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CLIENT/MATTER NUMBER
101206-0101

May 3, 2012

O. Kevin Vincent, Esq.
Chief Counsel
National Highway Traffic Safety Administration
Mail Stop W41-227
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Sure Power, Inc., Request for Confidential Treatment – EQ12-001

Dear Mr. Vincent:

This letter serves as the request for confidential treatment by Sure Power, Inc. (an operating division of Cooper Bussman LLC) ("Sure Power") with respect to the enclosed customer and shipping information. This information is being submitted in response to an April 19, 2012 information request from the Office of Defects Investigation, Recall Management Division ("RMD") in the above-referenced Equipment Query.

In accordance with 49 C.F.R. § 512.5(a), Sure Power is submitting herewith two unredacted copies of the subject document and a Certificate in Support of Confidentiality executed by Mr. Ivo Jurek. Sure Power is not submitting a public version of the document, because confidential treatment is being sought for the submission in its entirety.

Sure Power requests that these documents be granted confidential treatment pursuant to 49 C.F.R. Part 512 and Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), on the ground that they contain confidential, proprietary information that would likely subject Sure Power to competitive harm if disclosed. 49 C.F.R. § 512.15(b).

Sure Power's submission reveals proprietary information related to the identity of its customers for the subject battery separators, as well as shipping volumes and timing on a customer-by-customer basis. This information constitutes confidential, commercial information that is likely to cause substantial competitive harm to Sure Power if publicly disclosed. *See National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871 (D.C. Cir. 1992). As the court explained in *Judicial Watch, Inc. v. Export-Import Bank*, 108 F.Supp.2d 19, 32 (D.D.C. 2000), "lists of customers are confidential financial information. If a competitor had a list of the [submitting party's] customers, the competitor could contact those customers and attempt to lure them away . . . by offering to sell the same goods at lower prices. This could substantially harm the [submitting party's] competitive position." *Id.* at 32.

Public release of Sure Power's customer list and shipping information would allow Sure Power's competitors to contact its customers in an attempt to subvert Sure Power's business relationships, causing Sure Power substantial competitive harm.

* * *

For the reasons stated herein, Sure Power respectfully requests that the Agency grant this request and that the information be kept confidential for an indefinite period of time.

Please contact me if you have any questions.

Sincerely,

Christopher H. Grigorian

Enclosures

cc: RosaMaria Villagomez, Esq. (Sure Power, Inc./Cooper Bussman LLC)
Alex Ansley, NHTSA Recall Management Division