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March 24, 2004

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**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. 030852-TP


Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III, LLC are an original and fifteen copies of KMC Telecom III, LLC's Request for Confidential Classification for information provided in its Response to Staff's First Set of Interrogatories (Nos. 1-14) 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.

Sincerely yours,



Floyd R. Self

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cc: Parties of Record

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This confidentiality request was filed by or for a "telco" for DN 0235404. 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.

(for 02354-04)  
DOCUMENT NUMBER-DATE  
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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: For DS1, DS3, and Dark )  
Fiber Loops and Route-Specific Review for ) Filed: March 24, 2004  
DS1, DS3, and Dark Fiber Transport )  
\_\_\_\_\_ )

**KMC TELECOM III, LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

KMC Telecom III, LLC (hereinafter "KMC"), pursuant to section 364.183, Florida Statutes, and Rule 25-2.006, Florida Administrative Code, requests confidential classification of certain data previously filed in this docket pursuant to a claim for confidentiality. In support of this request KMC hereby states:

1. On February 18, 2004, KMC filed in the above-captioned proceeding its Response to Staff's First Set of Interrogatories (Nos. 1-14). KMC's Response included Confidential Attachments to Interrogatories 1(a), 3, 5(a), 5(b), 5(c) and 7(a), all of which contained confidential information that is considered proprietary. When KMC filed its Response, it filed the appropriate corresponding Claim for Confidential Treatment, in accordance with Rule 25-22.006(5) and section 364.183(1), Florida Statutes, regarding Confidential Attachments to Interrogatories 1(a), 3, 5(a), 5(b), 5(c) and 7(a).

2. KMC hereby files this Request for Confidential Classification, in accordance with Rule 25-22.006(4), Florida Administrative Code, for Confidential Attachments to Interrogatories 1(a), 3, 5(a), 5(b), 5(c) and 7(a). The public and redacted copies required by Rule 25-22.006(4) are not being filed at this time as they were filed with the claim filed on February 18, 2004.

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3. The information for which confidential classification is requested reveals confidential and proprietary business information. Specifically, the information includes:

(a) Confidential Attachment to Interrogatory 1(a) contains a list of all points in Florida where KMC is collocated with other CLECs, including addresses, CLLI codes and collocation providers;

(b) Confidential Attachment to Interrogatory 3 contains a list of all add-drop multiplexer locations for all KMC owned add-drop multiplexers, regardless of whether these facilities are connected to a fiber ring or other type of fiber lateral;

(c) Confidential Attachment to Interrogatory 5(a) contains a list of all points in Florida where KMC is collocated with an ILEC, including addresses, CLLI codes and collocation providers;

(d) Confidential Attachment to Interrogatory 5(b) contains a list of overall size of collocation arrangements identified in Interrogatory 5(a);

(e) Confidential Attachment to Interrogatory 5(c) contains a list of the dates on which collocation space was turned over to KMC for those collocation arrangements identified in Interrogatory 5(a); and

(f) Confidential Attachment to Interrogatory 7(a) contains a list of all IXC collocation arrangements KMC has in Florida, including city/address, IXC, size of arrangement and unused space.

5. The information contained in Confidential Attachments to Interrogatories 1(a), 3, 5(a), 5(b), 5(c) and 7(a) provides detailed information about all of KMC's collocation arrangements in Florida, as well as detailed information about KMC's add-drop multiplexers in Florida. KMC considers such information to be trade secrets and

proprietary, confidential business information which, if disclosed, would be of benefit to competitors and cause harm to KMC and its customers. Such information provides KMC an economic benefit, and is not known or readily ascertainable to other persons. Such information is economically valuable to KMC and its competitors, and KMC treats such information as confidential and maintains many processes and procedures to maintain its secrecy.

6. A trade secret is defined in section 688.002(4), Florida Statutes, the Uniform Secrets Act, to mean:

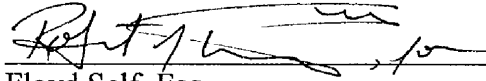
[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process that:

- (a) Derives independent economic value, actual or potential, from not being generally known to, and not be readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The information at issue fits plainly in this definition as set forth above. Accordingly, the Commission should grant the request for confidential treatment and find in the information contained in Confidential Attachments to Interrogatories 1(a), 3, 5(a), 5(b), 5(c) and 7(a) to be confidential and exempt from section 119.071(1), pursuant to section 364.183(3)(a) and (e).

WHEREFORE, based on the foregoing, KMC respectfully requests that, pursuant to Section 364.183, Florida Statutes, the Commission enter an Order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.

Respectfully submitted,

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

Floyd Self, Esq.

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Attorneys for KMC Telecom III, LLC

## 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 24<sup>th</sup> day of March, 2004.

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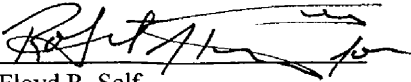
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