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COMMISSION
CLERK

January 15, 2004

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. 030851-TP Implementation of Requirements Arising from FCC
Triennial UNE Review: Local Circuit Switching for Mass Market Customers

Dear Ms. Bayo:

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

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

Sincerely,


Scott Kassman
FDN Communications
Assistant General Counsel

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL
OPC _____
MMS _____
SEC
OTH *records*

This confidentiality request was filed by or
for a "telco" for DN 00674-04. 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 00303-04 + 00387-04)

LOCAL

LONG DISTANCE

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407.835.0300 Fax 407.835.0309 www.fdn.com

DOCUMENT NUMBER DATE

00672 JAN 16 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's Triennial UNE review: Local Circuit Switching for Mass Market Customers.

DOCKET NO. 030851-TP

FDN COMMUNICATIONS' REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION AND REQUEST FOR TEMPORARY PROTECTIVE ORDER

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 January 7, 2004, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Commission **Document No. 00303-04**. On January 8, 2004, BellSouth filed with the Commission **Document No. 00387-04**. Said documents contain confidential business information and customer specific information that is proprietary to FDN. BellSouth also filed a Notice of Intent to request confidential classification with Document Nos. 00303-04 and 00387-04.

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document Nos. 00303-04 and 00387-04 contain 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 Nos. 00303-04 and 00387-04 is confidential and proprietary under Florida Statutes, Section 364.183. The information in Document Nos. 00303-04 and 00387-04 is the same as

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. FDN hereby files this Request for a Temporary Protective Order so that the Office of Public Counsel may obtain a copy of the confidential materials without delay.

4. 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.

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

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

7. The information contained in Document Nos. 00303-04 and 00387-04 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 Nos. 00303-04 and 00387-04 are 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).

8. 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.

9. 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 15th day of January 2004.



Matthew Feil
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CERTIFICATE OF SERVICE
Docket 030851-TP

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (*) who have been sent a copy via overnight mail, this 15th day of January, 2004.

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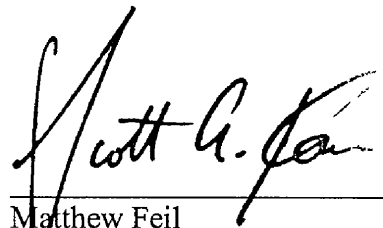
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ATTACHMENT A

**FDN Communications
FPSC Docket No. 030851-TP
Request for Confidential Classification
January 16, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE RUBUTTAL
TESTIMONY OF JOHN A. RUSCILLI OF BELLSOUTH**

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.

<u>FDN's Responses to Staff's Interrogatory No. 11</u>	<u>Reason</u>
Page 10, line 23 through and including line 25	1, 2
Page 11, line 1 through and including line 6	1,2

ATTACHMENT B

**FDN Communications
FPSC Docket No. 030851-TP
Request for Confidential Classification
January 16, 2004**

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TWO REDACTED COPIES

ATTACHMENT C

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FPSC Docket No. 030851-TP
Request for Confidential Classification
January 16, 2004**

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TESTIMONY OF JOHN A. RUSCILLI OF BELLSOUTH**

ONE HIGHLIGHTED COPY (IN ENVELOPE)