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COMMISSION CLERK

February 24, 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.

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,

Matthew Feil
FDN Communications
General Counsel

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This confidentiality request was filed by or
for a "telco" for DN 02751-04. 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 01733-04)

2301 Lucien Way Suite 200 Maitland, FL 32751
407.835.0300 Fax 407.835.0309 www.fdn.com

DOCUMENT NUMBER-DATE
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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**

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 February 5, 2004, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Commission **Document No. 01733-04**. Said document contains 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 No. 01733-04.

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document No. 01733-04 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. 01733-04 is confidential and proprietary under Florida Statutes, Section 364.183. The information in Document No. 01733-04 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. 01733-04 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 No. 01733-04 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 24th day of February 2004.



Matthew Feil
Scott Kassman
FDN Communications
2301 Lucien Way
Suite 200
Maitland, FL 32751
(407) 835-0460
(407) 447-6636
mfeil@mail.fdn.com
skassman@mail.fdn.com

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 24th day of February, 2004.

Florida Public Service Commission
Mr. Adam Teitzman/Jason Rojas
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us
jrojas@psc.state.fl.us
jsusac@psc.state.fl.us
wgarcia@psc.state.fl.us
vmckay@psc.state.fl.us
plee@psc.state.fl.us

Allegiance Telecom, Inc.
Charles Gerkin/James Harlan
9201 N Central Expressway
Dallas, TX 75231
charles.gerkin@allegiancetelecom.com

AARP
200 West College Street
Tallahassee, FL 32301

Allegiance Telecom, Inc. (IL)
Theresa Larkin
700 East Butterfield Road
Lombard, IL 60148
terry.larkin@algx.com

AT&T
Tracy Hatch
101 North Monroe Street
Suite 700
Tallahassee, FL 32301-1549
thatch@att.com

BellSouth BSE, Inc
Mr. Mario L. Soto
400 Perimeter Center Terrace
Suite 400
Atlanta, GA 30346-1231
mario.soto@bellsouth.com

AT&T Communications of the So.
States, LLC
L. Sapper/S. Ockleberry/M. Ross-
Bain/M. Henry
1200 Peachtree Street, N.E.
Suite 8100
Atlanta, GA 30309-3579
lisariley@att.com

BellSouth Telecommunications, Inc.
D. Lackey/M. Mays/N. White/J.
Meza/A. Shore
C/O Ms. Nancy H. Sims
150 South Monroe Street
Suite 400
Tallahassee, FL 32301-1556
nancy.sims@bellsouth.com
linda.hobbs@bellsouth.com
chantel.stevens@bellsouth.com
douglas.lackey@bellsouth.com
meredith.mays@bellsouth.com
nancy.white@bellsouth.com

Access Integrated Networks, Inc.
Mr. Mark A. Ozanick
4885 Riverside Drive
Suite 107
Macon, GA 31210-1148
mark.ozanick@accesscomm.com

Ben Johnson Associates, Inc.
John Nesmith
2252 Killearn Center Blvd.
Tallahassee, FL 32309
jn@benjohnsonassociates.com

Casey & Gentz, LLP
Bill Magness
919 Congress Avenue, Suite 1060
Austin, TX 78701

Comm South Companies, Inc.
Sheri Pringle
P.O. Box 570159
Dallas, TX 75357-9900
springle@commsouth.net

Covad Communications Company
Mr. Charles E. Watkins
1230 Peachtree Street, N.E.
19th Floor
Atlanta, GA 30309-3574
gwatkins@covad.com

Florida Cable Telecom Assoc., Inc.
Michael A. Gross
246 East 6th Avenue
Suite 100
Tallahassee, FL 32303
mgross@fcta.com

Florida Competitive Carriers
Association
C/O McWhirter Law Firm
Joseph McGlothlin/Vicki Kaufman
117 South Gadsden Street
Tallahassee, FL 32301
jmcglothlin@mac-law.com

Granite Telecommunications, LLC
Rand Currier/Geoff Cookman
234 Copeland Street
Quincy, MA 02169-4005
rcurrier@granitenet.com

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

KMC Telecom III, LLC
Marva Brown Johnson, Esq.
1755 North Brown Road
Lawrenceville, GA 30043-8119
marva.johnson@kmctelecom.com

MCI WorldCom Communications, Inc.
Ms. Donna C. McNulty
1203 Governors Square Boulevard
Suite 201
Tallahassee, FL 32301-2960
donna.mcnulty@mci.com

MCI WorldCom Communications, Inc.
De O'Roark, Esq.
Six Concourse Parkway
Suite 600
Atlanta, GA 30328
de.oroark@mci.com

McKenna Long Law Firm
Ms. Tami Azorsky
1900 K Street, N.W.
Washington, DC 20006

McWhirter Law Firm
Vicki Gordon Kaufman
117 South Gadsden Street
Tallahassee, FL 32301
vkaufman@mac-law.com

Messer Law Firm
Floyd Self/Norman Horton
P.O. Box 1876
Tallahassee, FL 32302-1876
fsself@lawfla.com
nhorton@lawfla.com

Michael B. Twomey, Esq.
PO Box 5256
Tallahassee, FL 32314-5256
miketwomey@talstar.com

Miller Isar, Inc.
Andrew O. Isar
7901 Skansie Avenue, St. 240
Gig Harbor, WA 98335
aisar@millerisar.com

Moyle Law Firm
Jon Moyle, Jr.
The Perkins House
118 N Gadsden Street
Tallahassee, FL 32301
jmoylejr@moylelaw.com

NOW Communications, Inc.
Mr. R. Scott Seab
711 South Tejon Street
Suite 201
Colorado Springs, CO 80903-4054

NewSouth Communications Corp.
Jake E. Jennings
Two North Main Center
Greenville, SC 29601-2719
jejennings@newsouth.com

Office of the Public Counsel
C/O The Florida Legislature
Charles J. Beck, Deputy Public Counsel
111 Wets Madison Street
Room 812
Tallahassee, FL 32399-1400
beck.charles@leg.state.fl.us

Phone Club Corporation
Carlos Jordan
168 S.E. 1st Street, Suite 705
Miami, FL 33131-1423
phoneclubcorp@aol.com

Sprint (KS)
Kenneth A Schiffman
6450 Sprint Parkway
Mailstop: KSOPHN0212-2A303
Overland Park, KS 66251-6100

Sprint (NC)
H. Edward Phillips, III
14111 Capital Boulevard
Mailstop: NCWKFR0313-3161
Wake Forest, NC 27587-5900

Sprint-Florida/Sprint Communications
Corp.
Susan Masterton
P.O. Box 2214
Tallahassee, FL 32316-2214
susan.masterton@mail.sprint.com
chrystal.whitt@mail.sprint.com
jwahlen@ausley.com

Supra Telecom
Jorge Cruz-Bustillo, Esq.
2620 SW 27th Avenue
Miami, FL 33133-3005
jorge.cruz-bustillo@stis.com

Supra Telecom
Jonathan Audu
1311 Executive Center Drive
Suite 220
Tallahassee, FL 32301-5027
jonathan.audu@stis.com

Tier 3 Communications
Kim Brown
2235 First Street, Suite 217
Ft. Myers, FL 33901-2981
steve@tier3communications.net


Universal Telecom, Inc.
Jennifer Hart
P.O. Box 679
LaGrange, KY 40031-0679
jenniferh@universaltelecominc.com

Verizon Florida, Inc.
Richard Chapkis/Kimberly Caswell
One Tampa City Center
201 North Franklin Street (33602)
P.O. Box 110, FLTC 0007
Tampa, FL 33601-0110
richard.chapkis@verizon.com
david.christian@verizon.com
terry.scobie@verizon.com

Womble Carlyle Law Firm
Ms. Lori Reese Patton
3300 One Wachovia Center
301 South College Street
Charlotte, NC 28202

Xspedius Communications
Ms. Rabinai E. Carson
5555 Winghaven Boulevard
Suite 300
O'Fallon, MO 63366-3868
rabinai.carson@xspedius.com

Z-Tel Communications, Inc.
Thomas Koutsky
1200 19th Street, NW
Suite 500
Washington, DC 20036
tkoutsky@z-tel.com



Matthew Feil
Scott A. Kassman
FDN Communications
2301 Lucien Way
Suite 200
Maitland, FL 32751
(407) 835-0460
(407) 447-6636
mfeil@mail.fdn.com
skassman@mail.fdn.com

ATTACHMENT A

**FDN Communications
FPSC Docket No. 030851-TP
Request for Confidential Classification
February 24, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF
BELLSOUTH'S COPIES TO STAFF**

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.

BellSouth's Copies to Staff

Reason

Bate stamped pages 122-147

1, 2

ATTACHMENT B

**FDN Communications
FPSC Docket No. 030851-TP
Request for Confidential Classification
February 24, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF
BELLSOUTH'S COPIES TO STAFF**

TWO REDACTED COPIES

ATTACHMENT C

**FDN Communications
FPSC Docket No. 030851-TP
Request for Confidential Classification
February 24, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF
BELLSOUTH'S COPIES TO STAFF**

ONE HIGHLIGHTED COPY (IN ENVELOPE)