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November 11, 2003

Ms. Blanca S. Bayo  
Director, Division of the Commission  
Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 030852-TP Implementation of Requirements Arising from FCC  
Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber  
Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport

Dear Ms. Bayo:

Enclosed please find an original and seven (7) copies of FDN Communications' Request  
for Specified Confidential Classification.

If you have any questions regarding the enclosed, please call me at 407-447-6636.

Sincerely,

*Scott A. Kassman*  
Scott Kassman  
Assistant General Counsel  
FDN Communications

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03 NOV 12 AM 10:48

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This confidentiality request was filed by or  
for a "telco" for DN 11267-03. 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.  
(x-ref. 11076-03)

cc:  
conf  
records LOCAL

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390 North Orange Avenue Suite 2000 Orlando, FL 32801  
407.835.0300 Fax 407.835.0309 www.fdn.com

DOCUMENT NUMBER-DATE  
11266 NOV 12 03  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission ) Docket No. 030852-TP  
Triennial UNE review: Location Specific-Review )  
For DS1, DS3, and Dark Fiber Loops and )  
Route-Specific Review for DS1, DS3, and Dark )  
Fiber Transport )  
\_\_\_\_\_ )

**FDN COMMUNICATIONS REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

Florida Digital Network, Inc., d/b/a FDN Communications (“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 November 6, 2003, FDN filed with the Commission **Document Number 11076-03**. Said document contains confidential business information and customer specific information that is proprietary to FDN. FDN also filed a Notice of Intent to request confidential classification with Document Number 11076-03.

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document No. 11076-03 contains market deployment data and other specific network information utilized by FDN to conduct business in Florida and release of such information would cause substantial competitive harm to FDN. The information contained in the referenced Document No. 11076-03 is confidential and proprietary under Florida Statutes, Section 364.183. The information in Document No. 11076-03 is the same or similar to information the Commission declared

proprietary and confidential business information, exempt from Florida's Public Records Laws, by Order No. PSC-03-1263-PCO-TP, issued November 7, 2003, in this docket.

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.

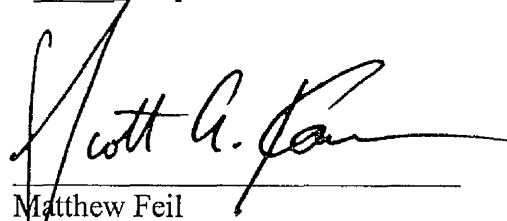
6. The information contained in Document No. 11076-03 contains market deployment data and other specific network information utilized by FDN to conduct its business. FDN has expended millions of dollars in infrastructure to support market deployment and its business. A significant portion of this investment will be wasted if Document No. 11076-03 is released to the public 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 11<sup>th</sup> day of November 2003.

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

Matthew Feil  
Scott Kassman  
FDN Communications  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
(407) 835-0460  
[mfeil@mail.fdn.com](mailto:mfeil@mail.fdn.com)  
[skassman@mail.fdn.com](mailto:skassman@mail.fdn.com)

**ATTACHMENT A**

**Florida Digital Network, Inc. d/b/a  
FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
November 12, 2003**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S RESPONSES  
TO BELLSOUTH'S INTERROGATORY NOS. 4 & 6**

**Reasons for Claim for Proprietary Information Status**

1. This information contains proprietary investment, market deployment, customer location information and competitive interest information. This information is valuable, is used by FDN in conducting its business, and FDN strives to keep it secret. Therefore, such information relates to competitive interests of FDN, the disclosure of which would impair the competitive business of FDN. See Section 364.183(3)(e), Florida Statutes.
2. This information contains information that FDN strives to keep secret because it is elemental to FDN's business and status in the competitive market place. Therefore, such information is a trade secret. See Section 364.183(3)(a), Florida Statutes.

**FDN's Responses to BST Interrogatory Nos. 4 & 6      Reason**

Page 1, lines 7 through 21  
(beginning with the line under the heading "CLLI Code"): 1, 2

Page 2, lines 3 through 12  
(beginning with the line under the heading "CLLI Code"): 1, 2

**ATTACHMENT B**

**Florida Digital Network, Inc. d/b/a  
FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
November 12, 2003**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S RESPONSES  
TO BELLSOUTH'S INTERROGATORY NOS. 4 & 6**

**TWO REDACTED COPIES**

**ATTACHMENT C**

**Florida Digital Network, Inc. d/b/a  
FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
November 12, 2003**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S RESPONSES  
TO BELLSOUTH'S INTERROGATORY NOS. 4 & 6**

**ONE HIGHLIGHTED COPY (IN ENVELOPE)**