



September 8, 2003

BY HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of Commission Clerk and
Administrative Services
The Florida Public Service Commission
2540 Shumard Oaks Boulevard
Tallahassee, FL 32399-0850

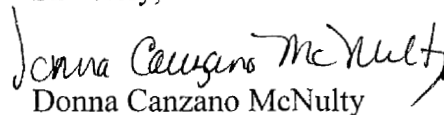
Re: **CONFIDENTIAL MATERIALS -**
Docket No. 020507-TP – Complaint of the Florida Competitive Carriers
Association Against BellSouth Telecommunications, Inc. and Request for
Expedited Relief

Dear Ms. Bayó,

Enclosed are an original and fifteen (15) copies of WorldCom's Request for Specified Confidential Classification of information contained in BellSouth's Posthearing Brief because it is proprietary confidential business information of MCI. MCI asks that you file this request in the above-captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,


Donna Canzano McNulty

cc: Parties of Record

DOCUMENT NUMBER-DATE
08425 SEP-8 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of the Florida) Docket No. 020507-TP
Competitive Carriers Association)
Against BellSouth Telecommunications, Inc.) Filed: September 8, 2003
and Request for Expedited Relief)
_____)

**MCI'S REQUEST FOR
SPECIFIED CONFIDENTIAL CLASSIFICATION**

COMES NOW, MCI WorldCom Communications, Inc. and MCImetro Access Transmission Services, LLC (collectively "MCI") and pursuant to Rule 25-22.006, Florida Administrative Code, files its Request for Specified Confidential Classification.

1. On July 21 and 22, 2003, the Florida Public Service Commission held an evidentiary hearing in the above-referenced docket. A number of exhibits were stipulated into the record, including some discovery responses produced by the Florida Competitive Carriers Association (FCCA) and MCI to BellSouth Telecommunications, Inc. (BellSouth). Some of the information produced by the FCCA and MCI is confidential business information of MCI. Responses containing MCI's confidential business information were entered into the record during the hearing and became part of Exhibit 2. Public versions of MCI's discovery responses became part of Exhibit 1.

2. On August 6, 2003, MCI filed a request for confidential classification of its confidential business information entered into the record as part of Exhibit 2. The Commission granted MCI's request on August 28, 2003 by Order No. PSC-03-0975-CFO-TL.

3. In a proprietary version of its posthearing brief filed on August 19, 2003, BellSouth specifically provides certain confidential proprietary business information of

MCI's contained in Exhibit 2. (Note, in its brief BellSouth inadvertently cites to Exhibit 1, which is the public version of the material, rather than to Exhibit 2, which is the confidential version). The information in BellSouth's Post-Hearing Brief and MCI's confidential response to BellSouth Interrogatory No. 6 appear different because BellSouth has totaled the confidential information in its brief. It, nonetheless, remains confidential. On the same day, BellSouth filed its Notice of Intent to Request Specified Confidential Classification pertaining to certain confidential, proprietary business information contained in its Post-Hearing Brief. The MCI data provided by BellSouth in its brief has been classified as confidential by the Commission by Order No. PSC-03-0975-CFO-TL.

4. The portion of confidential, proprietary business contained in BellSouth's Post-Hearing Brief is specifically related to MCI's business operations. MCI considers this information to be confidential, proprietary business information. The confidential information is related to the number of lines MCI has and their historical growth. Disclosure of the information would harm MCI's competitive business interests. The information has not been made public and is governed by a Protective Agreement between the parties.

5. 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 MCI 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.

6. Attachment A to MCI's Request for Confidential Classification contains an explanation of the proprietary information along with a list that identifies the location of the information designated by MCI as confidential.

7. Attachment B to MCI's Request for Confidential Classification is a redacted copy of the confidential information.

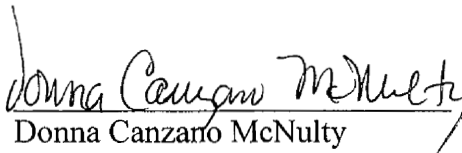
8. Attachment C to MCI's Request for Confidential Classification is a proprietary copy of the confidential information.

9. MCI 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.

10. The original of this Request was filed today with the Division of the Commission Clerk and Administrative Services and a copy was served on the Parties.

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

Respectfully submitted this 8th day of September, 2003.



Donna Canzaro McNulty
MCI
1203 Governors Square Boulevard
Suite 201
Tallahassee, FL 32301
(850) 219-1008

Attorney for MCI metro Access
Transmission Services, LLC, and
MCI WorldCom Communications, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by U.S. Mail

on the following this 8th day of September, 2003:

Patricia Christensen
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
pchriste@psc.state.fl.us

AT&T Communications
of the Southern States, LLC
Virginia Tate
1200 Peachtree Street, N.E., Ste. 8100
Atlanta, GA 30309-3579
vctate@att.com

AT&T Communications
of the Southern States, LLC
Tracy Hatch
101 North Monroe Street, Suite 700
Tallahassee, FL 32301
tracy.hatch@att.com

Nancy B. White
James Meza III
BellSouth Telecommunications, Inc.
c/o Nancy H. Sims
150 South Monroe Street
Suite 400
Tallahassee, FL 32301
nancy.white@bellsouth.com
james.meza@bellsouth.com
nancy.sims@bellsouth.com

R. Douglas Lackey/Meredith E. Mays
BellSouth Telecommunications, Inc.
Suite 4300, BellSouth Center
675 West Peachtree Street, N.E.
Atlanta, GA 30375
douglas.lackey@bellsouth.com
meredith.mays@bellsouth.com

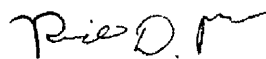
Dulaney L. O'Roark III
WorldCom, Inc.
Six Concourse Parkway, Suite 3200
Atlanta, GA 30328
de.oroark@mci.com

Donna C. McNulty
WorldCom, Inc.
1203 Governors Square Blvd., Suite 201
Tallahassee, FL 32301
donna.mcnulty@mci.com

McWhirter Law Firm
Vicki Kaufman
Joseph A. McGlothlin
117 S. Gadsden St.
Tallahassee, FL 32301
vkaufman@mac-law.com
jmglothlin@mac-law-com

ITC^DeltaCom
Ms. Nanette Edwards
4092 S. Memorial Parkway
Huntsville, AL 35802-4343
nedwards@itcdeltacom.com

Messer Law Firm
Floyd R. Self
P.O. Box 1876
Tallahassee, FL 32302-1876
fself@lawfla.com



Attorney

ATTACHMENT A

MCI
DOCKET NO. 020507-TP

**EXPLANATION AND IDENTIFICATION
OF PROPRIETARY INFORMATION**

RATIONALE “A”

The information contained in the confidential portions of these responses relates to competitive interests, the disclosure of which would impair the competitive business interested of MCI. Specifically, the information provides the specific number of MCI’s UNE-P loops, UNE-loops, and resold lines. MCI treats this information as proprietary and confidential information. MCI 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. Public disclosure of this information would provide MCI’s competitors and potential competitors with an advantage knowing MCI’s specific business strategies, and is valuable to such competitors in formulating strategies for entry, marketing, and overall business strategy. Therefore, this information should be classified as proprietary, confidential business information pursuant to Section 364.183(3)(e), Florida Statutes, exempt from the Open Records Act.

<u>Page No.</u>	<u>Line</u>	<u>Reason</u>
BST brief, page 4	12-13	A

ATTACHMENT B

any evidence of customers that refused to migrate voice service to it because of BellSouth's FastAccess policy. (*Id.*)

Likewise, DeltaCom has grown its lines from [REDACTED] in 2001 to [REDACTED] lines in 2003. (Exh. 1). DeltaCom provided an unsupported estimate of alleged lost sales due to BellSouth's policy; however, DeltaCom did not support any witness testimony in this proceeding. Without evidence of the methodology underlying DeltaCom's estimate, or the ability to cross-examine a witness about the validity of the estimate, DeltaCom's claims cannot withstand scrutiny. Thus, DeltaCom also failed to provide actual evidence of customers that refused to migrate voice service to DeltaCom because of BellSouth's FastAccess policy.

Finally, CLEC MCI has also experienced line growth. (Exh. 1). Initially, MCI's analog line numbers were up and down, however, most recently MCI has grown exponentially. MCI's line data reveals it went from [REDACTED] lines in 1999 to [REDACTED] in 2000, to [REDACTED] in 2001. (*Id.*) Thereafter, MCI reached [REDACTED] lines in 2002, and subsequently achieved [REDACTED] lines by mid-2003. (*Id.*) MCI also failed to provide evidence establishing the number of customers that actually refused to establish voice service with MCI due to BellSouth's FastAccess policy.²

The line growth experienced by the CLEC parties illustrates why the relief requested in this proceeding is - at best - unjustified, and more accurately - completely frivolous. The CLEC parties have grown lines during the time BellSouth's alleged anticompetitive policy has been in place. Despite this proceeding having been initiated over a year ago, the CLEC parties are requesting extraordinary relief that requires BellSouth alone to incur costs, change its processes,

² MCI's reliance on rejected local service requests as a surrogate proves nothing. BellSouth reviewed a sample of MCI's account records, and found that one in five customers decided to migrate to a voice provider other than BellSouth, which indicates that customers are not "reluctant" to change voice carriers as the CLEC witnesses claim (Exh. 7). Moreover, MCI's conclusions concerning the rejected LSRs are misleading. MCI initially testified that 260 customers established voice service with MCI after an initial reject was received; at hearing Ms. Lichtenberg conceded the number was 317. (Tr. at 180)

ATTACHMENT C