



May 24, 2013

**VIA ECFS**

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

Re: Reply to Opposition of Bandwidth.com, Inc. to Request for Confidential Treatment of Filing of Vonage Holdings Corp., CC Docket No. 99-200

Dear Ms. Dortch:

Vonage Holdings Corporation (“Vonage”) submitted in the above-captioned docket its proposal for a trial of direct access to numbers to the Wireline Competition Bureau pursuant to Paragraph 101 of the *Numbering Order*<sup>1</sup> on May 17, 2012, withholding certain details as confidential pursuant to the Protective Order in that docket.<sup>2</sup> Bandwidth.com filed its objection to Vonage’s request for confidential treatment on May 21, 2013.<sup>3</sup>

In particular, Vonage withheld certain details regarding the specific rate centers and LATAs in which it proposes to run trials.<sup>4</sup> This information concerning Vonage’s planned target areas for trials is commercially sensitive, as it reveals strategic decisions and considerations made by Vonage. It thus falls squarely within the definition of sensitive commercial information

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<sup>1</sup> *Numbering Policies for Modern Communications*, WC Docket No. 13-97, *IP- Enabled Services*, WC Docket No. 04-36, *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-243, *Telephone Number Portability*, CC Docket No. 95-116, *Developing a Unified Inter-carrier Compensation Regime*, CC Docket No. 01-92, *Connect America Fund*, WC Docket No. 10-90, *Numbering Resource Optimization*, CC Docket No. 99-200, *Petition of Vonage Holdings Corp. for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources*, *Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission’s Rules*, Notice of Proposed Rulemaking, Order, and Notice of Inquiry, ¶ 101 (Apr. 18, 2013) (“*Numbering Order*”).

<sup>2</sup> Ex Parte Letter from Brita D. Strandberg, Wiltshire & Grannis, LLP, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket Nos. 01-92, 99-200, 95-116, WC Docket Nos. 13-97, 10-90, 07-243, 04-36 (filed May 17, 2013).

<sup>3</sup> Ex Parte Letter from James Falvey, Eckert Seamans, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 99-200 (filed May 21, 2013) (“*Bandwidth Opposition*”).

<sup>4</sup> See 47 C.F.R. § 0.459(b)(1).

protected by Exemption 4 of the Freedom of Information Act (“FOIA”)<sup>5</sup> and for which Vonage appropriately sought confidential treatment. The *Numbering Order* specifically recognized that the numbering plans could contain confidential information and noted, correctly, that such information would nevertheless be available pursuant to a Protective Order—precisely the avenue that Vonage took with its request.<sup>6</sup> Indeed, Vonage made the information Bandwidth.com seeks available to Bandwidth.com pursuant to the Protective Order even before Bandwidth.com filed its objection.

Nonetheless, rather than divert scarce Commission resources to resolving Bandwidth.com’s objection to Vonage’s request for confidential treatment, Vonage hereby withdraws its request for confidential treatment of portions of its numbering trial proposal.

Vonage notes that Bandwidth.com’s request that the Commission “clarify” that the 30-day approval period allowing the Bureau to evaluate Vonage’s proposal should not begin to run until the information is made public is without merit.<sup>7</sup> The *Numbering Order* neither requires nor permits such clarification, as the *Numbering Order* unambiguously dictates a 30-day approval process that runs from filing, and specifically contemplates that parties would make such filings subject to requests for confidential treatment.<sup>8</sup>

Should you have any questions regarding the foregoing information, please contact the undersigned at (202) 730-1346.

Respectfully submitted,



Brita D. Strandberg  
*Counsel to Vonage Holdings Corp.*

cc: William Dever  
Lisa Gelb  
Marilyn Jones  
Ann Stevens  
John Visclosky  
Sanford Williams

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<sup>5</sup> 5 U.S.C. § 552(b)(4).

<sup>6</sup> *Numbering Order* ¶ 101 n.253.

<sup>7</sup> Bandwidth Opposition at 3.

<sup>8</sup> *Numbering Order*, ¶ 101 & n.253.