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July 26, 2019

VIA FIRST CLASS MAIL

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**REQUEST FOR
CONFIDENTIAL TREATMENT**

Re: *Jive Communications, Inc. Supplement to Application for Authorization to Obtain Numbering Resources & Request for Confidential Treatment*
WC Docket No. 19-154

Dear Ms. Dortch:

Jive Communications, Inc. (“Jive”) hereby encloses for filing a Supplement to its previously-filed Application to Obtain Numbering Resources (“Application”) and corresponding Confidential Exhibit 2, an interconnection agreement between Jive and its carrier partner (“Jive Interconnection Agreement”). The Jive Interconnection Agreement consists of the original Master Services Agreement between the carrier partner and Jive’s predecessor-affiliate, a First Amendment, and an Assignment and Assumption Agreement by which Jive’s affiliate assumed the Amended Master Services Agreement on behalf of Jive and others. The Supplement and Jive Interconnection Agreement are sent to you for filing pursuant to Section 52.15(g)(3)(i) of the Commission’s Rules.

Jive respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission’s rules, 47 C.F.R. §§ 0.457 and 0.459, the Commission withhold from public inspection and accord confidential treatment to the Jive Interconnection Agreement. This document contains trade secrets and commercial, technical and financial information that fall within Exemption 4 of the Freedom of Information Act (“FOIA”).¹

Exemption 4 of FOIA provides that the public disclosure requirement of the statute “does not apply to matters that are . . . (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential.”² Jive is voluntarily providing this trade secret and commercial and financial information “of a kind that would not customarily be released to the public”; therefore, this information is “confidential” under Exemption 4 of FOIA.³ Moreover, Jive would suffer substantial competitive harm if the Jive Interconnection Agreement were

¹ 5 U.S.C. § 552(b)(4).

² *Id.*

³ See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

disclosed.⁴ Jive treats the Jive Interconnection Agreement as private and provides it with the understanding that the Bureau will treat it as private.⁵

In support of this request and pursuant to Section 0.459(b) of the Commission's rules,⁶ Jive hereby states as follows:

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁷

Jive seeks confidential treatment of Confidential Exhibit 2, an interconnection agreement between Jive's affiliate (on behalf of Jive) and its carrier partner ("Jive Interconnection Agreement").

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁸

The Jive Interconnection Agreement is being submitted to the Commission in conformity with the referenced docket number.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁹

The information for which Jive seeks confidential treatment contains sensitive commercial, financial, and technical information "which would customarily be guarded from competitors."¹⁰ The Jive Interconnection Agreement contains trade secrets and technical information relating to the manner in which Jive and its carrier partner conduct network operations.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERN'S A SERVICE THAT IS SUBJECT TO COMPETITION¹¹

The Jive Interconnection Agreement contains detailed information relating to operational matters that could be used by competitors to the disadvantage of Jive. Disclosure of Jive's confidential information would cause substantial competitive harm.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹²

Competitors could use the information in the Jive Interconnection Agreement to Jive's detriment.

⁴ See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

⁵ See *Food Marketing Inst. v. Argus Leader Media*, 588 U.S. ___, 2019 WL 2570624, at *7 (2019).

⁶ 47 C.F.R. § 0.459(b).

⁷ 47 C.F.R. § 0.459(b)(1).

⁸ 47 C.F.R. § 0.459(b)(2).

⁹ 47 C.F.R. § 0.459(b)(3).

¹⁰ 47 C.F.R. § 0.457.

¹¹ 47 C.F.R. § 0.459(b)(4).

¹² 47 C.F.R. § 0.459(b)(5).

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹³

Jive has made the substance of the Jive Interconnection Agreement known only to those employees who have a need to know the subject matter, and those employees are aware of the confidential and sensitive nature of the information. The Jive Interconnection Agreement has not been disclosed by Jive to any non-signatories outside Jive except pursuant to appropriate confidentiality agreements.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹⁴

Jive has not previously disclosed the Jive Interconnection Agreement to the public.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹⁵

Jive requests that the Jive Interconnection Agreement be treated as confidential for a period of ten years. This period is necessary due to the sensitive nature of the information in the Jive Interconnection Agreement.

9. OTHER INFORMATION THAT JIVE BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹⁶

The disclosure of the name of Jive's carrier partner could be used to the competitive detriment of Jive.

Respectfully submitted,



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¹³ 47 C.F.R. § 0.459(b)(6).

¹⁴ 47 C.F.R. § 0.459(b)(7).

¹⁵ 47 C.F.R. § 0.459(b)(8).

¹⁶ 47 C.F.R. § 0.459(b)(9).

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Jive Communications, Inc., Applicant) WC Docket No. 19-154
)
For Authorization to Obtain Numbering)
Resources Pursuant to Section 52.15(g) of)
the Commission's Rules)

**SUPPLEMENT TO THE APPLICATION OF JIVE COMMUNICATIONS, INC.
FOR AUTHORIZATION TO OBTAIN NUMBERING RESOURCES**

On May 23, 2019, Jive Communications, Inc. ("Jive"), pursuant to Section 52.15(g)(3)(i) of the Commission's Rules, respectfully requested authorization to obtain numbering resources as an interconnected VoIP provider.

In response to Jive's application, the Wireline Competition Bureau requested additional information to demonstrate proof of facilities readiness under Direct Access Order (FCC 15-70) paragraph 37. In support of this application, Jive provides the following information:

I. INFORMATION REQUIRED BY SECTION 52.15(g)(3)(i)

d) § 52.15(g)(3)(i)(D)

As stated in its initial application, Jive has agreements in place with a carrier partner who in turn has interconnection agreements with local exchange carriers. Attached to Jive's application as Confidential Exhibit 1 was an interconnection agreement between Jive's carrier partner and a local exchange carrier. Jive now attaches to this supplement an interconnection agreement between Jive and its carrier partner as further proof of its facilities readiness.¹ This document is

¹ The attached interconnection agreement, as amended and assigned, is between Jive's carrier partner and the affiliates of GetGo Audio, LLC. Both Jive and GetGo Audio, LLC are owned by the same parent company, LogMeIn USA, Inc. Accordingly, the attached agreement governs Jive's interconnection with this carrier partner.

attached as Confidential Exhibit 2 and is submitted pursuant to Jive's concurrently-filed request for confidential treatment.

II. CONCLUSION

Jive respectfully submits this additional information.

Respectfully submitted,



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Confidential Exhibit 2

**Entire Exhibit Subject to Request for
Confidential Treatment**