

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

February 25, 2004

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

RECEIVED
FEB 25 PM 3:57
COMMISSION
CLERK

Re: Docket No.: 030851-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 BellSouth's Response to Staff's Request for Copies and BellSouth's Response to the Florida Competitive Carriers Association's Subpoena.

Attached to the original is "Attachment C," a **CONFIDENTIAL** copy of the document for which confidential classification is being sought.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

This confidentiality request was filed by or for a "telco" for DN 02784-04. 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)

Sincerely,



Timothy J. Perry

RECEIVED & FILED
in
FPSC-BUREAU OF RECORDS

AUS	_____
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Conf records

Enclosures

DOCUMENT NUMBER-DATE

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A.

02785 FEB 25 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising
From Federal Communications Commission
Triennial UNE review: Local Circuit Switching
For Mass Market Customers

Docket No. 030851-TP
Filed: February 25, 2004

**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR
BELLSOUTH'S RESPONSE TO STAFF'S REQUEST FOR COPIES AND
BELLSOUTH'S RESPONSE TO THE FLORIDA COMPETITIVE CARRIERS
ASSOCIATION'S SUBPOENA**

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 BellSouth's Response to Staff's Request for Copies and BellSouth's Response to the Florida Competitive Carriers Association's (FCCA) Subpoena issued February 20, 2004.

1. On February 4, 2004, BellSouth filed copies of XO's confidential discovery responses pursuant to Staff's Request for Copies. On the same day, BellSouth filed a Notice of Intent to Request Confidential Classification for those copies.

2. The copies are information provided in response to BellSouth's subpoena to XO and are identical to XO's Supplemental Response to Staff's Data Request previously filed with Staff under cover of confidentiality on December 9, 2003. The copies, bates stamped BST000338-BST000349, contain information regarding the number, type and location of XO's switches, the number of access lines per switch, and the areas where XO provides service. 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. In addition, BellSouth provided copies of the same information provided to Staff

DOCUMENT NUMBER-DATE

02785 FEB 25 04

in response to the FCCA's subpoena issued February 20, 2004. XO requests that the Commission also grant confidential classification for the copies provided to the FCCA.

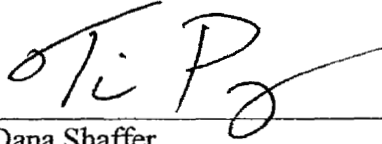
4. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would "impair the competitive business of the provider of the information." Disclosure of the XO confidential information 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.

5. XO treats the information for which confidential classification is sought as private and confidential.

6. Appended hereto as Attachment B are two copies of the requested documents with the confidential information redacted.

7. 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.



Dana Shaffer
Vice President, Legal and Regulatory Affairs
XO Florida, Inc.
105 Malloy Street, Suite 300
Nashville, TN 37201-2315
(615)777-7700 (telephone)
(615) 345-1564 (fax)
dshaffer@xo.com

Vicki Gordon Kaufman
Timothy J. Perry
McWhirter, Reeves, McGlothlin, Davidson,
Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525 (telephone)
(850) 222-5606 (fax)
vkaufman@mac-law.com

Attorneys for XO Florida, Inc.

ATTACHMENT A

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF
BELLSOUTH'S RESPONSE TO STAFF'S REQUEST FOR COPIES AND
BELLSOUTH'S RESPONSE TO THE FLORIDA COMPETITIVE CARRIERS
ASSOCIATION'S SUBPOENA**

DOCKET NO. 030851-TP

Explanation of Proprietary Information

1. The copies contain **CONFIDENTIAL** XO information regarding the number, type and location of XO's switches, the number of access lines per switch, and the areas where XO provides service. 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>Bates Stamp Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
BST000338	1-23	1
BST000339	1-7	1
BST000340	1-3	1
BST000341	1-4	1
BST000342	1-4	1
BST000343	1-4	1
BST000344	1-2	1
BST000345	1-2	1
BST000346	1-2	1
BST000347	1-2	1
BST000348	1	1
BST000349	1	1

ATTACHMENT B

Florida Switch Questions CONFIDENTIAL INFORMATION /SUBJECT TO
PROTECTIVE AGREEMENT

1. Please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLLI™) of each switch used to provide qualifying service¹¹ anywhere in the state of Florida that is owned by your company. If you lease, rent or otherwise obtain switching capacity on a switch that you do not own (other than from an incumbent Local Exchange Carrier), provide the same information regarding all such switches.

1 [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

2. For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines that switch is equipped to provide. If you lease, rent or otherwise obtain capacity on someone else's switch, provide the DS0/voice grade equivalent access lines associated with the capacity you have obtained.

5 [REDACTED] [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

3. For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines current in use and state the date for which such information is provided.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

4. State whether each switch identified in response to Question 1 serves residential customers.

16 [REDACTED]

- 17 5. Does this switch serve customer locations with:

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

- a. 1 line only?
b. 2 or fewer lines?

CONFIDENTIAL INFORMATION /SUBJECT TO PROTECTIVE AGREEMENT

- c. 3 or fewer lines?
- d. 4 or fewer lines?
- e. 5 or fewer lines?
- f. 6 or fewer lines?
- g. 7 or fewer lines?
- h. 8 or fewer lines?
- i. 9 or fewer lines?
- j. 10 or fewer lines?

6. For each grouping of customer locations identified in Question 5 (locations with 1 line, 1 locations with 2 or fewer lines, etc.), provide:

2 [REDACTED]

- a. The individual customer locations. Initially, it will be sufficient to provide these locations by wire center service area. If that information is not readily available, then the information should be provided by actual customer address. To explain further, this question asks you to provide, initially by wire center service area, the number of customer locations you serve that have one line, two lines or fewer, three lines or fewer, etc. If you cannot provide the information by wire center service area, then provide this information by actual customer location, i.e. Customer A is located at 1234 Broadway, Miami, Florida, and has one line, and so forth.
- b. The number of lines at each location that are used to provide voice service, and the number of lines that are used to provide data service, identified separately. If each line is used to provide both voice and data, so indicate.
- c. If you know that the specific customer location is served by lines provided by another CLEC, or by an ILEC, provide the number of DS0/voice grade equivalent lines provided at each customer location by other CLECs or ILECs.

7. Provide the street address (e.g., 123 Main Street), the city (e.g., Miami), and the state (e.g., FL) where every switch identified in response to Question 1 is located.

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

CONFIDENTIAL INFORMATION /SUBJECT TO PROTECTIVE AGREEMENT

8. Do you offer to provide or do you provide switching to other carriers for their use in serving customers? If yes, state: (a) the carriers to whom you provide switching; (b) the types of service, if known, that are provided by the carriers to whom you provide switching; (c) whether you will provide switching to any requesting carrier; (d) identify each wire center district (by eight digit CLLI code) in which wholesale switching is available.

1

2

9. State whether you have any plans to terminate your service in any area in Florida that is currently served by the switches identified in response to Question 1. If you do, identify the areas where you intend to terminate service (and by areas we mean geographic areas, not individual customers).

3

III A "qualifying service" is a telecommunications service that competes with a telecommunications service that has been traditionally the exclusive or primary domain of incumbent LECs, including, but not limited to, local exchange service, such as plain old telephone service, and access services, such as digital subscriber line services and high-capacity circuits. 47 C.F.R. § 51.5.

[REDACTED]

1
2
3
4

*** PROPRIETARY AND CONFIDENTIAL ***

[REDACTED]

1
2
3
4

[REDACTED]

1
2
3
4



1
2



13



1
2

[REDACTED]

12





CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing the XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order for BellSouth's Response to Staff's Request for Copies has been provided by (*) hand delivery, (**) email, and U.S. Mail this 25th day of February 2004, to the following:

(*) (**) Jeremy Susac, Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

(**) Nancy White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

(**) Richard Chapkis
Verizon Florida, Inc.
201 North Franklin Street
MC: FLTC0717
Tampa, Florida 33602

(**) Susan Masterton
Sprint Communications Company
1313 Blairstone Road
Post Office Box 2214
MC: FLTLHO0107
Tallahassee, Florida 32301

(**) Donna Canzano McNulty
MCI WorldCom
1203 Governors Square Boulevard
Suite 201
Tallahassee, Florida 32301

(**) Norman H. Horton, Jr.
215 South Monroe Street
Tallahassee, Florida 32302-1876

(**) Tracy Hatch
AT&T Communications of the
Southern States, LLC
101 North Monroe Street
Suite 700
Tallahassee, Florida 32301

(**) Michael Gross
Florida Cable Telecommunications
246 East 6th Avenue
Tallahassee, Florida 32302

(**) Matthew Feil
Florida Digital Network, Inc.
390 North Orange Avenue, Suite 2000
Orlando, Florida 32801

(**) Jeffrey J. Binder
Allegiance Telecom, Inc.
1919 M Street, NW
Washington, DC 20037

(**) Floyd R. Self
Messer, Caparello & Self
215 South Monroe Street, Suite 701
Tallahassee, FL 32301

(**) Nanette Edwards
ITC^DeltaCom
4092 S. Memorial Parkway
Huntsville, Alabama 35802

(**) Jake E. Jennings
Senior Vice-President
Regulatory Affairs & Carrier Relations
NewSouth Communications Corp.
NewSouth Center
Two N. Main Center
Greenville, SC 29601

(**) Jon C. Moyle, Jr.
Moyle, Flanigan, Katz, Raymond
& Sheehan, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

(**) Rand Currier
Geoff Cookman
Granite Telecommunications, LLC
234 Copeland Street
Quincy, MA

(**) Andrew O. Isar
Miller Isar, Inc.
2901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335

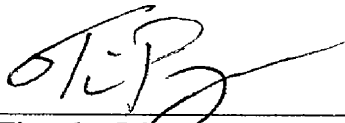
(**) Scott A. Kassman
FDN Communications
390 North Orange Avenue
Suite 2000
Orlando, FL 32801

(**) Thomas M. Koutsky
Vice president, Law and Policy
Z-Tel Communications, Inc.
1200 19th Street, NW Suite 500
Washington, DC 20036

(**) Michael B. Twomey
Post Office Box 5256
Tallahassee, Florida 32314-5256

(**) Rabinai Carson
Xspedius Communications
5555 Winghaven Blvd., Suite 3000
O'Fallon, MO 63366-3868

(**) Charles J. Beck
Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400



Timothy J. Perry