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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into Pricing of)
Unbundled Network Elements)
_____)

Docket No. 990649A

FLORIDA DIGITAL NETWORK, INC.'S REQUEST FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION

Florida Digital Network, Inc., ("FDN") pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, files its Request for Specified Confidential Information as follows:

1. On January 28, 2002, FDN served by email and overnight mail its responses to the First Set of Document Requests served on it by the Florida Public Service Commission Staff ("Staff").¹ Attachment DR-1B to the Response to Document Request No. 1 contains nonpublic, proprietary confidential business information of FDN. This information, if released, would allow FDN's competitors to have ready access to nonpublic data that will do substantial competitive harm to FDN.

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Attachment DR-1B to the response to Staff's Document Request No. 1 contains market deployment data utilized by FDN to conduct business in Florida and release of such information would cause substantial competitive

¹ By Order PSC-02-0120-PCO-TP, issued January 25, 2002, the Prehearing Officer required all outstanding discovery in the docket be "provided" by 9:00 a.m. on January 28, 2002, notwithstanding when that discovery would be due in the ordinary course. Because of this requirement, the only way FDN could provide responses by the date and time mandated was to email staff and the parties FDN's responses. Thus, to comply with the referenced order, FDN had to email staff Confidential Attachment DR-1B on even date as this Request.

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harm to FDN. The information contained in the referenced Attachment DR-1B is confidential and proprietary under Florida Statutes, Section 364.183.

3. Attachment A hereto contains an explanation of the proprietary information along with a list that identifies the location of information designated as confidential and proprietary.

4. Attachment B hereto is two redacted versions for public disclosure.

5. Attachment C hereto is a sealed envelope containing one copy of the documents that are confidential and proprietary.

6. The information contained in Attachment DR-1B to the response to Staff's Document Request No. 1 contains market deployment data utilized by FDN to conduct business. FDN has expended millions of dollars in infrastructure to support market deployment. A significant portion of this investment will be wasted if Attachment DR-1B is released and competitors are thereby permitted to target the markets FDN has targeted in the same or similar manner as FDN. Therefore, such information should be classified as confidential business information and proprietary information pursuant to Section 364.183(3)(e). Further, such information has been kept as a trade secret under Section 364.183(3)(a).

7. FDN has treated and intends to continue to treat the information for which confidential classification is sought as private, and this information has not been generally disclosed.

8. The original of this Request has been mailed to the Division of Records for the Commission and a copy was served on the parties.

WHEREFORE, based on the foregoing, FDN respectfully requests that the Commission enter an order declaring the information described hereinabove be confidential, proprietary business information that is not subject to public disclosure.

RESPECTFULLY SUBMITTED, this 28th day of January, 2002.

A handwritten signature in black ink, appearing to read "Matthew Feil", written over a horizontal line.

Matthew Feil
Florida Digital Network
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Attachment A
FDN Request for Confidential Classification
Docket No. 990649A
January 28, 2002

Documents covered by Request:

Attachment DR-1B to FDN's Response to Staff's Document Request No. 1

Reasons for Confidential/Proprietary Claim

1. The information contained in Attachment DR-1B to the response to Staff's Document Request No. 1 contains market deployment data utilized by FDN to conduct business. FDN has expended millions of dollars in infrastructure to support market deployment, and a significant portion of this investment will be wasted if Attachment DR-1B is released and competitors are thereby permitted to target the markets FDN has targeted. Therefore, such information should be classified as confidential business information and proprietary information pursuant to Section 364.183(3)(e). In addition, this information has been kept by FDN as a trade secret and is valuable because FDN uses it in conducting its business. Therefore, the information should also be deemed confidential pursuant to Section 364.183(3)(a).

Documents Produced Subject to Claim

Staff Document Request No. 1, Attachment
DR-1B, Entire Document

Reasons for Claim

1

Attachment B
FDN Request for Confidential Classification
Docket No. 990649A
January 28, 2002

Documents covered by Request:

Attachment DR-1B to FDN's Response to Staff's Document Request No. 1

Two Redacted Copies

Attachment C
FDN Request for Confidential Classification
Docket No. 990649A
January 28, 2002

Documents covered by Request:

Attachment DR-1B to FDN's Response to Staff's Document Request No. 1

One Highlighted Copy (in sealed envelope)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by email on January 28, 2002, and by U.S. Mail or by overnight mail (if designated with a *) on January 28, 2002.

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A handwritten signature in black ink, appearing to read "Matthew J. Feil". The signature is written in a cursive style and is positioned above a horizontal line.

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