



REQUEST FOR CONFIDENTIAL TREATMENT

April 30, 2014

BY EFILE

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

Re: IBFS File Nos. SAT-LOA-20120921-00152, SAT-AMD-20130614-00085
(Call Sign S2874); GN Docket No. 14-25

Dear Ms. Dortch:

Pursuant to Section 0.459(d) of the Commission's rules and Section 552(b)(4) of the Freedom of Information Act ("FOIA"),¹ EchoStar Satellite Operating Corporation ("EchoStar") requests confidential treatment of the attached unredacted copy of a concurrently filed letter ("Letter").

The Letter contains competitively sensitive business information that is not normally made public by EchoStar or other industry members, and the disclosure of information would cause material competitive harm to EchoStar. Competitors would gain valuable insight into EchoStar's business practices, future plans, and other internal business matters to which competitors otherwise would not have access. Such competitively sensitive information is exempted from mandatory disclosure under "Exemption 4" of the Freedom of Information Act ("FOIA"),² and Section 0.457(d) of the Commission's rules.³ Exemption 4 allows the withholding of commercial or financial information that is privileged or confidential.⁴ The confidentiality requirement is satisfied if substantial competitive injury would likely result from disclosure.⁵ EchoStar has taken steps to safeguard all of the confidential information from disclosure, and public disclosure of this

¹ 47 C.F.R. § 0.459; 5 U.S.C. § 552(b)(4) (exemption 4 of the FOIA provides that an agency need not disclose "trade secrets and commercial or financial information obtained from a person which is privileged or confidential").

² 5 U.S.C. § 552(b)(4).

³ 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 Request for Waiver of Section 90.629 of the Commission's Rules*, 14 FCC Rcd 1851, 1860 (IB 1998) ("Southern Company").

⁴ 5 U.S.C. § 552(b)(4).

⁵ *Public Citizen Research Group v. FDA*, 704 F. 2d 1280, 1290-91 (D.C. Cir. 1983) ("Public Citizen").

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information will cause substantial competitive and financial harm to EchoStar,⁶ more than satisfying the Exemption 4 standard for nondisclosure⁷ as well as the criteria set forth in Section 0.459(b) of the Commission's rules.⁸

EchoStar accordingly requests that the attached unredacted copy of the Letter be withheld indefinitely from public inspection. In the event that any person or entity requests disclosure of the unredacted copy, EchoStar requests that it be so notified immediately so it can oppose the request or take any other action to safeguard its interests. A partially redacted copy of the Letter also is attached and may be made available for public inspection.

Sincerely,

/s/ Jennifer A. Manner

Jennifer A. Manner

Vice President of Regulatory Affairs

Attachments

cc: Diane Cornell (FCC)
William M. Wilshire (Counsel for DTVLA)
Jennifer D. Hindin (Counsel for Intelsat)

⁶ See *National Parks*, 498 F.2d at 770; *Southern Company*, 14 FCC Rcd at 1860.

⁷ See *Public Citizen*, 704 F.2d at 1290-91.

⁸ 47 C.F.R. § 0.459(b).