

April 17, 2020

VIA FIRST CLASS MAIL

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

REQUEST FOR
CONFIDENTIAL TREATMENT

Re: *8x8, Inc. Supplement to Application for Authorization to Obtain Numbering
Resources & Request for Confidential Treatment*
WC Docket No. 20-19

Dear Ms. Dortch:

8x8, Inc. (“8x8”) hereby encloses for filing a Supplement to its previously filed Application to Obtain Numbering Resources (“Application”) and corresponding Confidential Exhibit D, entitled Declaration of Bryan Martin (“Declaration”). The Supplement and Declaration are sent to you for filing pursuant to Section 52.15(g)(3)(i) of the Commission’s Rules.

8x8 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 Declaration. 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 8x8 is voluntarily providing this trade secret and commercial and financial information “of a kind that would customarily not be released to the public”; therefore, this information is “confidential” under Exemption 4 of FOIA.³ Moreover, 8x8 would suffer substantial competitive harm if the Declaration were disclosed.⁴ 8x8 treats the Declaration as private and provides it with the understanding that the Bureau will treat it as private.⁵

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).

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).

In support of this request and pursuant to Section 0.459(b) of the Commission's rules,⁶ 8x8 hereby states as follows:

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

8x8 seeks confidential treatment of the Declaration.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁸

The Declaration 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 8x8 seeks confidential treatment contains sensitive commercial, financial, and technical information which would customarily be guarded from competitors. The Declaration contains trade secrets and technical information relating to the manner in which 8x8 and its carrier partner conduct network operations.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION¹⁰

The Declaration contains detailed information relating to operational matters that could be used by competitors to the disadvantage of 8x8. Disclosure of 8x8's confidential information would cause substantial competitive harm.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹¹

Competitors could use the information in the Declaration to 8x8's detriment.

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹²

⁶ 47 C.F.R. § 0.459(b).

⁷ *Id.* § 0.459(b)(1).

⁸ *Id.* § 0.459(b)(2).

⁹ *Id.* § 0.459(b)(3).

¹⁰ *Id.* § 0.459(b)(4).

¹¹ *Id.* § 0.459(b)(5).

¹² *Id.* § 0.459(b)(6).

8x8 has made the substance of the Declaration 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 Declaration has not been disclosed by 8x8 to any non-signatories outside 8x8 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 PARTIES¹³

8x8 has not previously disclosed the Declaration to the public.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹⁴

8x8 requests that the Declaration be treated as confidential for a period of ten years. This period is necessary due to the sensitive nature of the information in the Declaration.

9. OTHER INFORMATION THAT 8X8 BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹⁵

The disclosure of the name of 8x8's carrier partner could be used to the competitive detriment of 8x8.

Respectfully submitted,



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¹³ *Id.* § 0.459(b)(7).

¹⁴ *Id.* § 0.459(b)(8).

¹⁵ *Id.* § 0.459(b)(9).

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

<i>In the Matter of</i>)	
)	
8x8, Inc., Applicant)	WC Docket No. 20-19
)	
For Authorization to Obtain Numbering)	
Resources Pursuant to Section 52.15(g) of)	
the Commission's Rules)	

**SUPPLEMENT TO THE APPLICATION OF 8X8, INC.
FOR AUTHORIZATION TO OBTAIN NUMBERING RESOURCES**

On December 19, 2019, 8x8, Inc. ("8x8") respectfully requested authorization to obtain numbering resources as an interconnected VoIP provider pursuant to Section 52.15(g)(3)(i) of the Commission's Rules.

In response to 8x8's application, the Wireline Competition Bureau requested additional information to demonstrate proof of facilities readiness under Direct Access Order (FCC 15-70) paragraph 37. 8x8 hereby files the requested additional information as Confidential Exhibit D, submitted pursuant to 8x8's concurrently filed request for confidential treatment.

Respectfully submitted,



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Confidential Exhibit D

Exhibit Redacted in its Entirety