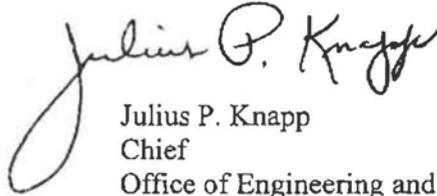
⁴ 47 C.F.R. §§ 0.442, 0.459.

⁵ Letter from Karl B. Nebbia, Associate Administrator, Office of Spectrum Management, National Telecommunications and Information Administration (NTIA) to Marlene H. Dortch, Secretary, Federal Communications Commission (Sep. 16, 2011).

NTIA agrees to treat the information as confidential consistent with applicable law and regulation. NTIA will distribute the Device Code Key internally only to those NTIA staff working directly on this matter and NTIA does not intend to disclose the Device Code Key to any other person or entity. Moreover, NTIA agrees to notify the FCC in the event it receives a request for the confidential information and to consult with the FCC prior to any required release.

Section 0.442(d)(1) provides that a party who furnished records to the Commission with a request for confidential treatment will be notified at the time that the request for disclosure is submitted and will be afforded ten calendar days in which to submit an opposition to the disclosure. We therefore request that you submit as soon as practicable any opposition to providing the Device Code Key to NTIA for its internal use only, but no later than October 3, 2011. Should you have any questions concerning this request, please do not hesitate to contact me or Ron Repasi, Deputy Chief of OET.

Sincerely,

A handwritten signature in black ink that reads "Julius P. Knapp". The signature is written in a cursive style with a large, looping initial "J".

Julius P. Knapp
Chief
Office of Engineering and Technology

cc: Charles R. Trimble, Chairman
U.S. GPS Industry Council
c/o Raul R. Rodriguez, Esq.
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Karl B. Nebbia
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