

May 21, 2019

**VIA HAND DELIVERY**

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

**REQUEST FOR**  
**CONFIDENTIAL TREATMENT**

Re: *Jive Communications LLC, Application for Authorization to Obtain Numbering Resources & Request for Confidential Treatment, WC Docket No. 19-\_\_\_\_\_*

Dear Ms. Dortch:

Jive Communications LLC (“Jive”) hereby encloses for filing its Application to Obtain Numbering Resources (“Application”) and corresponding Confidential Exhibit 1, an interconnection agreement between Jive’s carrier partner and a local exchange carrier (“Interconnection Agreement”). The Application and 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 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”).<sup>1</sup>

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.”<sup>2</sup> 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.<sup>3</sup> Moreover, Jive would suffer substantial competitive harm if the Interconnection Agreement were disclosed.<sup>4</sup>

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules,<sup>5</sup> Jive hereby states as follows:

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<sup>1</sup> 5 U.S.C. § 552(b)(4).

<sup>2</sup> *Id.*

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

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

<sup>5</sup> 47 C.F.R. § 0.459(b).

**1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT<sup>6</sup>**

Jive seeks confidential treatment of Confidential Exhibit 1, an interconnection agreement between Jive’s carrier partner and a local exchange carrier (“Interconnection Agreement”).

**2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION<sup>7</sup>**

The 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 PRIVILEGED<sup>8</sup>**

The information for which Jive seeks confidential treatment contains sensitive commercial, financial, and technical information “which would customarily be guarded from competitors.”<sup>9</sup> The 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 CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION<sup>10</sup>**

The 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 HARM<sup>11</sup>**

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

**6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE<sup>12</sup>**

Jive has made the substance of the 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 Interconnection Agreement has not

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<sup>6</sup> 47 C.F.R. § 0.459(b)(1).

<sup>7</sup> 47 C.F.R. § 0.459(b)(2).

<sup>8</sup> 47 C.F.R. § 0.459(b)(3).

<sup>9</sup> 47 C.F.R. § 0.457.

<sup>10</sup> 47 C.F.R. § 0.459(b)(4).

<sup>11</sup> 47 C.F.R. § 0.459(b)(5).

<sup>12</sup> 47 C.F.R. § 0.459(b)(6).

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 PARTIES<sup>13</sup>**

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

**8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE<sup>14</sup>**

Jive requests that the 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 Interconnection Agreement.

**9. OTHER INFORMATION THAT JIVE BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED<sup>15</sup>**

The disclosure of the names of Jive's carrier partner and interconnecting local exchange carrier could be used to the competitive detriment of Jive.

Respectfully submitted,



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<sup>13</sup> 47 C.F.R. § 0.459(b)(7).

<sup>14</sup> 47 C.F.R. § 0.459(b)(8).

<sup>15</sup> 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-\_\_\_\_\_  
 )  
For Authorization to Obtain Numbering )  
Resources Pursuant to Section 52.15(g) of )  
the Commission's Rules )

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

Jive Communications, Inc. (“Jive”) files this application with the Federal Communications Commission (the “Commission”) for authorization to acquire telephone numbers directly from the North American Numbering Plan Administrator and the Pooling Administrator (the “Numbering Administrators”) pursuant to Commission rule Section 52.15(g)(3).<sup>1</sup>

As set forth in the Commission’s Numbering Order,<sup>2</sup> an interconnected VoIP provider<sup>3</sup> may obtain numbering resources from the Numbering Administrators upon showing that it is authorized to provide service in the area for which the numbering resources are requested. Such authorization may be obtained upon an application to the Commission containing the information in Sections 52.15(g)(3)(i)(A)-(F) of the Commission’s Rules. Jive hereby requests the Commission grant it the authorization.

Jive provides the following information in support of its application:

<sup>1</sup> 47 C.F.R. § 52.15(g)(3).

<sup>2</sup> *Numbering Policies for Modern Communications*, 30 FCC Rcd. 6839 (2015).

<sup>3</sup> Jive is an interconnected VoIP provider currently offering interconnected VoIP service to end user customers.

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

**a) § 52.15(g)(3)(i)(A)**

Name: Jive Communications, Inc.  
Address: 2750 W 600 North  
Lindon, UT 84042  
  
Telephone: (781) 850-1583  
Qualified Personnel: Val Ilchenko, Senior Associate Counsel  
Email: val.ilchenko@logmein.com

**b) § 52.15(g)(3)(i)(B)**

Jive hereby acknowledges that authorization to obtain numbering resources under Section 52.15(g) of the Commission's Rules is subject to compliance with applicable Commission numbering rules, numbering authority delegated to the states, and industry guidelines and practices regarding numbering as applicable to telecommunications carriers.

**c) § 52.15(g)(3)(i)(C)**

Jive hereby acknowledges that it must file requests for numbers with the relevant state commission(s) at least 30 days before requesting numbers from the Numbering Administrators. Appendix A to this application lists states where Jive intends to request numbering resources.

**d) § 52.15(g)(3)(i)(D)**

Jive hereby sets forth its capability to provide service within 60 days of the numbering activation date. Jive has agreements in place with carrier partners who in turn have interconnection agreements in effect with the relevant local exchange carriers, as well as full staff for number porting. As proof of its facilities readiness, Jive has attached to this application an interconnection agreement between Jive's carrier partner and a local exchange carrier. This document is attached as Confidential Exhibit 1 to this application and is submitted pursuant to Jive's concurrently filed request for confidential treatment.

**e) § 52.15(g)(3)(i)(E)**

Jive certifies that it complies with its Universal Service Fund contribution obligations under 47 CFR part 54, subpart H; its Telecommunications Relay Service contribution obligations under 47 CFR § 64.604(c)(5)(iii); its North American Numbering Plan and Local Number Portability Administration contribution obligations under 47 CFR §§ 52.17 and 52.32; its obligations to pay regulatory fees under 47 CFR § 1.1154; and its 911 obligations under 47 CFR part 9.

**f) § 52.15(g)(3)(i)(F)**

Jive certifies that it possesses the financial, managerial, and technical expertise to provide reliable service. Jive's key management are:

President: John Pope

Vice-President: Michael Sharp

Treasurer: John Joseph Markey II

Secretary: Patrick J. Murphy

Jive's technical personnel include:

Steven Kline, Telecom Vendor Manager, Voice Operations (805) 690-7984

Frank Zhou, Sr Manager Real Time Infrastructure (805) 690-2396

Mark Boyles, Sr Director Real Time Operations (201) 386-2213

Jive states that none of the identified personnel is being or has been investigated by the Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

**g) § 52.15(g)(3)(i)(G)**

Jive hereby certifies that no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

**II. ACKNOWLEDGEMENT OF CONDITIONS IN SECTION 52.15(g)(3)(iv)**

As required by Section 52.15(g)(3)(iv), Jive will maintain the accuracy of all contact information and certifications in the application and will file a correction with the Commission and each applicable state within 30 days of any changes. Jive will also furnish accurate regulatory and numbering contact information to each state commission when requesting numbers in that state.

**III. CONCLUSION**

Pursuant to Section 52.15(g)(3)(i) of the Commissions' Rules, Jive respectfully requests the Commission grant this application for authorization to obtain numbering resources.

Respectfully submitted,



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*Counsel to Jive Communications, Inc.*

## Appendix A



States
Arizona
North Carolina
Colorado
Ohio
Pennsylvania
Tennessee
Washington
Nevada
Michigan
Indiana
Oklahoma
Missouri
Oregon
New Jersey
Kansas
District of Columbia

# **Confidential Exhibit 1**

**Exhibit Confidential in its Entirety**