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Federal Communications Commission  
Office of Secretary

July 18, 2006

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**Via Hand Courier**

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

**Re: WC Docket No. 06-122;  
Request for Expedited Approval of Traffic Study**

Dear Ms. Dortch:

On behalf of 8x8, Inc. ("8x8"), please find enclosed an original and four (4) copies of 8x8's Request for Expedited Approval of Traffic Study ("Expedited Request"). 8x8 requests, in accordance with 47 C.F.R. § 0.459, that the materials contained in Exhibit 1 and Attachment A to Exhibit 1 (collectively, "Exhibit 1"), be treated as confidential. For your convenience, we have separated Exhibit 1 from the original and four copies of the Expedited Request and placed these documents with the Request of 8x8, Inc. to Withhold Information from Public Inspection.

Please date-stamp the enclosed extra copy of this filing and return it in the envelope provided. Please direct any questions regarding this filing to the undersigned.

Respectfully submitted,

William B. Wilhelm, Jr.  
Douglas D. Orvis II

Counsel for 8x8, Inc.

Enclosures

0 of 4  
ENCLOSURE

JUL 18 2006

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Universal Service Contribution Methodology ) WC Docket No. 06-122  
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**REQUEST FOR EXPEDITED APPROVAL OF TRAFFIC STUDY**

8x8, Inc. (“8x8”), by its attorneys, pursuant to Section 1.41 of the Commission’s Rules, 47 C.F.R. § 1.41, and the Commission’s recent *VoIP USF Order*,<sup>1</sup> hereby requests emergency approval of 8x8’s traffic study to serve as the basis for 8x8’s reports and contributions to the Universal Service Fund (“USF”) beginning August 1, 2006.

**I. INTRODUCTION**

In its *VoIP USF Order*, the Commission extended USF reporting and contribution obligations to interconnected VoIP providers. 8x8 is a provider of interconnected VoIP services. Pursuant to the *VoIP USF Order*, 8x8 must file an FCC Form 499Q on August 1, 2006.<sup>2</sup> The *VoIP USF Order* provides interconnected VoIP providers three (3) alternatives by which to report their interstate telecommunications revenue:<sup>3</sup> (1) default to a 64.9 percent interim safe harbor; (2) use actual interstate telecommunications revenue figures; or (3) rely on a

<sup>1</sup> *In the Matter of Universal Service Contribution Methodology et al.*, WC Docket No. 06-122 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, rel. June 27, 2006 (“*VoIP USF Order*”).

<sup>2</sup> *VoIP USF Order*, ¶ 60.

<sup>3</sup> Please note that by filing this traffic study 8x8 does not concede that the provision of interconnected VoIP constitutes the provision of telecommunications. As such, notwithstanding this filing, 8x8 reserves all rights with regards to determining the lawfulness and applicability of the *VoIP USF Order*.

Commission-approved traffic study to estimate interstate telecommunications revenue.<sup>4</sup> By this filing, 8x8 seeks expedited Commission approval of a traffic study to serve as the basis for 8x8's interstate revenue to be reported on 8x8's FCC Form 499Q due August 1, 2006.

**II. 8X8'S TRAFFIC STUDY FULLY MEETS THE FCC'S REQUIREMENTS AND SHOULD BE EXPEDITIOUSLY APPROVED.**

8x8's traffic study fully meets the FCC's requirements set forth in the *VoIP USF Order* and should be expeditiously approved. The traffic study employs sampling techniques that are designed to produce a margin of error of no more than one percent, with a confidence level of 95 percent.<sup>5</sup> Further, the traffic study captures all traffic and does not overstate or emphasize one particular type of traffic over another. In addition, the traffic study uses random sampling rather than stratified sampling in order to eliminate bias and produce representative, reliable results.<sup>6</sup> More detail regarding the specific methodology for 8x8's traffic study and the results are provided in Confidential Exhibit 1, including an explanation of 8x8's sampling method and a description of how 8x8's study results in an unbiased estimate within the Commission's accuracy parameters. Due to the commercially sensitive and non-public nature of the data provided in Exhibit 1, 8x8 respectfully requests that Exhibit 1 be withheld from public inspection pursuant to Section 0.459 of the Commission's Rules. In light of 8x8's satisfaction of the Commission's requirements, 8x8 requests expeditious approval of the attached traffic study so it may serve as the basis of 8x8's FCC Form 499Q due August 1, 2006.

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<sup>4</sup> See *VoIP USF Order*, ¶ 52.

<sup>5</sup> See *VoIP USF Order*, ¶ 57 & nn. 115, 190.

<sup>6</sup> See, e.g., *VoIP USF Order* at Appendix C, Instructions for Revised FCC Form 499A at p. 22.

### III. EXPEDITIOUS APPROVAL IS REQUIRED TO AVOID PREJUDICING 8X8

Expeditious approval of the traffic study is essential to avoid prejudicing 8x8. As detailed in Exhibit 1, 8x8's traffic study demonstrates a more accurate calculation of overall interstate traffic flows. If 8x8 is not permitted to use the traffic study for its FCC Form 499Q due August 1, 2006, it will be forced to utilize a factor which overstates 8x8's overall interstate traffic. As demonstrated by the traffic study, this would unfairly prejudice 8x8 and require it to use a factor that is not applicable to 8x8's traffic flows.

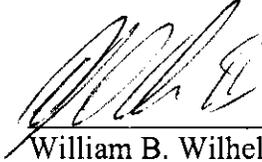
Expeditious approval is appropriate given that the Commission requires interconnected VoIP providers to commence USF reporting obligations, barely 30 days after release of the *VoIP USF Order*. When the Commission adopted the *VoIP USF Order*, the Commission stated clearly that VoIP providers would have the opportunity to use traffic studies<sup>7</sup> in their reporting. Because VoIP traffic studies must be pre-approved by the FCC expedited consideration is necessary in order to meet the August 1<sup>st</sup> deadline. 8x8 has acted expeditiously and responsibly in developing a traffic study and accordingly submits it for Commission approval in advance of the August 1, 2006 filing deadline.

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<sup>7</sup> See also *VoIP USF Order*, Statement of Kevin J. Martin at p. 1 stating "interconnected VoIP providers may choose [to] use a traffic study as a proxy for [interstate] revenues."

8x8 respectfully requests that Commission approve the attached traffic study by July 28, 2006.

Respectfully submitted,



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Dated: July 18, 2006

**EXHIBIT 1 – TRAFFIC STUDY METHODOLOGY**

**CONFIDENTIAL: FILED IN ACCORDANCE WITH 47 C.F.R. § 0.459**

EXHIBIT 1 – REDACTED FROM PUBLIC FILING