

April 6, 2024

VIA ECFS

REQUEST FOR CONFIDENTIAL TREATMENT

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

**Re: Gogo Business Aviation LLC (SCRPO001134; FRN: 0020528535)
FCC Form 5640: Status Update
WC Docket No. 18-89**

Dear Ms. Dortch:

In connection with the attached Status Update, Gogo Business Aviation LLC (Gogo) respectfully requests that the FCC withhold from public inspection, and grant confidential treatment to, portions of the Status Update marked as confidential (Confidential Information).¹ Gogo is submitting the Status Update in connection with its participation in the FCC's Secure and Trusted Communications Networks Reimbursement Program (SCRP).²

Gogo is furnishing proprietary and confidential business information in its Status Update that Gogo does not make available for public inspection. Pursuant to Section 552(b) of the Freedom of Information Act (FOIA),³ including FOIA Exemption 4 (protecting from disclosure "trade secrets and commercial or financial information"),⁴ and Sections 0.457 and 0.459 of the FCC's rules,⁵ such information should be withheld from public inspection.

Confidential treatment is being requested for the following SCRPO document:

- File No. SC-SU0002550, dated April 6, 2024

¹ Confidential Information is denoted with: {[]}.

² *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, Third Report and Order, 36 FCC Rcd 11958 (2021); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, Second Report and Order, 35 FCC Rcd 14284 (2020).

³ 5 U.S.C. § 552(b).

⁴ 5 U.S.C. § 552(b)(4).

⁵ 47 C.F.R. §§ 0.457, 0.459.

In accordance with Section 0.459 of the FCC's rules, Gogo supports its request as follows:

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

Gogo seeks confidential treatment for Confidential Information submitted with its Status Update, which includes detailed non-public timing and logistics pertaining to Gogo's participation in the SCRP.

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

Gogo is submitting the Status Update in connection with its participation in the SCRP.

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

The Status Update contains proprietary commercial and operational information intended to provide maximum disclosure to the Commission of Gogo's work to permanently remove, replace, and dispose of covered communications equipment or services in its network. All Confidential Information is kept confidential by Gogo, and to the extent such information involves any negotiations or agreements with third parties, such information is similarly kept confidential by the respective parties. Confidential Information is not disclosed to the public in the ordinary course because it relates to Gogo's highly sensitive internal operations.

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

Gogo competes for subscribers in the highly competitive business aviation broadband industry. Gogo's competitive advantages in the industry are drawn in large part from its unique operational capabilities.

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

Disclosure of the Confidential Information would have a substantial adverse impact on Gogo because it would provide access to sensitive and proprietary timing and related information regarding its provision of services and its RRD process, including highly sensitive details of Gogo's operations. This information is not publicly disclosed in the ordinary course and could be used to the detriment of Gogo by its competitors or parties with whom it engages in high stakes negotiations.

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

Gogo does not publicly disclose the Confidential Information contained in the Status Update in the normal course of business, and any party with which Gogo shares Confidential Information is subject to strict contractual confidentiality obligations.

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

Gogo does not make the Confidential Information available to the public or to any third parties, except for any third parties with which it has direct contractual relationships. As discussed in #6, any such relationship is bound by strict contractual confidentiality obligations.

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

Gogo requests permanent confidential treatment and non-disclosure because it is impossible to predict when the information contained in the Status Update would no longer be useful to Gogo's competitors, other third parties, or, in light of the national security risks contemplated by the Secure and Trusted Communications Networks Act and the ongoing Commission proceeding, malignant entities that would seek to take advantage of potential security vulnerabilities in the nation's communications networks.⁶

For the foregoing reasons, Gogo submits that good cause exists to grant this request for confidential treatment. Accordingly, Gogo urges the FCC to grant this request and withhold the Confidential Information from public inspection. To the extent that the FCC disagrees and denies this request, Gogo requests that the enclosed materials be returned to it without consideration, pursuant to Section 0.459(e) of the FCC's Rules.⁷

Enclosed is a redacted copy of the Status Update. Please direct any questions or inquiries regarding this matter to the undersigned.

Respectfully submitted,

/s/ Michele C. Farquhar
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LLC*

⁶ Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 134 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601–1609).

⁷ 47 C.F.R. § 0.459(e).

SCRPS Status Update

FCC Form 5640

OMB Control No. 3060-1270

File No. SC-SU0002550

Applicant Information

Applicant FRN 0020528535

Applicant Address 105 Edgeview Drive

Applicant Name Gogo Business Aviation LLC Applicant City Broomfield

Applicant Email bgordon@gogoair.com Applicant State CO

Applicant Phone 2026800576 Applicant ZIP Code 80021

Contact Information



Is the contact the same as the contact listed on the Application Request for Funding Allocation? If not, please list below.

Contact Name Mike Rupert

Contact Address 105 Edgeview Drive

Contact Email rnr@gogoair.com

Contact City Broomfield

Contact Phone 6304175109

Contact State CO

Contact ZIP Code 80021

*Indicate which deadline you are meeting with this filing.

2024-04-08

Explanation of Effort and Availability of Commercial Equipment

*Provide an explanation of efforts undertaken, and challenges encountered, in permanently removing, replacing, and disposing of covered communications equipment or service.

- Gogo is continuing to work with its ground-based network vendor selected to provide replacement network components and equipment
 - o Gogo is set to receive the preliminary order of initial quantities of replacement ground-based network equipment (11x total “cell sites”) in the April 2024 timeframe – these sites will be installed in Gogo’s planned “Test Bed” site locations and Chicago/Broomfield-based lab facilities

The network antennas included in this preliminary order have been accepted by Gogo and are being stored until they are needed for installation activities

- o Gogo has worked with its ground-based network vendor to re-organize CDR (Critical Design Review) milestones for replacement network equipment design

[REDACTED]

[REDACTED] Gogo and its vendor have completed the first CDR phase, “Antenna CDR”, and are beginning preparation efforts for the next CDR milestone, “Shelter Equipment CDR”, focusing on replacement network equipment to be installed inside the shelter buildings at Gogo’s network cell site locations

- This milestone will also coincide with preliminary installation/deployment and testing performed with Gogo’s “Test Bed” sites in the field

- [REDACTED]

[REDACTED]

*Explain whether you are finding commercially available equipment in the marketplace. If not, then explain efforts taken to obtain replacement equipment.

As was the case in previous Status Reports, Gogo is continuing to monitor and track lead time constraints communicated by its selected ground-based equipment vendor:

- At this time, the issue previously noted regarding Gogo's vendor's manufacturing ability to support the production of the replacement network equipment allocated for the preliminary order of Lab and Test Bed site use (11x systems) has been resolved § It is Gogo's understanding that the delayed 28-30 week lead time constraints for delivery of replacement network equipment at scale, recently communicated by its vendor, are still valid at this time – Gogo will continue to work with its vendor to understand any further changes to equipment delivery lead times

As mentioned previously in Status Reports and included in Gogo's recently-approved March 22, 2024 Extension Request ("March 2024 Extension Request"), it is important to remember that Gogo's use case is unique not only because it must replace its ground-based terrestrial "ATG" network to remove the targeted ZTE equipment, but, as a result, it must also replace the airborne equipment installed on customer aircraft that connects to the ground-based ATG network to provide inflight connectivity to passengers.

To be compatible with Gogo's replacement ATG network, aircraft must be outfitted with, at a minimum, a specific baseline version of aircraft hardware; otherwise, Gogo's existing customers will be left with non-functioning equipment on their aircraft after Gogo's "flash" cutover to its forthcoming non-ZTE network. This is in part due to Gogo's limited spectrum holdings, which does not allow it to operate its legacy ZTE network and its new network at the same time.

To support the replacement of current airborne equipment, Gogo is reliant on a network of highly-specialized partner Maintenance & Repair Organizations ("MROs"), which support aftermarket installation, repair, and maintenance for the aviation market. Mirroring the aviation market more broadly, Gogo's MRO partner network continues to experience supply chain constraints and labor shortages. As a result, Gogo customers may experience longer lead times and delays when seeking to replace airborne equipment in connection with the Reimbursement Program, despite efforts by Gogo and its MRO partner network to encourage customers to schedule replacement of the airborne equipment in support of the projected timeline. While Gogo has begun assisting customers with the necessary airborne equipment swaps, Gogo will need to continue to monitor progress with its customer installation initiatives, especially amid the MRO labor shortages, which risk delaying this process.

Overall, the decision for Gogo's customers to replace airborne equipment on their aircraft amidst Gogo's network replacement efforts, is a planned, budgeted, and schedule-based decision made at the sole discretion of the aircraft operator. As such, this activity has been communicated and highlighted by Gogo as a requirement for customers to maintain inflight connectivity service on their aircraft, but ultimately falls outside of Gogo's direct control.

* If there is additional information relevant to the preceding questions or that you believe the Commission should be aware of, please include the information below.

Gogo has continued to make progress with the submission of reimbursement requests pertaining to removal and replacement of ZTE equipment, and overall program participation – including providing substantiating documentation to accompany these requests:

- Gogo continues to file and receive approval for program application amendments, to revise pricing and details associated with several components and services tied to network replacement efforts and activities; expectation is that these efforts will continue throughout the project, as needed
 - Gogo continues to work with Summit Ridge Group to support and assist with the reimbursement process
 - Gogo may desire to continue to have coordination/communication with E&Y to better understand certain aspects of, and to better align planned documentation and execution activities within the intended reimbursement process, especially due to the nature of Gogo’s business that is unique relative to other applicants in the program
- Additionally, Gogo has continued to make progress on the following initiatives/activities:
- Gogo is continuing to work with various vendors to enable continued field cell site acquisition and preparation activities, ahead of deployment; it is expected that these efforts will continue throughout the project lifecycle

• [REDACTED]

In general, Gogo has continued to execute against program plans; mainly in the areas of equipment sourcing/ordering, equipment/network design and viability, reimbursement request submission, and airborne equipment/customer conversion. As noted above, Gogo filed and obtained approval for its March 2024 Extension Request. As it explained therein, Gogo’s original program application timeline accounted for several Extension Requests. The progress made thus far is reflective of expected activities executed against that original timeline.

Furthermore, Gogo continues to assess the impact on its Project Timeline of the absence of further information regarding the “full funding” status of the Secure and Trusted Communications Networks Reimbursement Program (“SCRIP”), along with the vendor and partner-based factors listed above. Gogo continues to require prompt reimbursement payments for requests submitted, to balance the overall finances of participating in the program. As a result, there may be a need in the future to update the Project Timeline and associated milestones to reflect any potential impact to the Project Timeline that may result because of the lack of clarity regarding “full funding” of the SCRIP. If the Project Timeline needs to be modified given the foregoing, Gogo will work with the FCC to ensure that any updates to the Project Timeline are understood.

Program Compliance

*Indicate whether recipient has fully complied with (or is in the process of complying with) all requirements of the Reimbursement Program.

Yes No

*Indicate whether recipient has permanently removed from its communications network all covered communications equipment or services that were in the recipient's network as of the date of the submission of the recipient's application request for funding.

Yes No

If recipient has not yet completed the removal process, what estimated percentage of the removal process have you completed?

0

*Indicate whether recipient has replaced all covered communications equipment or services that were in the recipient's network as of the date of the submission of the recipient's application request for funding.

Yes No

If recipient has not yet completed the replacement process, what estimated percentage of the replacement process have you completed?

0

*Indicate whether recipient has disposed of all covered communications equipment or services that were in the recipient's network as of the date of the submission of the recipient's application request for funding.

Yes No

If recipient has not yet completed the disposal process, what estimated percentage of the disposal process have you completed?

0

*Indicate whether recipient has fully complied with (or is in the process of complying with) the timeline submitted by the recipient. If not, provide explanation for deviation.

Yes No

*The filer has indicated no to a question in this section, please provide additional information.
Please see responses included earlier in this Status Report for further detail.

Certifications

*By checking the box and providing the electronic signature where indicated below, the Certifying Official on behalf of the filer certifies under penalty of perjury that:

(1) The Certifying Official is authorized to submit this status report on behalf of the above-named filer and, based on information known to me or provided to me by employees responsible for the information being submitted, the information set forth in this status report has been examined and is true, accurate, and complete, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. The Certifying Official acknowledges that any false, fictitious, or fraudulent information or statement, or the omission of any material fact on this status report or on any other document submitted by the filer may subject the filer and the undersigned to punishment by fine or forfeiture under the Communications Act (47 U.S.C. §§ 502, 503(b), 1606), or fine or imprisonment under Title 18 of the United States Code (18 U.S.C. § 1001, §§ 286-287, and § 1343), or can lead to liability under the False Claims Act (31 U.S.C. §§ 3729-3733, and §§ 3801-3812). (2) The filer is in compliance with the statute, rules, and orders governing the Reimbursement Program, including but not limited to allocations, draw downs, payments, obligations and expenditures of money, and the Certifying Official acknowledges that failure to be in compliance and remain in compliance with those statutes, rules, and orders may result in the denial of funding, cancellation of funding commitments, and/or recoupment of past disbursements. The Certifying Official acknowledges that the filer will maintain detailed records, including receipts, of all costs eligible for reimbursement actually incurred for a period of 10 years; and will file all required documentation for its expenses. The Certifying Official acknowledges that failure to comply with the statute, rules, and orders governing the Reimbursement Program could result in civil or criminal prosecution by law enforcement authorities.

Certifier Information

Certifier Signature	Crystal L. Gordon	Certifier Phone	303-301-3289
Certifier Name	Crystal L. Gordon	Certifier Email	cgordon@gogoair.com
Certifier Title	Executive Vice President and C		
Date Signed	2024-04-06		