



Information Regarding Different FCC Confidentiality Requests

ATCB has seen many applicants confused over the FCC's policies regarding the two different confidentiality policies available: "standard" confidentiality and "short-term" confidentiality. Information below is provided to help explain the differences in these two policies. Should you have any questions, please contact ATCB directly for further clarification.

Standard Confidentiality:

"Standard" confidentiality is used when an applicant desires to hold proprietary information (such as schematics, technical block diagrams, technical operational descriptions, or other information that can be shown to be proprietary) confidential for an indefinite period of time. To request standard confidentiality ATCB requires a cover letter submitted with the application requesting standard confidentiality, a listing of the exhibits standard confidentiality is being requested for, and a justification for the confidentiality request. Sample confidentiality letters may be found at: <http://atcb.com/publicdocs/ATCB-Form-FCC-Application-Letters.doc>.

Short-Term Confidentiality:

"Short-Term" confidentiality is used when an applicant/manufacture has a need to keep certain information in the application which may be considered sensitive only until the device is launched, marketed, or information is made available to the public regarding the device. The "short-term" confidentiality is initially granted for a period that is requested by the applicant (Total maximum time may not exceed 180 days) from the date of grant. Recent 2008 FCC policies ask that if known you should specify the days required (i.e. days before marketing or public announcement), and if not known than a 45 day period should be initially requested. The applicant may extend their initial request up to the total allowed 180 days if necessary following policies cited below. **Note that any documents held under the short-term confidentiality will automatically become public after the requested time if an appropriate extension request has not been received.** Currently "short-term" confidentiality may only be requested for External Photos, Internal Photos, Test Setup Photos, Block Diagrams, Schematics, User's Manual, Parts List, Tune-Up Procedures, and Operational Descriptions. Any exhibits (i.e. schematics) that may have already been requested to have "standard" confidentiality as shown above need not be repeated under short-term confidentiality request. To request short-term confidentiality ATCB requires an appropriate cover letter submitted with the application requesting which exhibits short-term confidentiality is being requested for and a justification for the reason(s) short-term confidentiality is being requested. Example confidentiality letters may be found at:

<http://atcb.com/publicdocs/ATCB-Form-FCC-Application-Letters.doc>.

For details regarding the original public notice regarding Short-Term Confidentiality, please refer the FCC Report and Order DA 04-1705 provided on pages 3-4.

Applicant (Grantee) Obligations for Short Term Confidentiality

Note that if the manufacturer engages in public marketing activities or otherwise publicizes the device prior to the expiration of the short-term confidentiality period, the FCC requires that the applicant or their authorized agent must immediately notify ATCB so the exhibits can be made publicly available. Failure to do so can be considered breach of the FCC policies.

AmericanTCB, Inc.

6731 Whittier Avenue, Suite C110 • McLean, VA 22101

Ph: (703) 847-4700 • Fax: (703) 847-6888 • www.AmericanTCB.com • info@AmericanTCB.com



Short Term Confidentiality Extensions:

A manufacturer may continue to extend the short-term confidentiality period if necessary up to a maximum total period of 180 days. Due to recent FCC concerns with manufacturers abusing the extension period policy, unless a precise product launch or public marketing date can be provided during the application review, the FCC desires that the Short Term Confidentiality periods be no more than 45 days each. Currently the FCC system will email the contact on record for the applicant, and the TCB a few days before expiration to allow execution of an extension as necessary. When received ATCB will work to contact the applicant as necessary to see if an extension is necessary and execute the extension as appropriate. Responses should be given several days before expiration to ensure that there is appropriate time to execute the extension. Please note that the current short-term expiration date can be monitored by reviewing the application exhibits on the FCC web site once the application is granted.

ATCB Requirements:

Please note that all requests for confidentiality (cover letters) should be uploaded with the documents provided to ATCB for certification review. Extensions after the original grant is issued should be handled by contacting one of the following: the original reviewer or Marianne Bosley (marianneb@atcb.com). Although ATCB does not charge for exhibits held confidential under the FCC's standard confidentiality policy, short-term confidentiality requests are subject to an additional charge due to the complexity associated with handling of these requests.

ATCB ENGINEERING STAFF - Revised 11/20/08

AmericanTCB, Inc.

6731 Whittier Avenue, Suite C110 • McLean, VA 22101

Ph: (703) 847-4700 • Fax: (703) 847-6888 • www.AmericanTCB.com • info@AmericanTCB.com



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 04-1705

June 15, 2004

OET Equipment Authorization System Upgrade Permits Electronic Submittal of Short-Term Confidentiality Requests

An upgrade to the Office of Engineering and Technology's (OET) Equipment Authorization System will be implemented effective 06/15/2004. This upgrade will provide additional flexibility for electronic submittal of requests for confidentiality of certain commercially sensitive information that is submitted in conjunction with applications for equipment authorization.

Pursuant to the provisions of Sections 0.457 and 0.459 of the Commission's rules (47 CFR §§ 0.457, 0.459), the Office of Engineering and Technology currently accepts requests to hold in confidence certain attachments to the electronic Application for Equipment Authorization (Form 731). These requests are granted indefinitely, and are strictly reserved for limited types of technical information.

The new electronic process will include a provision for temporary confidentiality for certain additional portions of an application for equipment authorization. This will give manufacturers and distributors the ability to import and/or distribute devices following equipment authorization, while maintaining the confidentiality of detailed technical information about the product prior to product launch. Electronic submittal of a request for such confidentiality will ensure expedited approval and will make it less burdensome for manufacturers and distributors to comply with the marketing regulations in 47 CFR §2.803 and the importation rules in 47 CFR §2.1204, while ensuring that business sensitive information remains confidential until the actual marketing of newly authorized devices. Such confidentiality will extend for 45 days from the date of the Grant of Equipment Authorization, and, absent any other action, the subject exhibits will be automatically placed on the public database at the end of this period. However, if prior to the expiration of the 45 day period, an applicant engages in public marketing activities or otherwise publicizes a device for which temporary confidential treatment has been granted, the applicant must coincidentally notify the FCC or the TCB issuing the equipment authorization so that the subject exhibits may be placed in the public database immediately.

This limited confidentiality will be granted for the following exhibit types when an applicant requests and justifies such confidentiality in conjunction with the Form 731, or a TCB submits such information and justification in conjunction with the TC Form 731: External Photos, Test Setup Photos, Block Diagram, Schematics, User's Manual, Internal Photos, Parts List / Tune-up Procedures, and Operational Description. Exhibits containing certain types of technical information (e.g. Block diagram, Schematics, Parts List / Tune up Procedures, and Operational Description) that have heretofore been granted indefinite confidential treatment will continue to be so treated upon request. The confidentiality fee described in 47 CFR §1.1103 must be submitted with the Form 731; however, only one confidentiality fee per FCCID is charged regardless of the length of the confidentiality request.

If an applicant requires more than the original grant of confidentiality of 45 days, the applicant can request an extension of the limited confidentiality for an additional 45 days. To do so, the applicant must notify the FCC, or the TCB that issued the grant, a minimum of 7 calendar days prior to the expiration of the original 45 day grant of confidentiality.

The existing procedures for electronic requests for confidentiality for an indefinite time period, based on the regulations in 47 CFR §0.459, are unaffected by this upgrade, and applicants may continue to avail themselves of this procedure.

Please direct any questions regarding the procedures for electronic submittal for Short-Term Confidentiality to eapnquiry@fcc.gov.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (5 CFR Section 1320), the information collection FCC Form 731 have been approved under OMB Control Number 3060-0057, and for FCC Form 731-TC under OMB Control Number 3060-0934. The estimated time per response for 3060-0057 (FCC Form 731) is 18 to 30 hours, and the estimated time per response for 3060-0934 (FCC Form 731-TC) is 2 to 6 hours. The estimated response burden(s) include the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on the burden estimate(s), or how we can improve the collection(s) and reduce the burden(s), please write to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW, Washington, DC, 20554. Please include the OMB Control Number(s): 3060-0057 (FCC Form 731) and/or 3060-0934 (FCC Form 731-TC), in your correspondence. We will also accept your comments regarding the Paperwork Reduction Act aspects of the collection(s) via the Internet if you send them to Leslie.Smith@fcc.gov or call (202)418-0217. Do not send completed forms to this address.

Under 5 CFR Section 1320, an agency may not conduct or sponsor a collection of information unless it displays a current valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. The OMB Control Number for FCC Form 731 is 3060-0057, and the OMB Control Number for FCC Form 731-TC is 3060-0934.

THE FORGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.