



SAMSUNG TELECOMMUNICATIONS AMERICA  
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December 2, 2011

## REQUEST FOR CONFIDENTIAL TREATMENT

*By Electronic Filing and Hand Delivery*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Request for Confidential Treatment of Response to Request for Additional Information  
IB Docket No. 11-109  
FCC File No. SAT-MOD-20101118-00239

Dear Ms. Dortch:

Pursuant to Section 0.459 of the Commission's rules,<sup>1</sup> Samsung Telecommunications America, LLC ("Samsung") requests the Commission to withhold from public inspection and accord confidential treatment to the enclosed unredacted copy of Samsung's updated response ("Response")<sup>2</sup> to the Office of Engineering and Technology ("OET") request for additional information ("Request")<sup>3</sup> regarding the Final Report of the Technical Working Group ("TWG") and the Recommendation of LightSquared Subsidiary LLC ("LightSquared").<sup>4</sup> The unredacted Response contains confidential commercial, financial, and technical information. The public disclosure of this information likely would cause substantial competitive and financial harm to Samsung, and is therefore exempted from mandatory disclosure under Exemption 4 of the

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<sup>1</sup> 47 C.F.R. § 0.459.

<sup>2</sup> The Response has been updated, as of December 2, 2011, to provide additional technical performance data regarding the frequency response and low noise amplifier gain for certain Samsung GPS-based devices.

<sup>3</sup> Letter from Julius P. Knapp, Chief, Office of Engineering and Technology, FCC to Jeffrey Carlisle, Exec. V.P. Reg. Affairs and Public Policy, LightSquared, and Charles Trimble, Chairman. U.S. GPS Industry Council (Aug. 10, 2011).

<sup>4</sup> See Final Report, attached to letter from Henry Goldberg, Counsel, LightSquared, to Marlene H. Dortch, Secretary, FCC (June 30, 2011); Recommendation of LightSquared Subsidiary LLC, attached to letter from Henry Goldberg, Counsel, LightSquared Subsidiary LLC, to Marlene H. Dortch, Secretary, FCC (June 30, 2011).

Freedom of Information Act (“FOIA Exemption 4”)<sup>5</sup> and Section 0.457(d) of the Commission’s rules.<sup>6</sup> A redacted copy of the Response also is being submitted for the public file.

In support of this request for confidential treatment and pursuant to the requirements under Section 0.459(b) of the Commission’s rules, Samsung provides the following information:

(1) *Identification of specific information for which confidential treatment is sought:*

Confidential treatment is sought for the unredacted Response, which provides the following information for certain Samsung GPS-based devices: (1) production and U.S. sales information, including (i) the dates of production, (ii) the market segment(s) to which each device is targeted or sold, (iii) total annual sales volume and annual sales volume by market segment or estimates thereof, (iv) the date on which full support of the devices by the manufacturer ceased or will cease, and (v) estimated time period after which the device owner likely would replace or discontinue use of the device; and (2) technical performance data.

(2) *Identification of the Commission proceeding in which the information was submitted or description of the circumstances giving rise to the submission:*

The information for which confidential treatment is sought is being submitted in the above-referenced proceedings and in response to the OET Request regarding the TWG Final Report and the LightSquared Recommendation.

(3) *Explanation of the degree to which the information is commercial or financial, or contains trade secrets or is privileged:*

The unredacted Response contains confidential commercial, financial, and technical information, including commercial production and sales data and technical specifications, regarding certain GPS-based devices. Samsung does not publicly disclose this information.

(4) *Explanation of the degree to which the information concerns a service that is subject to competition:*

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<sup>5</sup> 5 U.S.C. § 552(b)(4). See *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290-91 (D.C. Cir. 1983) (“*Public Citizen*”).

<sup>6</sup> 47 C.F.R. § 0.457(d).

The unredacted Response contains confidential information concerning the technical operation and commercial production and sale of certain GPS-based devices, the manufacture and commercial sale of which are subject to competition from numerous equipment manufacturers and suppliers.

(5) *Explanation of how disclosure of the information could result in substantial competitive harm:*

Public disclosure of the information in the unredacted Response would cause substantial competitive harm to Samsung by providing its competitors with direct and material information, which has not been publicly disclosed, regarding the technical operation and commercial production and sale of certain Samsung GPS-based devices. Knowledge of this information could allow competitors to benefit from Samsung's **substantial business** efforts, while avoiding the concomitant expenses and risks.

(6) *Identification of any measures taken by the submitting party to prevent unauthorized disclosure:*

Samsung does not publicly disclose the information set forth in the unredacted Response. Samsung has taken measures to prevent unauthorized disclosure of the information in the unredacted Response, including instituting and implementing (through various means such as employment contracts and employee training) an internal policy prohibiting employees from divulging any proprietary or confidential information.

(7) *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:*

Information contained in the unredacted Response is not generally available to the public. Consistent with this, and except as provided under appropriate nondisclosure agreements or requirements, no disclosure of this information to third parties has occurred.

(8) *Justification of the period during which the submitting party asserts that material should not be available for public disclosure:*

Samsung requests confidential treatment of the unredacted Response indefinitely. During the commercial sale and operational lifetime of the Samsung GPS-based devices, other equipment manufacturers and competitors could use the otherwise confidential information to their competitive advantage and to Samsung's **detriment**.

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(9) *Any other information that the party believes useful in assessing the confidentiality request:*

The information contained in the unredacted Response constitutes “**confidential commercial, financial or technical data**” and thus qualifies for confidential treatment under Section 0.457(d) of the Commission’s rules.<sup>7</sup> FOIA Exemption 4 also allows the withholding of commercial or financial information that is privileged or confidential.<sup>8</sup> The confidentiality requirement is satisfied if substantial competitive injury would likely result from disclosure.<sup>9</sup> As noted above, public disclosure of the information in the unredacted Response would cause substantial competitive harm to Samsung, more than satisfying the Exemption 4 standard for nondisclosure.

In the event that any person or entity outside the Commission requests disclosure of the unredacted Response, Samsung requests that it be so notified immediately so that it can oppose the request or take other action to safeguard its interests as it deems necessary. Please direct any questions regarding this request for confidential treatment to the undersigned.

Yours very truly,



David Mace Roberts  
Associate General Counsel  
Samsung Telecommunications America, LLC

Enclosure

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<sup>7</sup> 47 C.F.R. § 0.457(d)(2).

<sup>8</sup> 5 U.S.C. § 552(b)(4).

<sup>9</sup> *Public Citizen*, 704 F.2d at 1290-91.

**REDACTED, FOR PUBLIC INSPECTION**

RESPONSE TO OFFICE OF ENGINEERING AND TECHNOLOGY REQUEST FOR ADDITIONAL INFORMATION  
as of December 2, 2011