



HARRIS CORPORATION

September 18, 2013

Government Relations  
600 Maryland Avenue, S.W.  
Suite 850E  
Washington, D.C. 20024  
phone 1-202-729-3700  
fax 1-202-729-3735

www.harris.com

*Via Electronic Filing*

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, D.C. 20554

**Re: Request for Confidentiality of Harris Corporation for FCC ID No. NK73226316**

Dear Ms. Dortch:

Harris Corporation (Harris) requests that certain related supporting materials attached to the authorization application for FCC ID No. NK73226316, as listed in Exhibit A, be given confidential treatment and withheld from public inspection pursuant to 47 C.F.R. § 0.457(g), 47 C.F.R. § 0.457(d), and 47 C.F.R. § 0.459. Public disclosure of certain materials included in the above referenced equipment authorization application could reasonably put public safety officials at risk, jeopardize the integrity and value of investigative techniques and procedures, reveal Harris trade secrets due to the nature of the equipment, harm Harris' competitive interests and violate export regulations. Exhibit A and Exhibit B provide listings of Harris' requested treatment of exhibits, cover letters and correspondence.

- Exhibit A- Harris respectfully requests that these documents be permanently treated as confidential and withheld from public inspection.
- Exhibit B- The following documents may be made publicly available without any restrictions.

**A. Confidentiality Compliance with 47 C.F.R. § 0.457(g)**

Section 0.457(g)(5) and (6) of the Commission's rules—pursuant to 5 U.S.C. § 552(b)(7)(E) and (F)—provides confidentiality if the production of records would either “disclose law enforcement investigative techniques or procedures,” or “endanger the life or physical safety of public law enforcement.” The product FCC ID No. NK73226316 is intended for use by federal, state, and local public safety entities. The nature of the product make it necessary for the descriptions provided in the supporting documents—including technical information regarding the performance parameters, design and operation of the technology, and information regarding the identity of the entities proposing to use the product—be withheld from public disclosure and treated as confidential under Section 0.457(g) of the Commission's rules. A complete list of documents that Harris respectfully requests be treated as confidential and withheld from public inspection is provided in Exhibit A.

To further support Harris' request for confidentiality and to underscore the need for confidentiality, Harris requests that the Commission condition its equipment authorization application as stated below:  
Requested Equipment Authorization Conditions:

- (1) The marketing and sale of these devices shall be limited to federal/state/local public safety and law enforcement officials only; and*
- (2) State and local law enforcement agencies must advance coordinate with the FBI the acquisition and use of the equipment authorized under this authorization.*

These conditions are respectfully requested to ensure that the product associated with FCC ID No. NK73226316 is limited to its intended use, operated only by federal, state, and local public safety officials, and to prevent and address concerns regarding the proliferation of the equipment to unauthorized users.

Providing confidential treatment of certain materials included with the equipment authorization application identified as FCC ID No. NK73226316, as listed in Exhibit A, would be in compliance with Section 0.457(g) of the Commission's rules—specifically 47 C.F.R. § 0.457(g)(5) and (6). It is crucial to the protection of public safety officials that all materials identified in Exhibit A be treated as confidential and withheld from public inspection.

**B. Confidentiality Compliance with 47 C.F.R. § 0.457(d).**

Section 0.457(d) of the Commission's rules provides that trade secrets may not be routinely made available for public inspection. Harris competes with a number of companies that are developing and marketing similar public safety devices. Harris is careful in protecting proprietary aspects of its equipment design and manufacturing processes due to the sensitive nature of the product. The information for which confidential treatment is sought has been kept confidential from public disclosure by Harris .

Disclosure of the technical information disclosed in the attached documents to competitors could compromise Harris' ability to develop and protect this technology as other companies could reverse engineer products using the information provided as part of the equipment authorization application. Moreover, disclosure of technical content would relinquish valuable proprietary information about the technologies Harris has developed and its manufacturing processes. Disclosure would also offer competitors additional unwarranted insight into the state of Harris' product development, thereby allowing competitors an advantage that would otherwise be unavailable to Harris. Therefore, in furtherance of Section 0.457(d) of the Commission's rules, Harris respectfully requests that all materials identified in Exhibit A be treated as confidential and withheld from public inspection.

**C. Confidentiality Compliance with 47 C.F.R. § 0.459(b).**

Pursuant to Section 0.459(b)(1-9) of the Commission's rules, Harris provides the following information in support of its request for confidentiality:

- 1) Certain information disclosed in the attached equipment authorization application, as listed in Exhibit A, includes highly confidential and proprietary technical information about the equipment design and operating characteristics. Harris respectfully request that the all supporting materials identified in Exhibit A be withheld from public inspection.
- 2) The Commission proceeding by which the information is submitted is identified as FCC ID No. NK73226316.

- 3) Disclosure of the certain technical information, as listed in Exhibit A, to competitors could compromise Harris' ability to sell and continue to develop the product line. Public disclosure of the information in the attached documents would provide other companies the opportunity could reverse engineer the communications technology.
- 4) There are many competitors that produce similar public safety equipment. Thus, any disclosure of Harris technical information regarding this product would relinquish valuable proprietary information about the how the technology was developed and the manufacturing process. Disclosure would also offer competitors additional unwarranted insight into the state of Harris' product development, thereby allowing competitors an advantage that would otherwise be unavailable to Harris.
- 5) Disclosure would result in substantial competitive harm to Harris. Disclosure would offer competitors insight into Harris' product development process and provide competitors a competitive advantage in the market.
- 6) Harris is careful in protecting proprietary aspects of its equipment design and manufacturing processes. The information for which confidential treatment is sought has been kept confidential from public disclosure by Harris throughout development.
- 7) None of the technical information included in the attached equipment authorization application listed in Exhibit A has been made available to the public.
- 8) Harris requests that the information listed in Exhibit A be withheld from public disclosure until and unless Harris notifies the Commission that such information may be publicly released. This equipment is designed for use by authorized users only and may be used for more than a decade in some cases. Moreover the equipment will be used by federal, state, and local public safety officials, thus, it is important that its design and operational details not be made available to unauthorized persons who might attempt to use knowledge of such details to compromise the applications for which the equipment will be employed.
- 9) Confidential treatment of certain information contained in the attached equipment authorization application, as listed in Exhibit A, allows Harris to provide a full technical description of the equipment. However, refusal to treat such documents as confidential would result in submission of insufficient information on which the Commission could base its decision and delay deployment of these new and improved public safety devices.

The NK73226316 is marketed, sold, and will be used in a manner such that technical information, including external photos, are not provided to the general public. Prospective public safety customers are vetted and technical information, including external photos, are only provided through secure means to properly cleared potential public safety customers. Trade shows where the products are displayed are restricted to appropriate public safety personnel. The public and press are not permitted to enter or view the products. Further, once the products are purchased, they will be used inside public safety vehicles or facilities not accessible to the general public.

Moreover, all of the information contained in the items listed in Exhibit A is identified as "Technical Data" under International Traffic in Arms Regulations (ITAR).<sup>1</sup> ITAR Technical Data requires a U.S.

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<sup>1</sup> See 22 C.F.R. § 121.1 Category XI(d).

Department of State Export License (DSP-5 Technical Data License) specific to the receiving non-U.S. party prior to disclosure.<sup>2</sup> Technical Data is defined as “[i]nformation...which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles,” and includes “information in the form of blueprints, drawings, photographs, plans, instructions or documentation.”<sup>3</sup> The information listed in Exhibit A, including internal photos and the Operator Manual, constitute “Technical Data” pursuant to this definition.

The Technical Data listed in Exhibit A is not subject to the exception in the ITAR for information in the “public domain.”<sup>4</sup> The Technical Data listed in Exhibit A is not published or generally accessible or available to the public through any means including through public release approved by a cognizant U.S. government department or agency. Accordingly, the above referenced exhibits cannot be disclosed to the public before or after the equipment authorization is granted. Violation of these export regulations is subject to criminal penalties.

The ITAR status of all information listed in Exhibit A is made clear to all third parties prior to disclosure. Customers are required to abide by Terms and Conditions restricting public disclosure of Technical Data. The following declaration is made on all sales agreements, invoices, and proposals that implicate the Technical Data listed in Exhibit A:

THIS DOCUMENT CONTAINS HARRIS TRADE SECRET AND CONFIDENTIAL BUSINESS OR FINANCIAL INFORMATION EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT. THIS DOCUMENT MAY CONTAIN TECHNICAL DATA ACCORDING TO THE DEPARTMENT OF STATE, INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR), 22 CFR CHAPTER 1, SUBCHAPTER M, PARTS 123-130) AND THE DEPARTMENT OF COMMERCE, EXPORT ADMINISTRATION REGULATIONS (EAR), 15 CFR PARTS 730-774. THIS DOCUMENT AND THE INFORMATION IT CONTAINS MAY NOT BE EXPORTED OR SHARED WITH A FOREIGN NATIONAL WITHOUT VALID EXPORT AUTHORIZATION. BEFORE MAKING OR PERMITTING ANY DISCLOSURE OF THIS DOCUMENT OR THE INFORMATION IT CONTAINS, WHETHER IN FULL OR IN PART, HARRIS SHALL BE GIVEN TIMELY NOTICE AND THE OPPORTUNITY TO CHALLENGE SUCH DISCLOSURE UNDER APPLICABLE LAW.

For the foregoing reasons, Harris respectfully requests that the Commission treat the certain supporting materials associated with this application as listed in Exhibit A as confidential and withhold them from public inspection. If Harris’ request for confidentiality is found to be incomplete, Harris respectfully requests the Commission notify Harris of any deficiencies and provide Harris reasonable time to provide additional information. Should Harris’ request for confidentiality be denied, Harris respectfully requests that the Commission return all materials to which confidentiality cannot be provided.

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<sup>2</sup> See 22 C.F.R. § 125.2(a).

<sup>3</sup> See 22 C.F.R. § 120.10(a)(I).

<sup>4</sup> See 22 C.F.R. § 120.11.

Respectfully submitted,

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**HARRIS CORPORATION**

600 Maryland Avenue, S.W.

Suite 850E

Washington, D.C. 20024

(202) 729-3700

  
Tania W. Hanna

Vice President, Government Relations

Harris Corporation

  
Patrick Sullivan

Director, Government Relations

Harris Corporation

## **Exhibit A**

*Harris respectfully requests that these documents be treated as confidential and withheld from public inspection.*

<b>Exhibit Type</b>	<b>File Description</b>	<b>Action Requested</b>
Internal Photos	File containing Internal Photos for each circuit card assembly (top and bottom), sub-assembly, and final chassis assembly.	Hold as Confidential
Operational Description	Operational Description	Hold as Confidential
Block Diagrams	File containing Block Diagrams for each functional construct.	Hold as Confidential
Parts List	File containing Parts Lists for each circuit card assembly, mechanical chassis assembly and cable assembly.	Hold as Confidential
Schematics	File containing Schematics for each circuit card assembly and cable assembly.	Hold as Confidential
Operator Manual	Operational Instructions	Hold as Confidential
Modular Integration Instructions	Detailed instructions for integrating modular component	Hold as Confidential
External Photos	File containing External Photos for each chassis side.	Hold as Confidential
Test Setup Photos	File containing photos of test setup	Hold as Confidential

## Exhibit B

The following documents may be made publicly available without any restrictions.

Exhibit Type	File Description	Action Requested
FCC ID Label/Location Information	FCC ID Label	N/A
RF Exposure Report	RF Exposure Report for 700 MHz	N/A
RF Exposure Report	RF Exposure Report for 850 MHz	N/A
RF Exposure Report	RF Exposure Report for 1900 MHz	N/A
RF Exposure Report	RF Exposure Report for 2100 MHz	N/A
Cover Letter	Request for Modular Transmitter Grant	N/A
FCC 159 Form (Payment)	Payment verification	N/A
Technical Description	Methods of control preventing third-party manipulation.	N/A
Request for Confidentiality		N/A
Transmitter Test Report	Test Report for Pt 22, Pt 24, Pt 27, Pt 15.109 and KDB 971168 D01	N/A
Receiver Test Report	Test Report for Part 15B	N/A