

DA 00-156

Released: February 1, 2000

VIA FACSIMILE

Paul L. Valois, President
Lincoln Communications, Inc.
2026 Williston Road
So. Burlington, VT 05403

Re: Confidentiality Request of Lincoln Communications, Inc.

Dear Mr. Valois:

This letter responds to the request for confidential treatment of the information contained in Exhibit E to the FCC Form 175 application you submitted for Auction No. 26. Specifically, you request non-disclosure of the revenue information, submitted in support of your claim to "very small business" status. You contend that because release of such information could harm your competitive position in the auction, Exhibit E should be withheld from the public in order to protect your company's continuing interest in the privacy of its financial information.

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 nondisclosure. Rather, the submissions must show by a preponderance of the evidence that nondisclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552. Additionally, the other sections under which you requested nondisclosure of the revenue information either do not exist or do not apply.

We find that your request does not meet the requirements set forth in Section 0.459 of the Commission's rules. Your statements that disclosure of the financial information in Exhibit E may result in substantial competitive harm are conclusory, and do not justify withholding from inspection materials that bear upon the applicants qualifications to participate in Auction No. 26 as a "very small business." *See* 47 C.F.R. Sections 90.1017, 90.1021, 90.1023, and 1.2105. Therefore, your request for confidentiality IS HEREBY DENIED.

Sincerely,

Mark Bollinger
Acting Chief, Auctions and Industry Analysis
Division
Wireless Telecommunications Bureau