



Federal Communications Commission
Washington, D.C. 20554

October 23, 2001

DA 01-2472

Via Certified Mail, Return Receipt Requested

Lissa Robart
2026 Williston Road
Williston, VT 05403

Re: Request for Confidential Treatment of Information

Dear Ms. Robart:

This letter responds to the request for confidential treatment of information contained in Paul L. Valois' FCC Form 175 application to participate in Auction No. 40. You are identified as Mr. Valois' contact person on that application. In the application, Mr. Valois seeks non-disclosure of financial information submitted in support of Mr. Valois' claim to "very small business" status and eligibility for a thirty-five percent bidding credit in Auction No. 40. In support of the request, the application states that the revenue data is privileged and confidential and public disclosure of such information would likely cause substantial harm to Mr. Valois' competitive position.¹

We review requests for confidentiality and non-disclosure on a case-by-case basis. Section 0.459 of the Commission's rules requires an entity requesting confidential treatment to submit a statement of the reasons for withholding the materials from inspection and of the facts upon which those reasons are based. Mere conclusory or generalized allegations cannot support a request for non-disclosure. Rather, the submissions must show by a preponderance of the evidence that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552.

We find that the request does not meet the requirements set forth in section 0.459 of the Commission's rules. The statement regarding the purportedly privileged and confidential nature of the information is generalized and conclusory. Furthermore, the application fails to explain how disclosure of the information could result in substantial competitive harm. Mr. Valois' request, therefore, does not justify withholding from public inspection materials that bear upon his qualifications to participate in Auction No. 40 as a "very small business" receiving a thirty-five percent bidding credit. *See* 47 C.F.R. §§ 1.2105, 2110, 2112. Additionally, the other sections under which Mr. Valois requested nondisclosure of the revenue information either do not exist or do not apply.

¹ The Commission did not accept Mr. Valois' application to participate in Auction No. 40. His request for confidential treatment remains relevant, however, because all applications submitted to participate in the auction are made public, regardless of whether they are accepted.

Lissa Robart
October 23, 2001
Page 2

Accordingly, the request for confidential treatment of the revenue information in Mr. Valois' FCC Form 175 submitted for Auction No. 40 is denied. This action is taken under authority delegated pursuant to Section 0.331 of the Commission's rules.²

Sincerely,

Margaret Wiener
Chief, Auctions and Industry Analysis Division
Wireless Telecommunications Bureau

² 47 C.F.R. § 0.331.