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March 24, 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. 030852-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of ITC^DeltaCom Communications, Inc., are an original and fifteen copies of ITC^DeltaCom Communications, Inc.'s Request for Confidential Classification for information provided in its Responses to Staff's First Set of Interrogatories (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,

*Monica Evans*  
FRS  
Floyd R. Self

This confidentiality request was filed by or for a "telco" for DN 00912-04. 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.

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- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC
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FRS/amb  
Enclosures  
cc: Parties of Record

*Leanf records*

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*(for 00912-04)*  
DOCUMENT NUMBER-DATE  
03902 MAR 24 04

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of Requirements Arising	)	
from Federal Communications Commission	)	Docket No. 030852-TP
Triennial UNE Review: Location Specific	)	
Review For DS1, DS3, and Dark Fiber Loops And	)	Filed: March 24, 2004
Route-Specific Review for DS1, DS3, And Dark	)	
Fiber Transport	)	
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**ITC^DELTA COM COMMUNICATIONS, INC.'S**  
**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine and BTI Corporation (hereinafter "ITC^DeltaCom"), 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 ITC^DeltaCom hereby states:

1. On January 21, 2004, ITC^DeltaCom filed in the above-captioned proceeding its Responses to Staff's First Set of Interrogatories (1-14). ITC^DeltaCom's Responses to Interrogatories 3, 5(a)-5(e), 7(a)-7(f), and Confidential Attachment D contained confidential information that is considered proprietary. When ITC^DeltaCom 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.

2. ITC^DeltaCom hereby files this Request for Confidential Classification, in accordance with Rule 25-22.006(4), Florida Administrative Code, for its Responses to Interrogatories 3, 5(a)-5(e), 7(a)-7(f), and Confidential Attachment D. 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 January 21, 2004.

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

(a) Response to Interrogatory 3 identifies confidential information regarding ITC^DeltaCom's fiber rings and transport facilities.

(b) Responses to Interrogatories 5(a)-(f) and 7(a)-(f) reveal confidential collocation information.

(c) Confidential Attachment D reveals confidential ITC^DeltaCom collocation and route information.

4. ITC^DeltaCom considers the above information to be trade secrets and information relating to competitive interests which, if disclosed, would be of benefit to competitors and cause harm to ITC^DeltaCom and its customers. Such information provides ITC^DeltaCom an economic benefit, and is not known or readily ascertainable to other persons. Such information is economically valuable to ITC^DeltaCom and its competitors, and ITC^DeltaCom treats such information as confidential and maintains many processes and procedures to maintain its secrecy.

5. The information in the Responses to Interrogatories 3, 5(a)-5(e), 7(a)-7(f), and Confidential Attachment D contain market deployment data and other specific network information utilized by ITC^DeltaCom to conduct its business. ITC^DeltaCom has invested enormous amounts of time and money structuring and deploying its marketing strategies which will be wasted if the information contained in the Responses to Interrogatories 6 and 13 is released to the public.

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, devise, 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. Additionally, disclosure of this information will impair the competitive business of ITC^DeltaCom. Therefore, the Commission should grant the request for confidential classification and find the information contained in Responses to Interrogatories 3, 5(a)-5(e), 7(a)-7(f), and Confidential Attachment D to be confidential and exempt from section 119.071(1), pursuant to section 364.183(3)(a) and (e).

WHEREFORE, based on the foregoing, ITC^DeltaCom 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,

  
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## 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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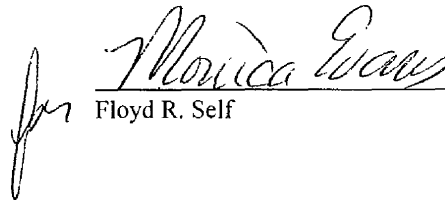
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