

**DA 99-242**

**Released: January 28, 1999**

**VIA FACSIMILE AND FEDERAL EXPRESS**

Marilyn S. Mense  
Lukas, Nace, Gutierrez & Sachs  
1111 Nineteenth Street, N.W., Suite 1200  
Washington, D.C. 20036

Re: Confidentiality Request of NAVL, Inc.

Dear Ms. Mense:

This letter responds to the January 25, 1999 request for confidential treatment of the information contained in Exhibit C of the FCC Form 175 application of NAVL, Inc. ("NAVL") in the Location and Monitoring Auction auction. Specifically, you request non-disclosure of financial information, submitted in support of NAVL's claim of "small business" status. You contend that disclosure of information listing the gross revenues for NAVL, its officers, directors, controlling interests and affiliates is confidential in nature and would not normally be disclosed to the general public.

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.

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 C is confidential in nature and would not normally be disclosed to the general public are conclusory, and do not justify withholding from inspection materials that bear upon your qualifications to participate in the Location and Monitoring Service auction as a "small business." See 47 C.F.R. Sections 90.1103 and 1.2105. Therefore, your request for confidentiality IS HEREBY DENIED.

Sincerely,

Amy J. Zoslov

Chief, Auctions and Industry Analysis Division  
Wireless Telecommunications Bureau