

LAW OFFICES  
**Messer, Caparello & Self**  
A Professional Association

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

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 the Rebuttal Testimony of Gary Ball 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

FRS/amb  
Enclosures  
cc: Parties of Record

This confidentiality request was filed by or for a "telco" for DN 00916-04. 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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FCCA  
(for 00916-04)  
DOCUMENT NUMBER-DATE  
03923 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: 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 January 21, 2004, the Florida Competitive Carriers Association (hereinafter "FCCA") filed in the above-captioned proceeding the Rebuttal Testimony of Gary Ball. Ball's Rebuttal Testimony had attached exhibits that contained confidential proprietary business information about KMC, namely, specific portions of Ball's Rebuttal Testimony. When FCCA filed Ball's Rrebuttal Testimony, 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. KMC hereby files this Request for Confidential Classification, in accordance with Rule 25-22.006(4), Florida Administrative Code, for specific portions of Ball's Rebuttal Testimony. 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.

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3. The information for which confidential classification is requested reveals confidential and proprietary business information. Specifically, Ball's Rebuttal Testimony, Transcript page 15, line 23, identifies companies and the services they provide that KMC considers to be confidential.

5. The information contained in Ball's Rebuttal Testimony referenced above provides detailed information about companies and the services they provide that KMC considers to be confidential. 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, 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. Accordingly, the Commission should grant the request for confidential treatment and find in the

information contained in Ball's Rebuttal Testimony at page 15, line 23 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.  
Messer, Caparello & Self, P.A.  
215 S. Monroe Street, Suite 701  
Tallahassee, FL 32302  
(850) 222-0720

and

Steve Augustino  
Kelly, Drye & Warren LLP  
1200 19th Street N.W.  
Washington, D.C. 20036

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.

Adam Teitzman, Esq.\*  
Office of General Counsel, Room 370  
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

Nancy B. White  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

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

Richard A. Chapkis, Esq.  
Verizon Florida Inc.  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110

Nanette Edwards  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

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

Ms. Harriet Eudy  
NEFCOM  
11791 110th Street  
Live Oak FL 32060-6703

Ms. Lynn B. Hall  
Smart City Telecom  
P. O. Box 22555  
Lake Buena Vista FL 32830-2555

Michael A. Gross  
Vice President, Regulatory Affairs  
& Regulatory Counsel  
Florida Cable Telecommunications Assoc., Inc.  
246 E. 6<sup>th</sup> Avenue  
Tallahassee, FL 32301

Tracy W. Hatch, Esq.  
AT&T Communications of the Southern States, LLC  
101 N. Monroe Street, Suite 701  
Tallahassee, FL 32301

Lisa Sapper  
AT&T  
1200 Peachtree Street, NE, Suite 8100  
Atlanta, GA 30309

Donna McNulty, Esq.  
MCI WorldCom Communications, Inc.  
1203 Governors Square Blvd, Suite 201  
Tallahassee, FL 32301-2960

De O'Roark, Esq.  
MCI WorldCom Communications, Inc.  
6 Concourse Parkway, Suite 600  
Atlanta, GA 30328

Vicki Kaufman, Esq.  
Joe McGlothlin, Esq.  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 S. Gadsden Street  
Tallahassee, FL. 32301


Marva Brown Johnson, Esq.  
KMC Telecom III, LLC  
1755 North Brown Road  
Lawrenceville, GA 30034-8119

James C. Falvey, Esq.  
Senior Vice President, Regulatory Affairs  
Xspedius Communications, LLC  
7125 Columbia Gateway Drive, Suite 200  
Columbia, MD 21046

Norman H. Horton, Jr.  
Messer, Capareello & Self, P.A.  
P.O. Box 1876  
Tallahassee, FL 32302-1876

J. Jeffry Wahlen  
Ausley & McMullen  
P.O. Box 391  
Tallahassee, Florida 32302

Mr. Jake E. Jennings  
NewSouth Communications Corp.  
Two N. Main Center  
Greenville, SC 29601

  
Floyd R. Self

Jon C. Moyle, Jr., Esq.  
Moyle, Flanigan, Katz, Raymond & Sheehan, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301

Charles E. Watkins  
Covad Communications Company  
1230 Peachtree Street, NE, 19<sup>th</sup> Floor  
Atlanta, GA 30309

Matt Feil  
Scott A. Kassman  
FDN Communications  
2301 Lucien Way, Suite 200  
Orlando, FL 32751

Jorge Cruz-Bustillo, Esq.  
Supra Telecommunications and  
Information Systems, Inc.  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33133

Mr. Jonathan Audu  
Supra Telecommunications and  
Information Systems, Inc.  
1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301

Mr. Bo Russell  
Vice President  
Regulatory and Legal Affairs  
Nuvox Communications, Inc.  
301 North Main Street  
Greenville, SC 29601

Thomas M. Koutsky  
Vice president, Law and Public Policy  
Z-Tel Communications, Inc.  
1200 19<sup>th</sup> Street, N.W., Suite 500  
Washington, DC 20036

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