

LAW OFFICES

Messer, Caparello & Self

A Professional Association

Post Office Box 1876 Tallahassee, Florida 32302-1876 Internet: www.lawfla.com

March 19, 2004

BY HAND DELIVERY

Ms. Blanca Bayó, Director Commission Clerk and Administrative Services Room 110, Easley Building Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850

Re:

Docket No. 030851-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Xspedius Communications, LLC are an original and fifteen copies of Xspedius' Request for Specified Confidential Classification for information provided in testimony, depositions exhibits, discovery responses, and responses to the 2003 TRO Data Request in the above referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

This confidentiality request was filed by or for a "telco" for DNO3757-04 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.

Sincerely yours,

Norman H. Horton

NHH/amb Enclosures

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Parties of Record

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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Implementation of Requirements)	
Arising From Federal Communications)	Docket No.: 030851-TP
Commission Triennial UNE Review:)	
Local Circuit Switching for Mass)	Filed: March 19, 2004
Market Customers)	
)	

XSPEDIUS' REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION

Xspedius Communications, LLC, on behalf of its Florida operating affiliates, Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC (collectively "Xspedius"), pursuant to Rule 25-22.006, Florida Administrative Code, and files this Request for Specified Confidential Classification for its response to BellSouth's discovery and Staff's discovery.

- 1. During the course of this proceeding, Xspedius provided responses to discovery from different parties that contained information which Xspedius considers to be confidential and proprietary. Pursuant to the requirements of the Commission, this confidential information was filed with a claim of confidentiality and Xspedius now requests that the Commission grant specified confidential treatment for the information identified herein and in attachments hereto.
- 2. On November 14, 2003, Xspedius served its responses to BellSouth's First Set of Interrogatories and First Request for Production of Documents. Included with that response were attachments FL-INT-1, 2, 3, 4, and 7 which contained responses to several of the question and which contain information considered confidential by Xspedius. Details of these responses are included in Attachment 1 hereto.
- 3. On December 11, 2003, Xspedius filed revised responses to BellSouth's First Set of
 Interrogatories which contained attachments identified as ALL-INT-1, 2 and 6 as well as a Review

 DOCUMENT NUMBER-DATE

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Summary. Xspedius considers information in these attachments to be confidential as described in Attachment 2.

- 4. On February 27, 2004, Xspedius filed responses to Staff's Second and Third Set of Interrogatories. Information contained in the responses and in an attachment to the third set are considered confidential as described in Attachment 3.
- 5. Within the Rebuttal Testimony of Mr. Joseph Gillan he discusses information relative to Xspedius which is deemed to be confidential as described in Attachment 4. Mr. Gillan also provided an exhibit to his deposition which contained confidential information as to Xspedius. This is described in Attachment 5.
- 6. Xspedius also provided a response to the staff data request which is addressed Attachment 6.
- 7. The information identified in the Attachments has a value to Xspedius and disclosure would deprive Xspedius of this value and harm the competitive efforts of Xspedius. Disclosure of the information would benefit competitors by revealing current and future capabilities and abilities to serve various markets. This would provide them with a business advantage to the detriment of Xspedius and its customers.

For the reasons cited, Xspedius requests that the Commission enter an order declaring the information described by Xspedius to be proprietary and confidential and exempt from public disclosure pursuant to Section 364.183, Florida Statutes.

Respectfully submitted,

Norman H. Horton, Jr., Esq.

Messer, Caparello & Self, P.A.

215 S. Monroe Street, Suite 701

Tallahassee, FL 32302

(850) 222-0720

Attorneys for Xspedius Communications, LLC

Xspedius Responses and Objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents served November 14, 2003

- 1. The responses to BellSouth's discovery contains information relative to facilities, service areas, capabilities, in service customers and service potential that is considered and treated as confidential and highly sensitive. Such information, contained in Attachments FL-INT 1, 2, 3, 4, and 7, reveals information about Xspedius' current business and its potential plans and has value to Xspedius and its customers and to its competitors. Disclosure of this information to competitors would harm Xspedius and impair the competitive business of Xspedius. Xspedius does not and has not disclosed this information publicly and to do so would cause harm to the business operations of Xspedius. Further, the information contained in the Attachments has value to Xspedius and is not readily ascertainable others thus would be considered a trade secret as defined in Section 688.002, Florida Statutes, Section 364.183(3), Florida Statutes, allows for an exemption from disclosure of "information relating to competitive interest, the disclosure of which would impair the competitive business of the provider of the information and for trade secrets and such information is exempt from disclosure pursuant to Section 119.07, Florida Statutes.
- 2. Information given in portions of the response do not relate to Florida but to other jurisdictions and is not relevant to this proceeding. This information reveals information relative to the competitive interests and market plans of Xspedius in these other jurisdiction and disclosure would harm and impair the competitive business of Xspedius.

<u>Document</u>	Reason
FL-INT-1, 1 page All lines and columns	1 and 2
FL-INT-2, 1 page All lines and columns	1 and 2
FL-INT-3, 4 pages All lines and columns	1
FL-INT-4, 20 pages All lines and columns	1 and 2
FL-INT-7, 1 page Lines 1-3, Column A	1

Xspedius Communications Voice Switch Detail - 11/4/03

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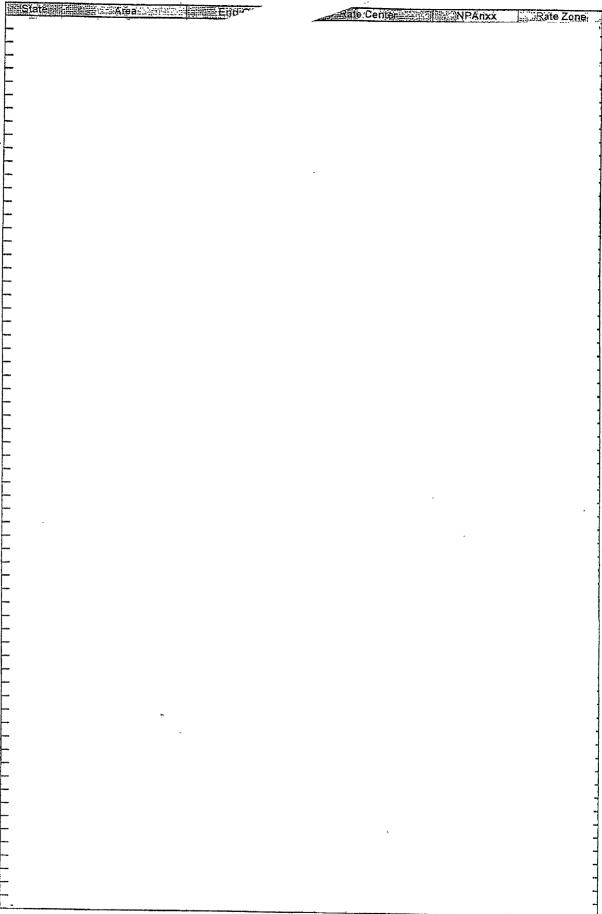


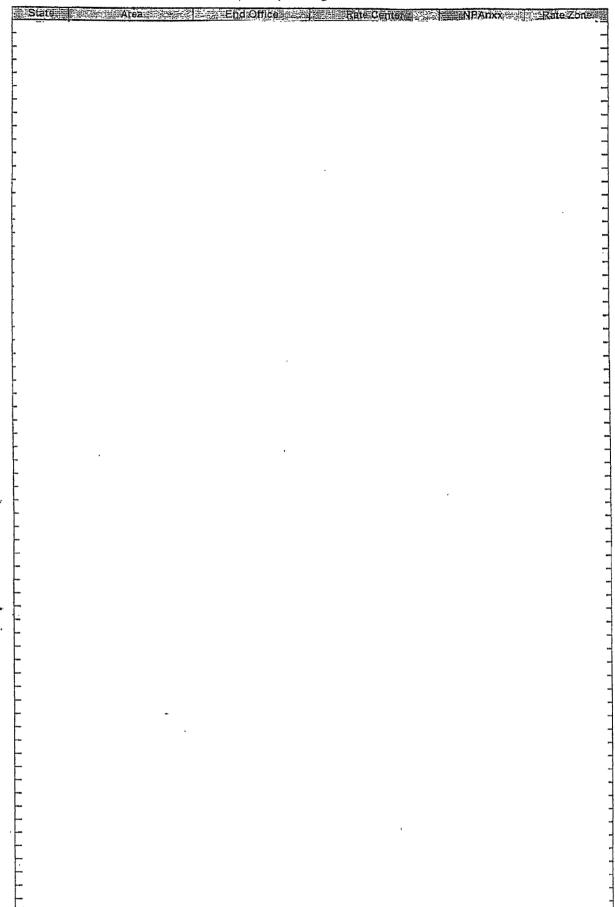
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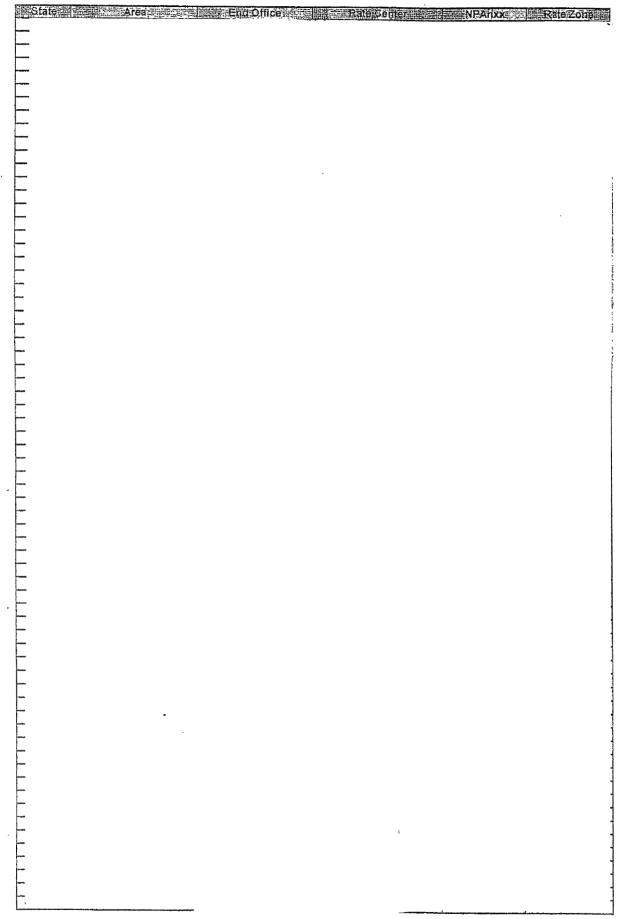




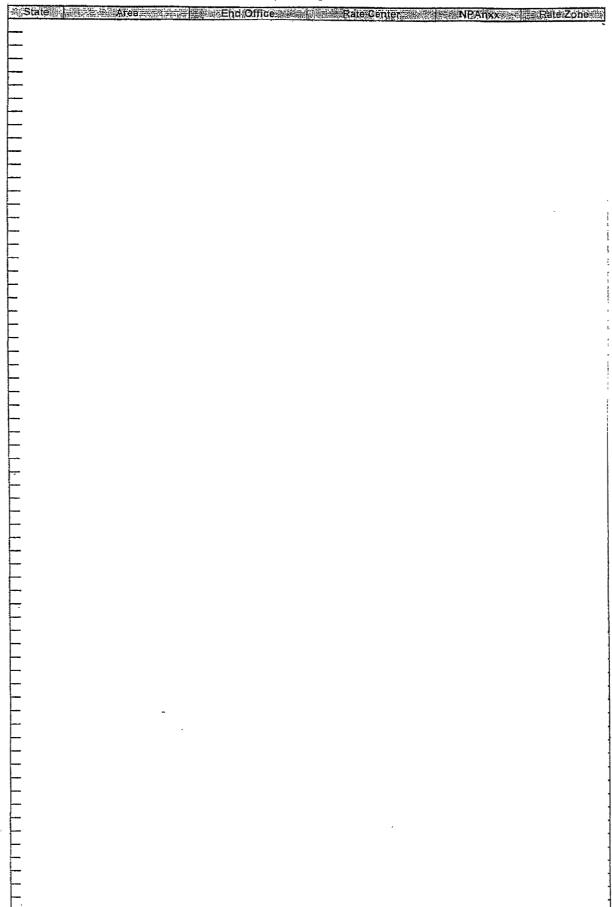
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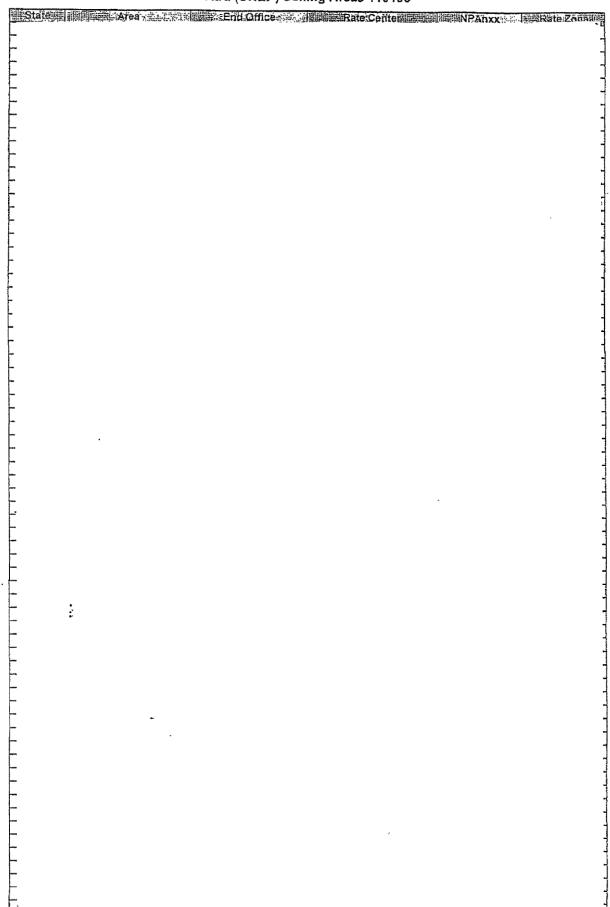






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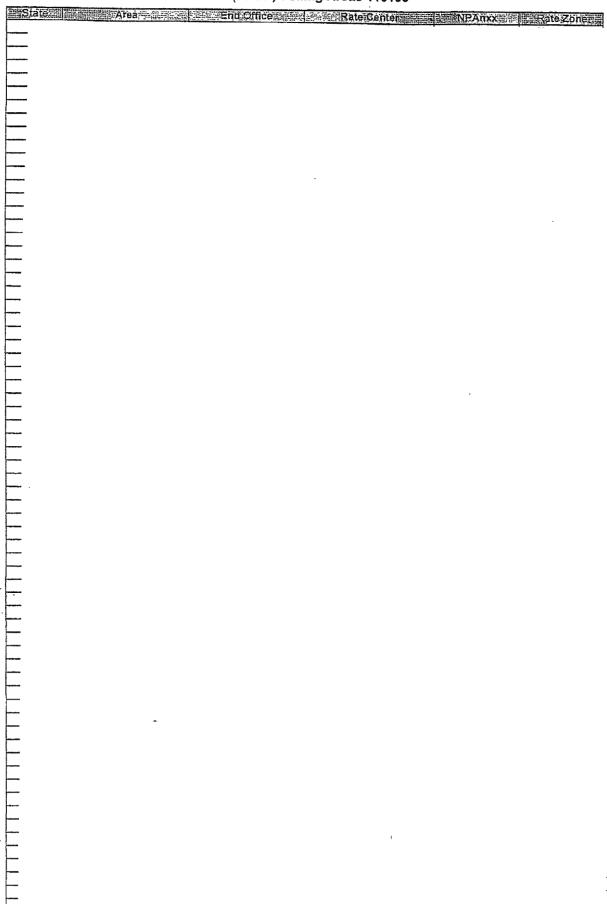




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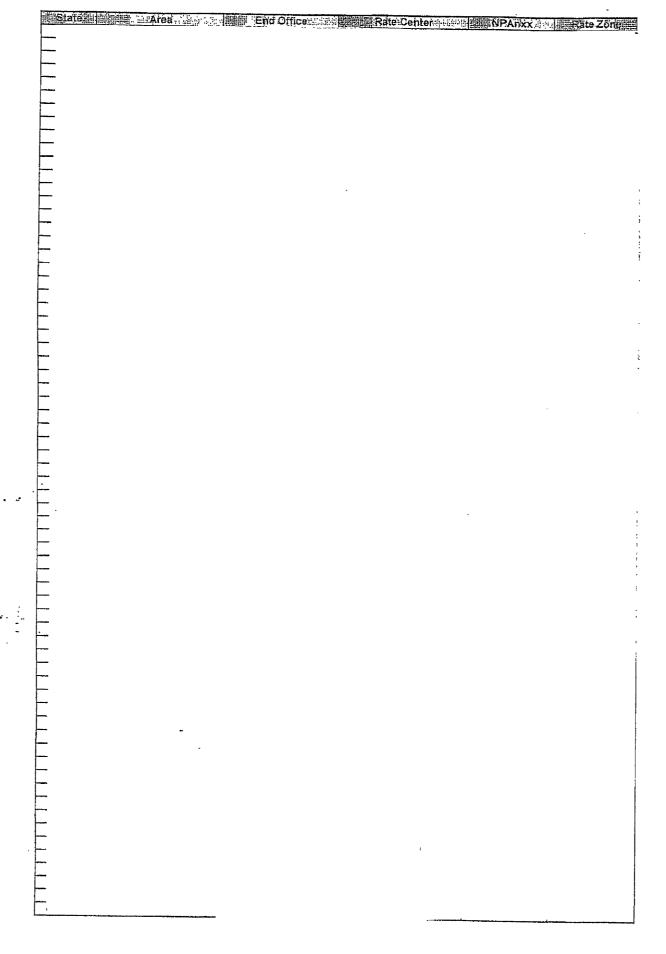
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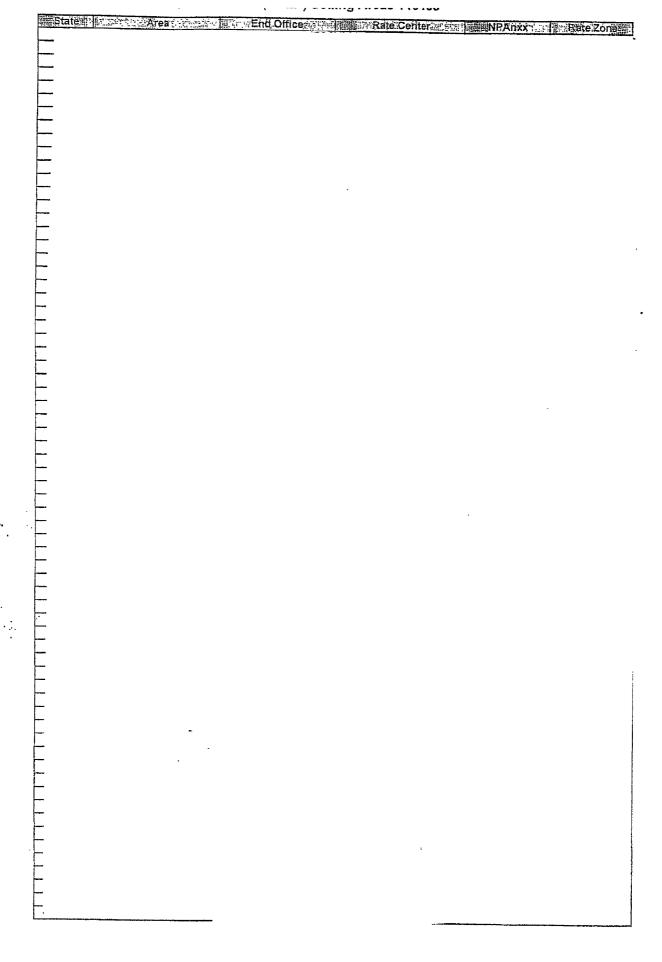


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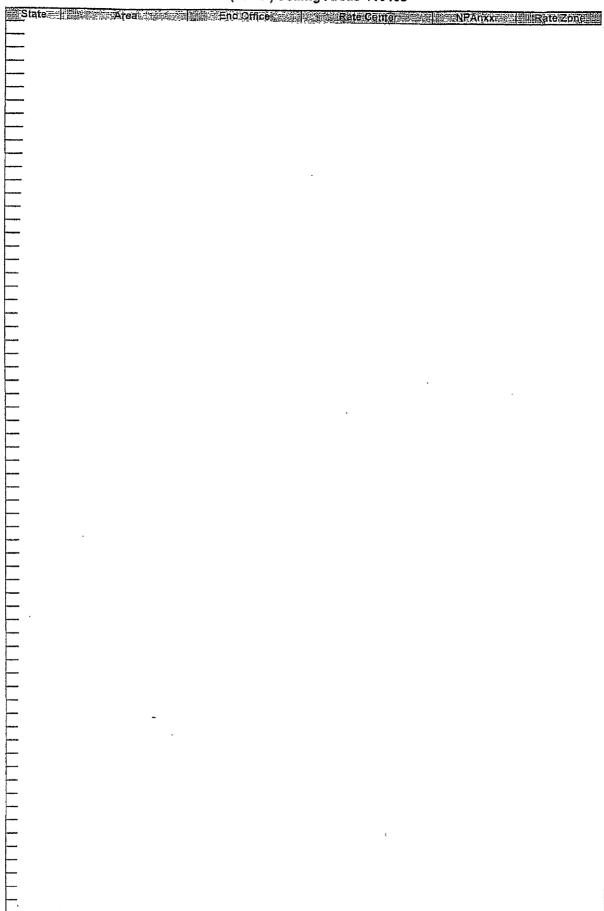
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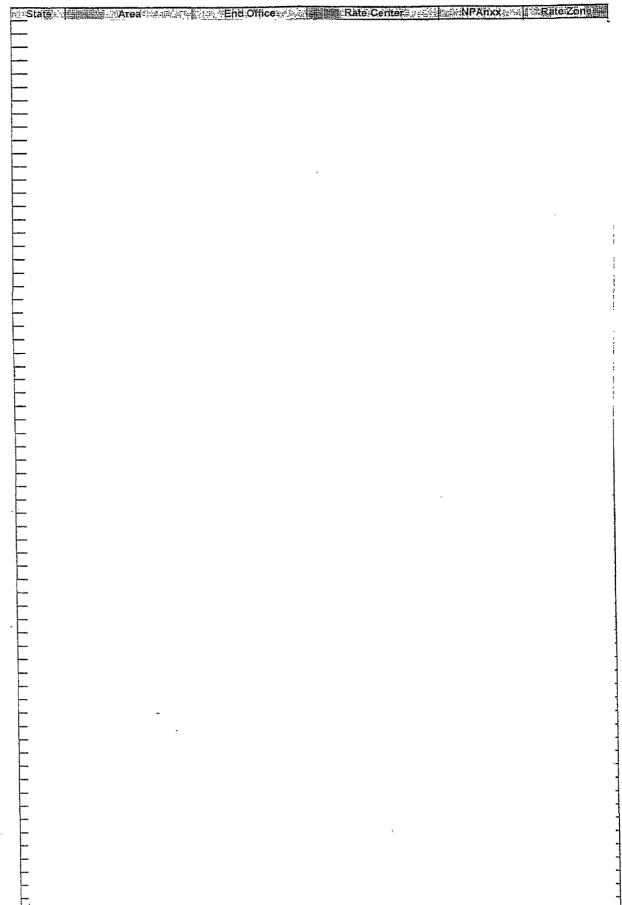
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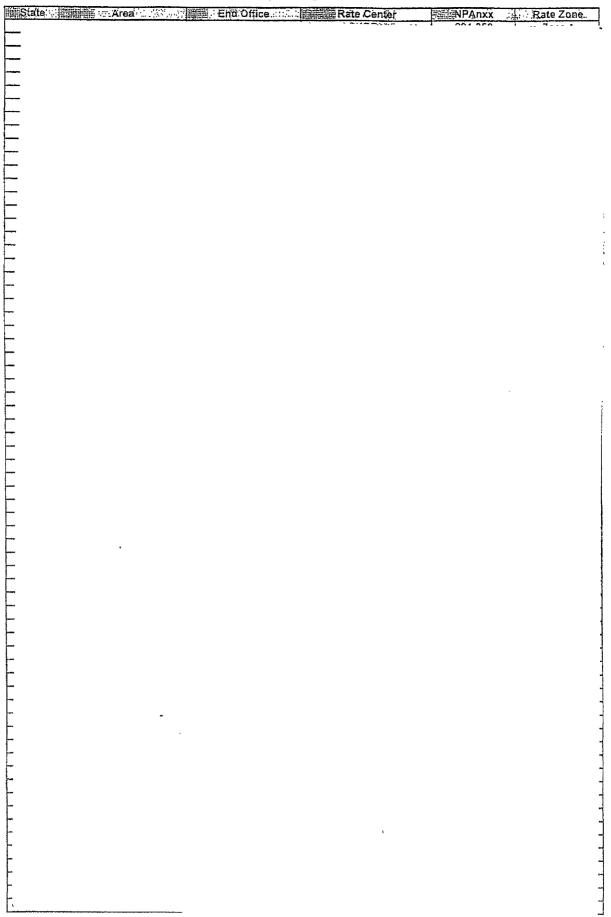
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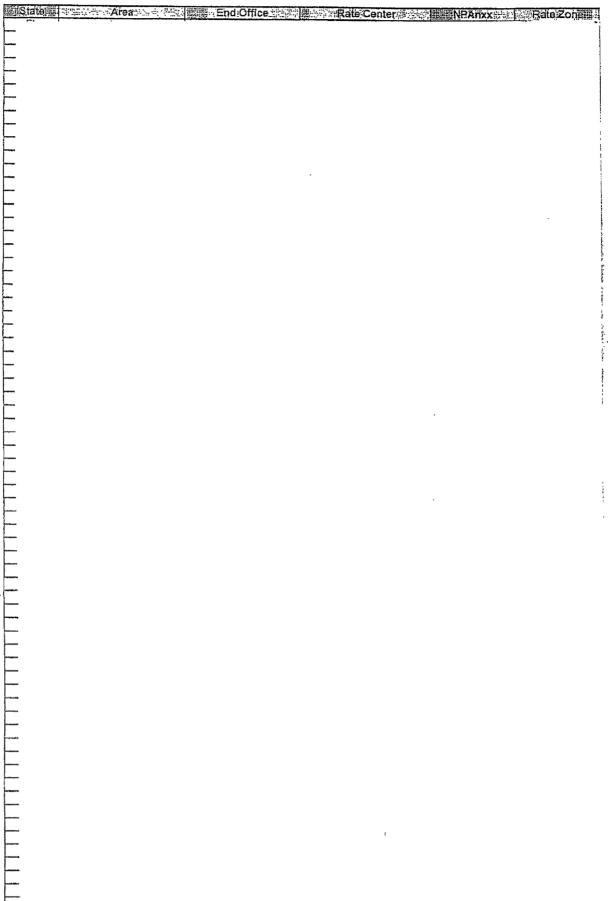
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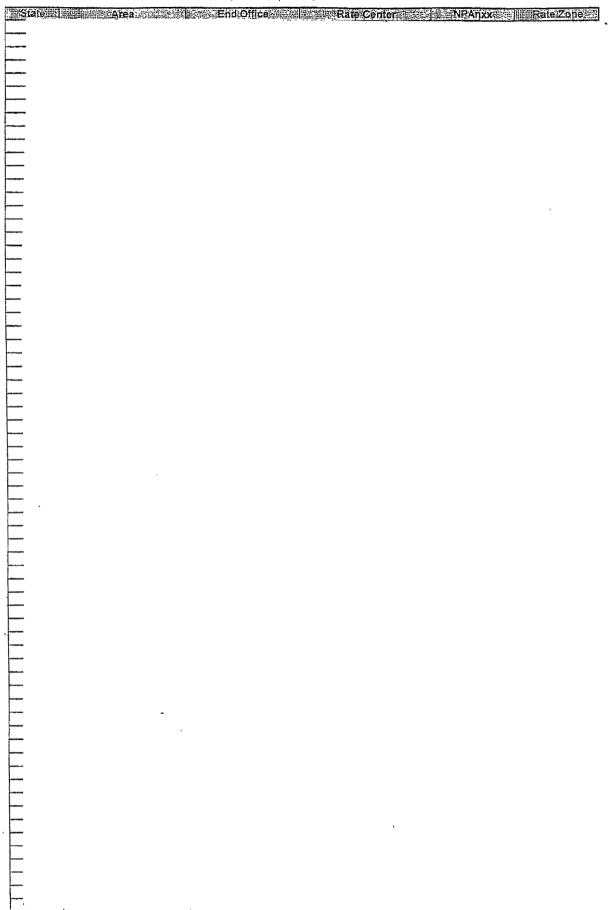


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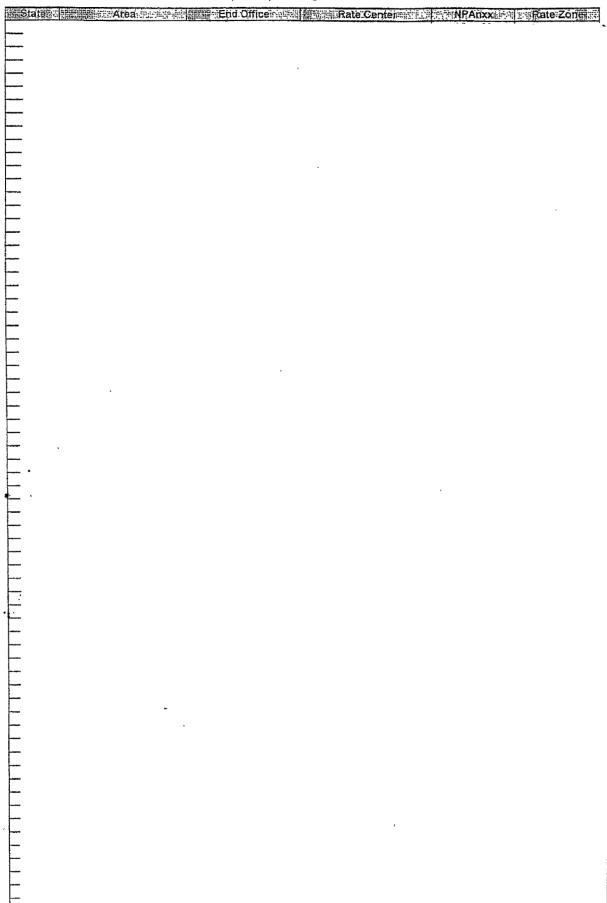


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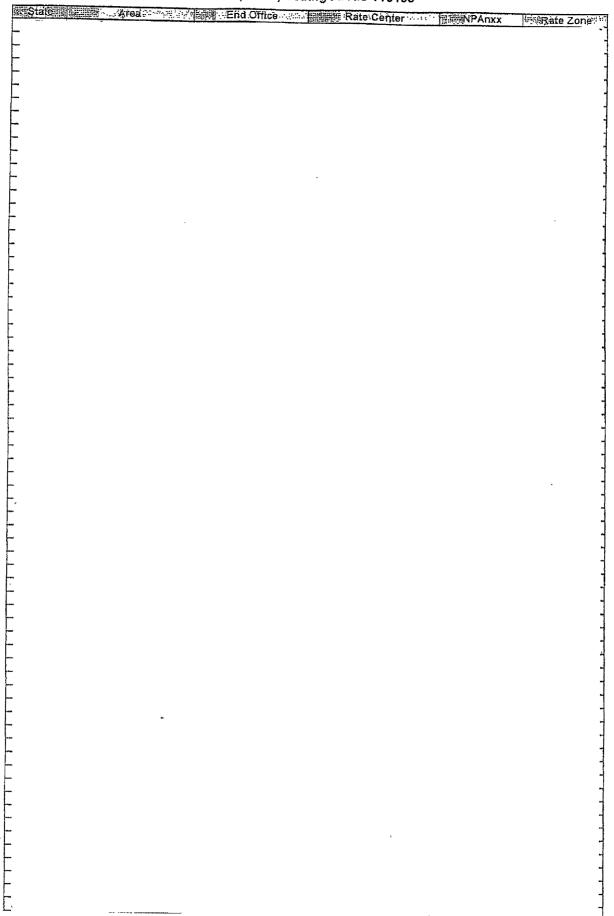
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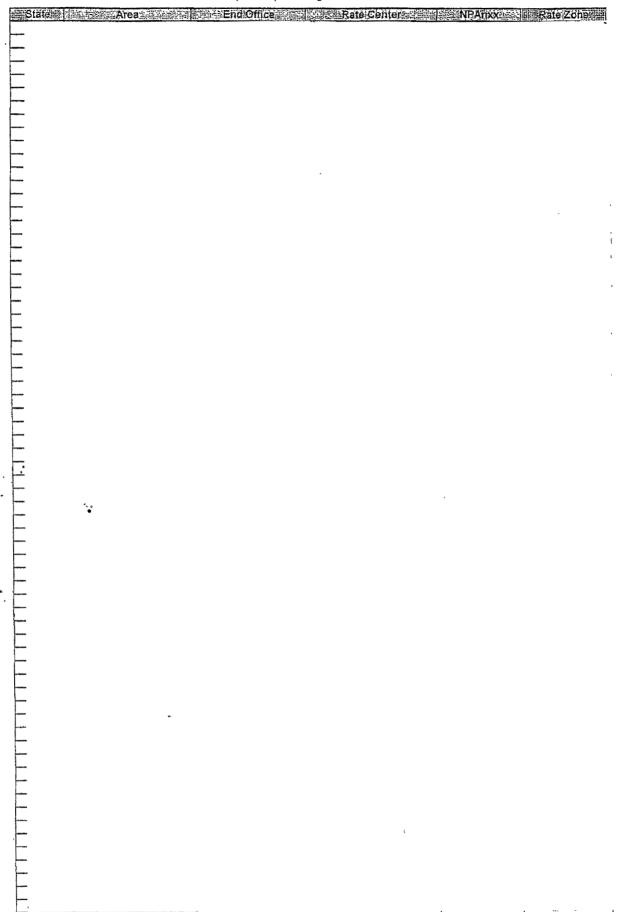


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XSPEDIUS FL - INT - 7

Total Florida Customers =
Residential =
Business =

Messer, Caparello & Self

A Professional Association

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March 19, 2004

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Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

Norman H. Horton

NHH/amb Enclosures

cc: Parties of Record

DOCUMENT NUMPER-DATE

Xspedius Revised Responses and Objections to BellSouth's First Set of Interrogatories and First Request for Production of Documents served December 11, 2003

- 1. The responses to BellSouth's discovery contains information relative to facilities, service areas, capabilities, in service customers and service potential that is considered and treated as confidential and highly sensitive. Such information, contained in Attachments FL-INT 1, 2, 3, 4, and 7, reveals information about Xspedius' current business and its potential plans and has value to Xspedius and its customers and to its competitors. Disclosure of this information to competitors would harm Xspedius and impair the competitive business of Xspedius. Xspedius does not and has not disclosed this information publicly and to do so would cause harm to the business operations of Xspedius. Further, the information contained in the Attachments has value to Xspedius and is not readily ascertainable others thus would be considered a trade secret as defined in Section 688.002, Florida Statutes, Section 364.183(3), Florida Statutes, allows for an exemption from disclosure of "information relating to competitive interest, the disclosure of which would impair the competitive business of the provider of the information and for trade secrets and such information is exempt from disclosure pursuant to Section 119.07, Florida Statutes.
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Document	<u>Reason</u>
ALL-INT-1, 1 page all lines and columns	1 and 2
ALL-INT-2, 1 page all lines and columns	1 and 2
Triennial Review Summary 84 pages Fields identified on each page	1
ALL-INT-6, 1 page All lines and columns	1 and 2

XSPEDIUS CONFIDENTIAL INFORMATION PROVIDED ONLY PURSUANT TO PROTECTIVE AGREEMENT

Xspedius Communications Voice Switch Detail - 11/4/03

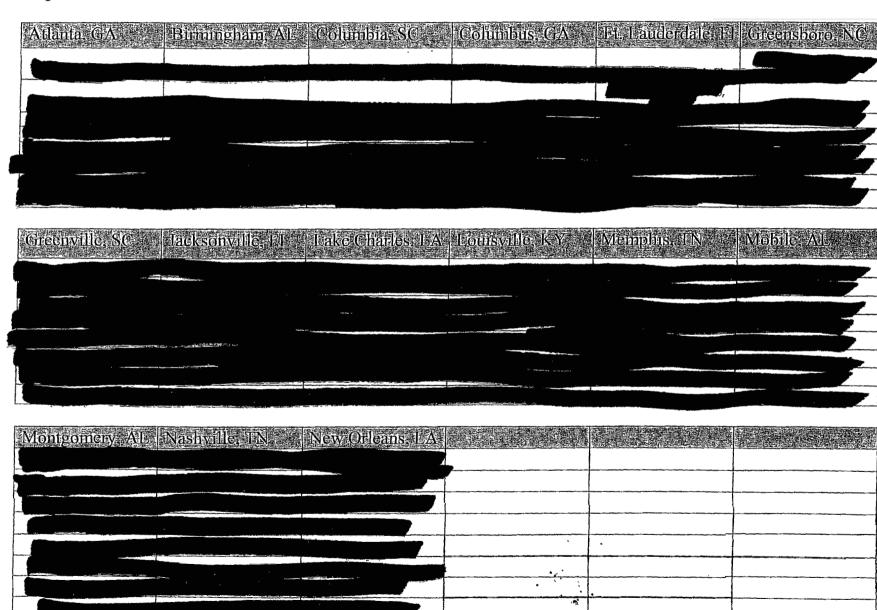
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Xspedius Confidential Information Provided only Pursuant to Protective Agreement Xspedius Communications Voice Switch Detail





VGE Counts:

Total for the State:



Business:

Residential:



Facility Based: UNEP:



Customer Counts:

Total for the State:



Business:

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25	Summary for Business Customers:
26	Customers:

X S P E D U S Triennial Review - by Customer

1	Summary for Facility:
2	Customers:
3	Summary for the following wire center -
4	Customers:
56	Summary for Business Customers:
	Customers:
7	Summary for Facility:
8	Customers:
9	Summary for the following wire center -
10	Customers:
11	Summary for Business Customers:
12	. Customers:
13	Summary for Facility:
14	-
.15	Summary for the following wire center -
16	Customers:
17	Summary for Business Customers:
18	Customers:
10	Summary for Facility:
20	Customers:
21	Summary for the following wire center -
22	
23	
21	-
29	Summary for Facility:
4	•

X S P E D I U S Triennial Review - by Customer Communications

1	Summary for the following wire center -
2	Customers:
3	Summary for Business Customers:
4	Customers:
5	Summary for Facility:
6	Customers:
7	Company for the following wine and
•	Summary for the following wire center -
8	Customers:
7 10	Summary for Business Customers:
11	oustorners.
12	Summary for Facility:
1 04	Customers:
13	Summary for the following wire center -
14	Customers:
15	Summary for Business Customers:
أحكرا	Customers:
17	Summary for Facility:
18	Customers:
19	0
•	Summary for the following wire center -
20 21	Customers:
22	Summary for Business Customers:
23	Customers:
24	Summary for Facility:
d	Customers:
25	Summary for the following wire center -
26	Customers:

X S P E D I U S Triennial Review - by Customer

1	Summary for Business Customers:
2	Customers:
3	Summary for Facility:
4	Customers:
5	Summary for the following wire center -
þ	Customers:
7	Summary for Business Customers:
7 8 9	Customers:
9	Summary for Facility:
10	Customers:
11	Summary for the following wire center -
12	Customers:
13	Summary for Business Customers:
14	Customers:
15	Summary for Facility:
16	Customers:
17	Summary for the following wire center -
18	Customers:
19	Summary for Business Customers:
20	Customers:
21	Summary for Facility:
22	Customers:
23	Summary for the following wire center -
24	Customers:
25	Summary for Business Customers:
26	Customers:

X S P E D I U S Communications

Triennial Review - by Customer

1	Summary for Facility:
2	Customers:
3	Summary for the following wire center -
4	Customers:
5	Summary for Business Customers:
Ь	Customers;
7	Summary for Facility:
8	Customers:
9	Summary for the following wire center -
10	Customers:
1.1	Summary for Business Customers:
.12	Customers:
13	Summary for Facility:
14	· -
15	Summary for the following wire center -
16	Customers:
17	Summary for Business Customers:
18	Customers:
19	Summary for Facility:
20	Customers:
21	Summary for the following wire center -
22	Customers:
23	Summary for Business Customers:
24	Customers:
<i>2</i> 5	Summary for Facility:
51	Customers:

X S P E D I U S Triennial Review - by Customer Communications

1	Summary for the Market of
2	Customers:
3	Summary for the following wire center -
4	Customers:
4 5 6	Summary for Business Customers:
6	Customers:
7	Summary for Facility:
8	Customers:
9	Summary for the Market of
ID	Customers:
11	Summary for the following wire center -
12	Customers:
13	Cummary 101 Dubil 1000 Gubtomore.
,	Customers:
	15 Summary for Facility:
•	Customers:
17	Summary for the Market of
18	Customers:
1	Summary for the following wire center -
\mathcal{Q}	Customers:
2	Summary for Business Customers:
2	Customers:
2	3 Summary for Facility:
2	Customers:
25	Summary for the Market of the Market
_	Customers:

1	Summary for the following wire center -
2	Customers:
	Summary for Business Customers:
3 4 5	Customers:
5	Summary for Facility:
6	Customers:
7	Summary for the Market of
8	Customers:
9	Summary for the following wire center -
10	Customers:
11	Summary for Business Customers:
12	Customers:
13	Summary for Facility:
14	Customers:
15	Summary for the Market of
16	Customers:
17	Summary for the following wire center -
18	Customers:
19	Summary for Business Customers:
20	Customers:
21	Summary for Facility:
22	Customers:
23	Summary for the Market of
24	Customers:
25	
26	Customers:

X S P E D I I S Triennial Review - by Customer

l	Summary for Business Customers:
2	Customers:
2 3 4	Summary for Facility:
4	Customers:
5	Summary for the Market of the same of the
6	Customers:
7	Summary for the following wire center
8	Customers:
9	Summary for Business Customers:
10	Customers:
11	Summary for Facility:
12	Customers:
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14	Summary for the Market of
	Customers:
-15	Summary for the following wire center
17	Customers:
18	Summary for Business Customers:
19	Customers:
_ `	Summary for Facility:
20	Customers:
21	Summary for the following wire center
22	Customers:
23	Summary for Business Customers:
24	Customers:
25 26	Summary for Facility:
26	Customers:
7	

1	Summary for the Market of
2	Customers:
3	Summary for the following wire center
4	Customers:
5	Summary for Business Customers:
6	Customers:
7	Summary for Facility:
8	Customers:
9	Summary for the Market of
10	Customers:
11	Summary for the following wire center
12	. Customers:
13	Summary for Business Customers:
14	Customers:
15	Summary for Facility:
16	Customers:
17	Summary for the Market of
18	Customers:
19	Summary for the following wire center -
20	Customers:
21	Summary for Business Customers:
25	Customers:
23	Summary for Facility:
2	Customers:
2	Summary for the following wire center
2	

Triennial Review - by Customer

	1	Summary for Business Customers:
	2	Customers:
	3	Summary for Facility:
	4	Customers:
	5	Summary for the following wire center
	6	Customers:
	7	Summary for Business Customers:
	8	Customers:
	9	Summary for Facility:
	10	Customers:
	11	Summary for the following wire center
,	12	Customers:
	13	Summary for Business Customers:
	14	Customers:
	15	Summary for Facility:
	16	Customers:
	17	Summary for the following wire center
	18	Customers:
	19	Summary for Business Customers:
	20	Customers:
	21	Summary for Facility:
	22	Customers:
	2	3 Summary for the following wire center
	2	4 Customers:
	<i>(</i> .	Summary for Business Customers:
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X S P E D/1 U S Triennial Review - by Customer

١	Summary for Facility:
2	Customers:
3	Summary for the following wire center
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7	Summary for Facility:
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9	Summary for the following wire center
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11	Summary for Business Customers:
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1,3.	Summary for Facility:
14	Customers:
15.	Summary for the following wire center
16	Customers:
17	Summary for Business Customers:
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19	Summary for Facility:
20	Customers:
21	Summary for the following wire center
ವಿವ	Customers:
23	Summary for Business Customers:
2	4 Customers:
2	Summary for Facility:
6	Customers:

1	Summary for UNEP:
2	Customers:
3	Summary for the following wire center
4	Customers:
5	Summary for Business Customers:
6	Customers:
7	Summary for Facility:
8	Customers:
9	Summary for the following wire center
10	Customers:
13	Summary for Business Customers:
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13.	Summary for Facility:
14	Customers:
. 15.	Summary for the following wire center
16.	Customers:
17	Summary for Business Customers:
18	Customers:
19	Summary for Facility:
20	Customers:
21	Summary for the following wire center
ಎನ	Customers:
23	Summary for Business Customers:
24	Customers:
<i>ఎ</i> క	Summary for Facility:
) 20	Customers:

X S P E D/1 U S Eammunications

J 5 Triennial Review - by Customer

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2	Customers:
2345	Summary for Business Customers:
4	Customers:
5	Summary for Facility:
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7	Summary for the following wire center
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9	Summary for Business Customers:
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11	Summary for Facility:
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13':	Summary for the following wire center
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17.	Summary for Facility:
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22	Customers:
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34	Customers:
25	Summary for the following wire center
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19	Summary for Business Customers:
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ఇక	Summary for Business Customers:
25 26	Customers:

1	Summary for Facility:
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17	Summary for Business Customers:
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19	Summary for Facility:
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21	Summary for the following wire center
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23	Summary for Business Customers:
24	Customers:
25	Summary for Facility:
26	Customers:



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21	Summary for Business Customers:
22	Customers:
23	Summary for Facility:
24	Customers:
25	Summary for the following wire center -
26	Customers:

X S P E D/I U S Communications

Triennial Review - by Customer

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1	Summary for Business Customers:
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16.	Customers:
17	
18	Summary for the following wire center
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19 20	Summary for Business Customers:
21	Customers:
	Summary for Facility:
ನಿವ	Customers:
23	Summary for the following wire center
24	Customers:
ఎక	Summary for Business Customers:
26	Customers:

X S P E D/I U S Communications I I S Triennial Review - by Customer

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,	Summary for Facility: Customers:
2	Customers.
3	Summary for the following wire center
4 5	Customers:
5	Summary for Business Customers:
6	Customers:
7	Summary for Facility:
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7	Summary for the following wire center
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11	Summary for Business Customers:
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13	Summary for Facility:
14	Customers:
15	Summary for the following wire center
16.	· Customers:
17	Summary for Business Customers:
18	Customers:
19	Summary for Facility:
20	Customers:
. 21	Summary for the following wire center
ವಿನ	Customers:
23	Summary for Business Customers:
24	Customers:
25	Summary for Facility:
26	Customers:
46	

X S P E D I U S Triennial Review - by Customer

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h	Summary for the following wire center
2	Customers:
3	Summary for Business Customers:
3 4 5	Customers:
	Summary for Facility:
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9	Summary for Business Customers:
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14	Summary for the following wire center
18	Customers:
	Summary for Business Customers:
. 19	Customers:
20	Summary for Facility:
21	Customers:
22	Summary for the following wire center
23	Customers:
24	Summary for Business Customers:
25	Customers:
26	Summary for Facility:
27	Customers:
28	Summary for UNEP:
	Customers:
) 29	



1	Summary for the following wire center
2	Customers:
3	Summary for Business Customers:
4	Customers:
5	Summary for Facility:
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15	Summary for Business Customers:
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17	Summary for Facility:
18	Customers:
19	Summary for the following wire center
20	Customers:
ગ	Summary for Business Customers:
2a	Customers:
2	Summary for Facility:
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2	Summary for the following wire center
20	Customers:

X S P E D 1 U S Triennial Review - by Customer

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<i>l</i> .	Summary for Business Customers:
2	Customers:
3	Summary for Facility:
4	Customers:
5	Summary for the following wire center
6	Customers:
7	Summary for Business Customers:
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9 10	Summary for Facility:
10	Customers:
11	Summary for the following wire center
12. "	Customers:
13	Summary for Business Customers:
14	Customers:
15	Summary for Facility:
ماا	Customers:
17	Summary for the following wire center
18	Summary for the following wire center Customers:
19	Summary for Business Customers:
20	Customers:
21	Summary for Facility:
22	Customers:
Sun	nmary for the Market of
24 Cus	stomers:
25	Summary for the following wire center
26	Customers:

X S P E D/1 U S Eemmunications

Triennial Review - by Customer

1	Summary for Business Customers:
2	Customers:
3	Summary for Facility:
4	Customers:
5	Summary for the following wire center
6	Customers:
7	Summary for Business Customers:
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17	Summary for the following wire center
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19	Summary for Business Customers:
20	Customers:
21	Summary for Facility:
22	Customers:
23	Summary for the following wire center
24	Customers:
25	Summary for Business Customers:
26	Customers:

X S P E D/I U S Communications Triennial Review - by Customer

1	O 5 - 17 - 177 - 1
h	Summary for Facility:
2	Customers:
3	Summary for the following wire center
3456	Customers:
5	Summary for Business Customers:
6	Customers:
7	Summary for Facility:
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23	Summary for Business Customers:
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25	Summary for Facility:
26	Customers:

J S Triennial Review - by Customer

1	Summary for the following wire center
2	Customers:
3	Summary for Business Customers:
3 4 5	Customers:
5	Summary for Facility:
6	Customers:
7	Summary for the following wire center
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14	Customers:
15	Summary for Business Customers:
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17	Summary for Facility:
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21	Summary for Business Customers:
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23	Summary for Facility:
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52	Summary for the following wire center
, 26	Customers:

1	Summary for Business Customers:
2	Customers:
3	Summary for Facility:
3 4	Customers:
5	Summary for the following wire center
6	Customers:
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.12	Summary for the following wire center
13	Customers:
14	Summary for Business Customers:
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15	Summary for Facility:
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17	Summary for the following wire center
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21	Summary for Facility:
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23	Common for the following wire center
24	Summary for the following wire center Customers:
25	Summary for Business Customers:
25 24	Customers:
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X S P E D I U S Triennial Review - by Customer

Summary for Facility: Customers:
2 Customers:
3 Summary for the following wire center
4 Customers:
Summary for Business Customers: Customers:
Summary for Facility:
8 Customers:
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6 Customers:
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୍ଦିପ୍ Customers:
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G Triennial Review - by Customer

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)	26	Customers:

1	Summary for the following wire center
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an	Summary for Business Customers:
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1	Summary for Business Customers:
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51	Summary for Facility:
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21	Summary for Business Customers:
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23	Summary for Facility:
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X S P E D/I U S

Triennial Review - by Customer

Summary for Business Customers:
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Triennial Review - by Customer

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24	Customers:
25	Summary for Business Customers:
26	Customers:

X S P E D/I U S Triennial Review - by Customer

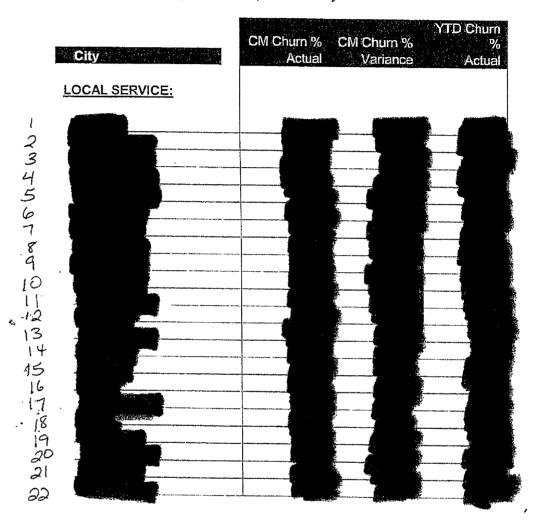
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4 5	Customers:
5	Summary for Business Customers:
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XSPEDIUS CONFIDENTIAL INFORMATION PROVIDED ONLY PURSUANT TO PROTECTIVE **AGREEMENT**

Xspedius Communications, LLC 2003 Actual vs. Budget - VGE Report Summary



Xspedius Responses and Objections to Staff's Second and Third Set of Interrogatories served February 27, 2004

1. The responses to BellSouth's discovery contains information relative to facilities, service areas, capabilities, in service customers and service potential that is considered and treated as confidential and highly sensitive. Such information, contained in Attachments FL-INT 1, 2, 3, 4, and 7, reveals information about Xspedius' current business and its potential plans and has value to Xspedius and its customers and to its competitors. Disclosure of this information to competitors would harm Xspedius and impair the competitive business of Xspedius. Xspedius does not and has not disclosed this information publicly and to do so would cause harm to the business operations of Xspedius. Further, the information contained in the Attachments has value to Xspedius and is not readily ascertainable others thus would be considered a trade secret as defined in Section 688.002, Florida Statutes, Section 364.183(3), Florida Statutes, allows for an exemption from disclosure of "information relating to competitive interest, the disclosure of which would impair the competitive business of the provider of the information and for trade secrets and such information is exempt from disclosure pursuant to Section 119.07, Florida Statutes.

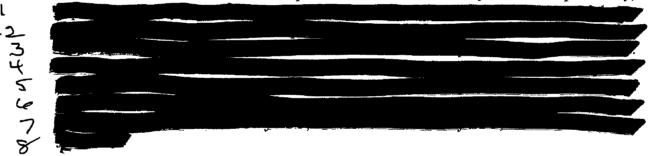
Document	Reason
Second Set Response 8(b) page 5, lines 1-8 designated field	1
Third Set, Response 12(d) page 5, lines 1-4, designated field page 6, lines 1-4, designated field	1 1
FL-STAFF-LOOP-INT 1 1 page, lines 1 – 14, columns A –E	1

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Subject to and without waiving the foregoing objections, Xspedius has self-provisioned local loops from its Tampa, Ft. Lauderdale and Jacksonville switches.

<u>Provided by:</u> Objections provided by Counsel. Response provided by Norman Papenberg, Director, Switch Engineering, 5555 Winghaven Blvd., Suite 300, O'Fallon, MO 63366.

(b) For those switches identified in response to (a), please identify the capacity of the loops self-provisioned and the number of each loop type provisioned to end users.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Subject to and without waiving the foregoing objections, and subject to the protective agreement in this proceeding, Xspedius does not have available in its systems granular information on how many loop types it has provisioned off of each of its Florida switches. Xspedius has, however, researched the number of DS-0 loops that it has in Florida by market. Specifically,



<u>Provided by:</u> Objections provided by Counsel. Response provided by Steve Van Valin, Director, Access Cost Management, 5555 Winghaven Blvd., Suite 300, O'Fallon, MO 63366.

(c) For those loops identified in response to (b), please state the terms, conditions, and rates under which your company is providing the loop in conjunction with the switching component.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Subject to and without waiving the foregoing objections, Xspedius offers a variety of products and pricing options, which are contained in Xspedius' tariffs on file with the Commission. The loops and switching are

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Subject to and without waiving the foregoing objections, Xspedius has entered the following markets: Jacksonville, Miami, Ft. Lauderdale, and Boca Raton.

<u>Provided by:</u> Objections provided by Counsel. Response provided by James C. Falvey, Sr. V.P., Regulatory Affairs, 7125 Columbia Gateway Dr., Ste. 200, Columbia, MD 21046.

(b) Of those markets Xspedius has identified in (a) as having entered, please identify those markets where Xspedius provides service using UNE-L.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Subject to and without waiving the foregoing objections, Xspedius serves all of the above markets with UNE-L.

<u>Provided by:</u> Objections provided by Counsel. Response provided by James C. Falvey, Sr. V.P., Regulatory Affairs, 7125 Columbia Gateway Dr., Ste. 200, Columbia, MD 21046.

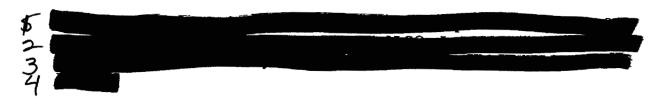
(c) For those markets identified in (b), please identify the CLLI of each switch that serves these markets.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Subject to and without waiving the foregoing objections, the CLLI codes are as follows: Jacksonville is JCVLFLWFDC0; Miami, Ft. Lauderdale, and Boca Raton all are FTLDFLTADC0.

<u>Provided by:</u> Objections provided by Counsel. Response provided by Norman Papenberg, Director, Switch Engineering, 5555 Winghaven Blvd., Suite 300, O'Fallon, MO 63366.

12 (d) For each switch identified in (c), please identify the number of DS0 lines served in each market.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Subject to and without waiving the foregoing objections, and subject to the protective agreement in this proceeding, Xspedius does not have available in its systems granular information on how many loop types it has provisioned off of each of its Florida switches. Xspedius has, however, researched the number of DS-0 loops that it has in Florida by market. Specifically,



<u>Provided by:</u> Objections provided by Counsel. Response provided by Steve Van Valin, Director, Access Cost Management, 5555 Winghaven Blvd., Suite 300, O'Fallon, MO 63366.

(e) For those DS0 lines served in each market identified in (d), please indicate the number of customer locations served by those DS0 lines.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Xspedius also objects because Xspedius systems do not track the requested information.

Provided by: Objections provided by Counsel.

(f) Of those customer locations identified in (e), please indicate the number of customer locations with 3 or fewer DS0 lines.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Xspedius also objects because Xspedius systems do not track the requested information.

Provided by: Objections provided by Counsel.

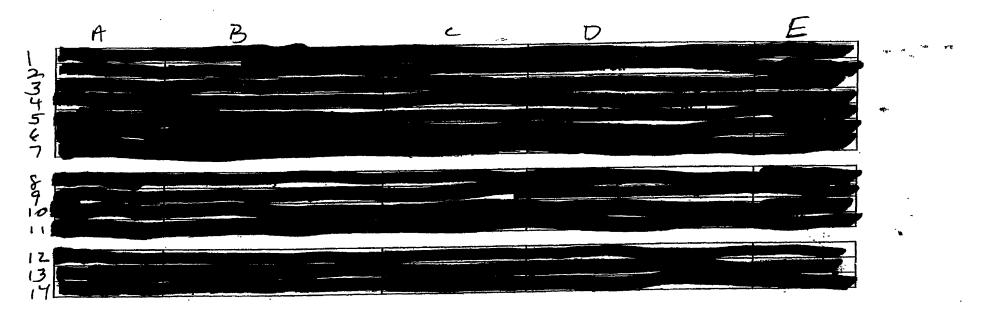
(g) For each switch identified in (c) that provides DS0 service, please state the percent of total capacity used to provide DS0 service.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Xspedius also objects because Xspedius systems do not track the requested information.

Provided by: Objections provided by Counsel.

(h) For each switch identified in (c) that provides DS0 service, please state the percent of spare capacity.

<u>Xspedius Response</u>: Xspedius adopts and incorporates its General Objections 1, 5, 6, 8, 9, 15, and 16, as if set forth herein verbatim. Xspedius has provided in response to the First Interrogatories from BellSouth in this docket the capacity in use and available capacity on each of these switches.



Rebuttal Testimony of Joseph Gillan

1. The responses to BellSouth's discovery contains information relative to facilities, service areas, capabilities, in service customers and service potential that is considered and treated as confidential and highly sensitive. Such information, contained in Attachments FL-INT 1, 2, 3, 4, and 7, reveals information about Xspedius' current business and its potential plans and has value to Xspedius and its customers and to its competitors. Disclosure of this information to competitors would harm Xspedius and impair the competitive business of Xspedius. Xspedius does not and has not disclosed this information publicly and to do so would cause harm to the business operations of Xspedius. Further, the information contained in the Attachments has value to Xspedius and is not readily ascertainable others thus would be considered a trade secret as defined in Section 688.002, Florida Statutes, Section 364.183(3), Florida Statutes, allows for an exemption from disclosure of "information relating to competitive interest, the disclosure of which would impair the competitive business of the provider of the information and for trade secrets and such information is exempt from disclosure pursuant to Section 119.07, Florida Statutes.

Document Reason

Rebuttal Testimony
Tr. 2514, lines 8 and 9
Designated Fields 1

Docket No. 030851-TP Rebuttal Testimony of Joseph Gillan On behalf of the Florida Competitive Carriers Association

1	*	Aspedius's switches are enterprise switches and the principal dusiness of
2		Xspedius is to serve the enterprise and not the mass market in the areas in
3		Florida where these switches are located. Today, Xspedius actively
4		markets to medium and large business enterprise customers with a high
5		demand for a variety of sophisticated data-centric telecommunications
6		services and solutions.
7		
8	*	Xspedius currently serves pice grade equivalents (VGEs) in
9 .		Florida, of which only are analog (i.e., These DS-0 customers
10		are an incidental part of Xspedius' business. Serving these DS-0
.11.		customers is not currently, and never has been, a significant part of
. 12		Xspedius sales and marketing efforts.
13		
14	*	Xspedius' principal product is Complete Xchange,™ an integrated T-1
15		product designed for and marketed to sophisticated small and midsize
16		companies with complex voice and data telecommunications needs.
17		
18	*	Xspedius utilizes an individualized contract with each customer.
19		
20	As	the above demonstrates, Xspedius is not actively providing mass market voice
21	serv	vices in Florida.
22		

Exhibit 2 to Deposition of Joseph Gillan

1. The responses to BellSouth's discovery contains information relative to facilities, service areas, capabilities, in service customers and service potential that is considered and treated as confidential and highly sensitive. Such information, contained in Attachments FL-INT 1, 2, 3, 4, and 7, reveals information about Xspedius' current business and its potential plans and has value to Xspedius and its customers and to its competitors. Disclosure of this information to competitors would harm Xspedius and impair the competitive business of Xspedius. Xspedius does not and has not disclosed this information publicly and to do so would cause harm to the business operations of Xspedius. Further, the information contained in the Attachments has value to Xspedius and is not readily ascertainable others thus would be considered a trade secret as defined in Section 688.002, Florida Statutes, Section 364.183(3), Florida Statutes, allows for an exemption from disclosure of "information relating to competitive interest, the disclosure of which would impair the competitive business of the provider of the information and for trade secrets and such information is exempt from disclosure pursuant to Section 119.07, Florida Statutes.

<u>Description</u> <u>Reason</u>

Exhibit 2 to Gillan Deposition. Affidavit of James Falvey page 14, paragraph 8 and page 15, paragraph 9

1

Before the Florida Public Service Commission

IN RE: Docket No. 030851-TP Mass Market Local Switching case



AFFIDAVIT

- I, James C. Falvey depose and say as follows:
- 1. The facts contained herein are true and based upon my personal knowledge.
- 2. I am a citizen of Millersville, Maryland, where I have resided since 1996. I am 40 years of age. I am not under any disability and am fully competent to make this affidavit.
- My name is James C. Falvey. I am employed as Senior Vice President of Regulatory Affairs by Xspedius Communications, LLC ("Xspedius"). My business address is 7125 Columbia Gateway Dr., Suite 200, Columbia, Maryland 21046.
- 3. I have been asked by FCCA/CompSouth to provide some basic information about Xspedius.
- 4. It is my understanding that Xspedius has been named by BellSouth as a Self-Provider using our own local circuit switches in Florida to serve mass market customers.
- 5. I am familiar with the FCC definitions in the Triennial Review Order of "enterprise customers" and "mass market customers".
- 6. Based on these definitions, Xspedius should not be considered a Self Provider of analog Plain Old telephone Service ("POTS") to the mass market utilizing our switches in Florida. The principal business of Xspedius is to serve the enterprise and not the mass market in the areas in Florida where our switches are located. Today, Xspedius actively markets to medium and large business enterprise customers with a high demand for a variety of sophisticated data-centric telecommunications services and solutions.
- 7. As an initial matter, the FCC has stated that the mass market is made up of residential and small business analog POTs customers. While XSPEDIUS does serve a very small number of small business customers, XSPEDIUS does not serve any residential customers in Florida.
- 8. Specifically, Xspedius currently served in Florida. Yet Xspedius has on Kspedius VGEs in the state. These constraints are an incidental part of Xspedius'

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Docket No. 030851-TP Gillan Deposition Exhibit No.2 CONFIDENTIAL Page 14 of 22 business. Serving these DS-0 customers is not currently, and never has been, a significant part of Xspedius sales and marketing efforts.

9. The few DS-0 customers that Xspedius retains are not even widely dispersed across the geographic areas Xspedius serves. Xspedius has been a Ft. Lauderdale, all served out of the Main Relief LSO. In Jackson when there are

This limited distribution of DS-U customers is removed of the incidental mature of these customers.

- 10. The small business customers are not "mass market customers" in the sense that they are not "lower revenue accounts characterized by low margins and serviced on a month to month basis and not pursuant to annual contracts". As discussed in Xspedius' marketing materials on its web site, Xspedius offers Complete Access, an integrated T-1 product designed for and marketed to sophisticated small and midsize companies with complex voice and data telecommunications needs. The Xspedius T-1 products are not designed for very small business customers and would not represent an efficient or affordable solution to the needs of very small business customers. Xspedius Complete Access is an "integrated T-1" service integrating local, long distance, and toll-free on a single T-1. It is sold with or without dedicated Internet service.
- 11. Xspedius utilizes an individualized contract with each customer. As a result, the lower revenues and "churn" experienced by carriers serving mass market customers tends not to be present with Xspedius' targeted customer segment.

Further affiant sayeth not,

Signed to this 6th day of Januar

Signature of Affiant

Print Name of Affiant

CONFIDENTIAL

27	ГΔ	TH	OF
			-

Maryland

COUNTY OF

Howard

In <u>Columbia</u>, on the <u>6th</u> day of <u>January</u>, 2004, before me, a Notary Public in and for the above state and county, personally appeared <u>James C. Falvev</u>, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly swom, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.

NOTARY PUBLIC

RABINAI E, CARSON NOTARY PUBLIC HOWARD COUNTY MARYLAND Ay Commission Expires Apr. 25, 200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Hand Delivery (*), electronic mail, and/or U. S. Mail this 19th day of March, 2004.

Jeremy Susac, Esq.*
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Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Jason Rojas, Esq.*
Office of General Counsel, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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Susan S. Masterton, Esq.
Sprint-Florida, Incorporated
Sprint Communications Company Limited
Partnership
P.O. Box 2214
Tallahassee, FL 32316-2214

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Mr. James White ALLTEL 601 Riverside Avenue Jacksonville FL 32204-2987

Ms. Laurie A. Maffett Frontier Telephone Group 180 South Clinton Avenue Rochester NY 14646-0700

Mr. R. Mark Ellmer GT Com P. O. Box 220 Port St. Joe FL 32457-0220 Mr. Robert M. Post, Jr. ITS Telecommunications Systems, Inc. P. O. Box 277 Indiantown FL 34956-0277

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Joe McGlothlin, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
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Charles Beck Office of the Public Counsel 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400

Michael B. Twomey P.O. Box 5256 Tallahassee, FL 32314-5256

Norman H. Horton, Jr

Response to Staff TRO Data Request

1. The responses to BellSouth's discovery contains information relative to facilities, service areas, capabilities, in service customers and service potential that is considered and treated as confidential and highly sensitive. Such information, contained in Attachments FL-INT 1, 2, 3, 4, and 7, reveals information about Xspedius' current business and its potential plans and has value to Xspedius and its customers and to its competitors. Disclosure of this information to competitors would harm Xspedius and impair the competitive business of Xspedius. Xspedius does not and has not disclosed this information publicly and to do so would cause harm to the business operations of Xspedius. Further, the information contained in the Attachments has value to Xspedius and is not reádily ascertainable others thus would be considered a trade secret as defined in Section 688.002, Florida Statutes, Section 364.183(3), Florida Statutes, allows for an exemption from disclosure of "information relating to competitive interest, the disclosure of which would impair the competitive business of the provider of the information and for trade secrets and such information is exempt from disclosure pursuant to Section 119.07, Florida Statutes.

<u>Description</u>	<u>Reason</u>
Response to data request, 16 pages	
pages 1 and 2, lines 3-60 columns A, and D – AF	1
pages 3 and 4, lines $61 - 119$ columns A, and $D - AF$	1
pages 5 and 6, lines 120 – 178 columns A and D – AF	1
pages 7 and 8, lines 179 - 237 columns A, and D - AF	1
pages 9 and 10, lines 238 – 296 columns A, and D – AF	1
pages 11 and 12, lines 297 - 355 columns A, and D – AF	1
pages 13 and 14, lines 356 - 414 columns A, and D – AF	1
pages 15 and 16, lines 415 - 421 columns A, and D – AF	1

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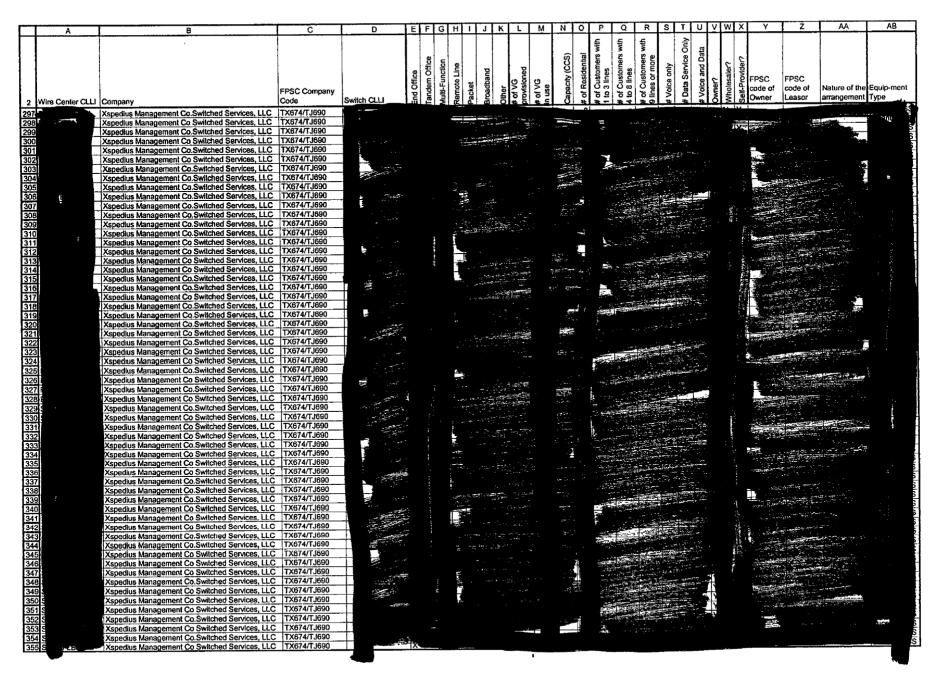
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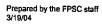
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	Δ	В	С	D	AC	AD	ΑE	AF
2	Wire Center CLLI	Company	FPSC Company Code	Switch CLLI	Define Abbreviations	Function Performed	Class 4 and Class 5 Functions? (Y/N)	NPA-NXX
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