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(850) 222-2525
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May 24, 2002

RECEIVED-FPSC
MAY 24 PM 3:50
COMMISSION
CLERK

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. (XO), 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 First Set of Interrogatories (Nos. 1-9) to XO Florida, Inc.

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
Vicki Gordon Kaufman

VGK/mls
Enclosure

RECEIVED & FILED
Richard
FPSC-BUREAU OF RECORDS

This confidentiality request was filed by or for a "telco" for DNO SS8102. 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.
(See DN 04846-02)

DOCUMENT NUMBER-DATE

05580 MAY 24 02

FPSC-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 24, 2002

**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR
CONFIDENTIAL RESPONSES TO STAFF'S FIRST SET OF INTERROGATORIES
(Nos. 1 – 9) TO XO FLORIDA, 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 First Set of Interrogatories (Nos. 1-9) to XO Florida, Inc.

1. On May 3, 2002, XO filed its Confidential Responses to Staff's First Set of Interrogatories (Nos. 1-9) to XO Florida, Inc. On the same day, XO filed its Notice of Intent to Request Confidential Classification for those responses.

2. XO's response to Interrogatory No. 1(a) contains information regarding the types of loops XO purchases from BellSouth under the current Interconnection Agreement. XO's response to Interrogatory No. 4(b) contains information regarding the structure of XO's network. XO's response to Interrogatory No. 5(c) contains information regarding the type of service XO provides, and where it serves customers. XO considers this information to be confidential proprietary business information. Disclosure of this information could severely harm XO's competitive interests in the marketplace. 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.

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.

Willie Gordon Kaufman

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XO Communications, Inc.
105 Molloy Street, Suite 300
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vkaufman@mac-law.com

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. XO's response to Interrogatory No. 1(a) contains information regarding the types of loops XO purchases from BellSouth under the current Interconnection Agreement. XO's response to Interrogatory No. 4(b) contains information regarding the structure of XO's network. XO's response to Interrogatory No. 5(c) contains information regarding the type of service XO provides, and where it serves customers. This information is related to XO's ongoing business affairs and can be used by XO's competitors to harm its competitive interests. 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.

<u>Interrogatory Response No.</u>	<u>Page</u>	<u>Line</u>	<u>Reason</u>
1(a)	All	All	1
4(b)	All	All	1
5(c)	1	1-3, 14-18	1

ATTACHMENT B

XO's Responses to Staff's Interrogatories No. 1(a) and 4(b) are confidential in their entirety and therefore have not been attached. A redacted version of XO's Response to Staff's Interrogatory No. 5(c), is attached hereto.

XO's Proprietary Response to Staff's Interrogatory 5(c)

Interrogatory 5(c) Is XO currently providing local exchange services to customers in each of the rate centers served by BellSouth's Miami tandem?

1 **Proprietary Response:** [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 . However, XO need only demonstrate that its switch
5 serves an area geographically comparable to a BellSouth tandem to be entitled to
6 reciprocal compensation at the tandem interconnection rate. Under Section 51.711(a)(3)
7 of the Federal Communication Commission's ("FCC") rules, to be entitled to the to local
8 call termination at the tandem rate, an ALEC need only show that its "switch serves a
9 geographic area comparable to the area served by [BellSouth's] tandem switch." See
10 also, *Developing a Unified Inter-carrier Compensation Regime, Notice of Proposed*
11 *Rulemaking*, FCC 01-132, para. 105 (Apr. 27, 2001). (Wherein the FCC confirmed that
12 "a carrier demonstrating that its switch serves 'a geographic area comparable to that
13 served by the incumbent LEC's tandem switch' is entitled to the tandem interconnection
rate to terminate local telecommunications traffic on its network.")

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

Response provided by:

Dana Shaffer
Vice President, Regulatory
XO Florida, Inc.
105 Molloy Street
Suite 300
Nashville, TN 37201-2315

XO's Proprietary Response to Staff's Interrogatory 5(c)

Interrogatory 5(c) Is XO currently providing local exchange services to customers in each of the rate centers served by BellSouth's Miami tandem?

1 **Proprietary Response:** [REDACTED]

2 [REDACTED]

3 [REDACTED].

4 However, XO need only demonstrate that its switch
5 serves an area geographically comparable to a BellSouth tandem to be entitled to
6 reciprocal compensation at the tandem interconnection rate. Under Section 51.711(a)(3)
7 of the Federal Communication Commission's ("FCC") rules, to be entitled to the to local
8 call termination at the tandem rate, an ALEC need only show that its "switch serves a
9 geographic area comparable to the area served by [BellSouth's] tandem switch." See
10 also, *Developing a Unified Inter-carrier Compensation Regime, Notice of Proposed*
11 *Rulemaking*, FCC 01-132, para. 105 (Apr. 27, 2001). (Wherein the FCC confirmed that
12 "a carrier demonstrating that its switch serves 'a geographic area comparable to that
13 served by the incumbent LEC's tandem switch' is entitled to the tandem interconnection
14 rate to terminate local telecommunications traffic on its network.")

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

Response provided by:

Dana Shaffer
Vice President, Regulatory
XO Florida, Inc.
105 Molloy Street
Suite 300
Nashville, TN 37201-2315

ATTACHMENT C

XO's Responses to Staff's Interrogatories No. 1(a) and 4(b) are confidential in their entirety. Please refer to document number 04846-02. A confidential version of XO's Response to Staff's Interrogatory No. 5(c), with line-by-line justification is attached hereto.

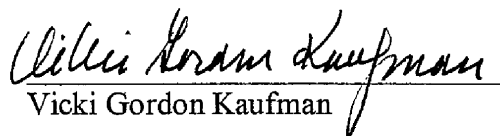
CERTIFICATE OF SERVICE

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 First Set of Interrogatories (Nos. 1-9) to XO Florida, Inc. has been furnished by (*) hand delivery or by U. S. Mail on this 24th 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