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PLEASE REPLY TO:

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TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

May 28, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 011119-TP

Dear Ms. Bayo:

On behalf of XO Florida, Inc., enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order for Confidential Responses to Staff's Second Set of Interrogatories and Second Request for Production of Documents to BellSouth Telecommunications, Inc.; and, 05620-02
- ▶ XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order for Confidential Responses to Staff's Second Set of Interrogatories (No. 10) to XO Florida, Inc. 05621-02

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,


Vicki Gordon Kaufman

VGK/bae
Enclosure

RECEIVED & FILED

EPSC-BUREAU OF RECORDS

RECEIVED - EPSC
02 MAY 28 PM 3:58
COMMISSION
CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida, Inc. for arbitration of Unresolved issues with BellSouth Telecommunications, Inc.

Docket No.: 011119-TP Filed: May 28, 2002

XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR CONFIDENTIAL RESPONSES TO STAFF'S SECOND SET OF INTERROGATORIES AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO BELL SOUTH TELECOMMUNICATIONS, INC.

XO Florida, Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification and Motion for Protective Order for Confidential Responses to Staff's Second Set of Interrogatories and Second Request for Production of Documents to BellSouth Telecommunications, Inc.

1. On May 7, 2002, BellSouth filed its Responses to Staff's Staff's Second Set of Interrogatories and Second Request for Production of Documents to BellSouth Telecommunications, Inc. BellSouth's Response to Interrogatory No. 11(3) and Request for Production No. 3 contained information which XO considers to be confidential. On the same day, BellSouth filed a Notice of Intent to Request Specified Confidential Classification for those responses.

2. BellSouth's response to Interrogatory No. 11(3) and Request for Production No. 3 (Document No. 04930-02) contains information describing the locations where XO serves customers in Georgia. Disclosure of this information would allow XO's competitors insight into XO's business practices and ability to serve customers in Georgia, which could severely harm XO's competitive interests in the marketplace. XO considers this information to be confidential proprietary business information. The information has not been made public and is governed by a Protective Agreement between the parties. A more specific description of this information is contained in Attachment A.

AUS
CAF
CMP
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ECR
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SEC
OTH

This confidentiality request was filed by or for a "telco" for DN 04930-02. No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.

DOCUMENT NUMBER-DATE

05620 MAY 28 02

FPSC-COMMISSION CLERK

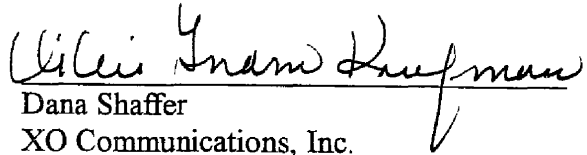
3. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would “impair the competitive business of the provider of the information.” Disclosure of the XO confidential information would harm its business operations by placing details of its operations and capabilities in the public domain. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes.

4. XO treats the information for which confidential classification is sought as private and confidential.

5. Appended hereto as Attachment B are two copies of the requested documents with the confidential information redacted.

6. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents including the material which is confidential and proprietary.

WHEREFORE, based on the foregoing, XO moves the Commission to enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.



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Attorneys for XO Florida, Inc.

ATTACHMENT A

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
TESTIMONY OF REX KNOWLES
DOCKET NO. 011119-TP**

Explanation of Proprietary Information

1. BellSouth's response to Interrogatory No. 11(3) and Request for Production No. 3 (Document No. 04930-02) contains information describing the locations where XO serves customers in Georgia. Disclosure of this information would allow XO's competitors insight into XO's business practices and ability to serve customers in Georgia, which could severely harm XO's competitive interests in the marketplace. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24(a), Art. 1 of the State Constitution.

**Interrogatory
Response No.**
11(3)

Page
All

Line
All

Reason
1

**Request for
Production
Response No.**
3

Page
All

Line
All

Reason
1

ATTACHMENT B

BellSouth's response to Interrogatory No. 11(3) and Request for Production No. 3 (Document No. 04930-02) is confidential in its entirety and therefore has not been attached.

ATTACHMENT C

BellSouth's response to Interrogatory No. 11(3) and Request for Production No. 3 is confidential in its entirety. The document was previously filed with this Commission along with a Notice of Intent to Request Specified Confidential Classification. Please refer to document number 04930-02.

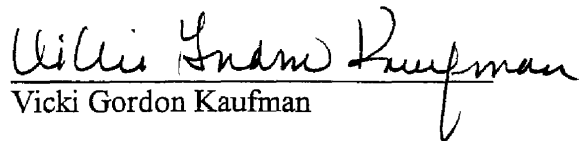
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order for Confidential Responses to Staff's Second Set of Interrogatories and Second Request for Production of Documents to BellSouth Telecommunications, Inc. has been furnished by (*) hand delivery or by U. S. Mail on this 28th day of May 2002 to the following:

(*) Jason Fudge
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) James Meza
c/o Nancy White
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301

Patrick Turner
BellSouth Telecommunications, Inc.
675 West Peachtree Street, Suite 430
Atlanta, Georgia 30375


Vicki Gordon Kaufman