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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Request for Agency
Action of Carbon/Emery Telecom, Inc. v.
8x8, Inc.

**MOTION FOR AN ATTORNEY
LICENSED IN A FOREIGN
STATE TO REPRESENT 8X8,
INC.**

DOCKET NO. 12-2302-01

8x8, Inc. (“8x8”), by undersigned counsel and pursuant to Utah Admin. Code R746-100-6(B), hereby submits this Motion for an Attorney Licensed in a Foreign State to Represent 8x8 in the above-referenced proceeding.

The grounds for this motion are as follows:

1. Ronald W. Del Sesto, Jr., is a partner with Bingham McCutchen, LLP and practices in the Washington, D.C. office of the firm in the Telecommunications, Media and Technology practice area.
2. Mr. Del Sesto is an attorney in good standing in the District of Columbia, Maryland, and Rhode Island.
3. Mr. Del Sesto is neither a resident of the State of Utah nor is Mr. Del Sesto licensed to practice law in the State of Utah.

4. Mr. Del Sesto agrees to comply with all of the Commission's rules.

5. Attorneys representing the Utah Telecom Association have alleged that 8x8 is violating Utah statutes and rules by offering its interconnected Voice over Internet Protocol ("VoIP") services in Price, Utah. The Request for Agency Action concerns a single customer identified by the Utah Telecomm Association as Parkway Dental.

6. Given that this proceeding concerns the provision of interconnected VoIP services to a single customer in Price, Utah, 8x8 submits that requiring the company to retain local counsel, who would then have to consult with 8x8's long-standing regulatory counsel, imposes an unreasonable burden and a financial hardship on the company. To find otherwise may result in 8x8 simply working with the customer to transition to a new provider as the cost/benefit analysis of engaging two separate attorneys and law firms would quickly make the provision of service unduly costly and unprofitable.

7. Should this proceeding progress to the point where it is designated for a hearing or other circumstances arise, 8x8 will consider engaging local counsel at that time.

WHEREFORE, 8x8 respectfully requests that the Commission enter an Order granting its Motion to for an Attorney Licensed in a Foreign Jurisdiction to Represent the company.

Dated this 17th day of September, 2012.

Respectfully submitted,

Bingham McCutchen, LLP

Ronald W. Del Sesto, Jr.

Attorney for 8x8, Inc.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of Responsive Brief was sent to the following individuals by regular or electronic mail, as noted below, this 17th day of September, 2012.

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