

ORIGINAL

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March 23, 2004

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MAR 24 PM 4:18
COMMISSION
CLERK

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 Xspedius Communications, LLC are an original and fifteen copies of Xspedius' Request for Specified Confidential Classification for information provided in testimony, deposition 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 DN 03932-04. 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,

(5 ee DNs in CMS description)

Norman H. Horton

Confidential
DOCUMENT NUMBER - DATE
03932 MAR 24 20
FPSC-COMMISSION CLERK

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NHH/amb
Enclosures
cc: Parties of Record

RECEIVED & FILED
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FPSC-BUREAU OF RECORDS

Request
DOCUMENT NUMBER - DATE
03932 MAR 24 20

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission's)
triennial UNE review: Location-Specific) Docket No. 030852-TP
Review for DS1, DS3, and Dark Fiber Loops,) Filed: March 24, 2004
and Route-Specific Review for DS1, DS3)
and Dark Fiber Transport)
_____)

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 several parties that contained information which Xspedius considers to be confidential and proprietary. Testimony filed by Xspedius and other parties also contained information deemed proprietary and confidential. Pursuant to the requirements of the Commission, this confidential information was filed with a claim of confidentiality and Xspedius now request that the Commission grant specified confidential treatment for the information identified herein and in attachments hereto.

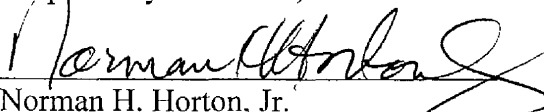
2. The discovery which contains confidential information is identified below and detailed in the attachments hereto:

- a) Responses to BellSouth's First Set of Interrogatories, served November 13, 2003 (Attachment 1)
- b) Revised Responses to BellSouth's First Set of Interrogatories - Served December 22, 2003 (Attachment 2)

DOCUMENT NUMBER - DATE
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FPSC-COMMISSION CLERK

- c) Response to Staff's First Interrogatories and First Request for Production of Documents - Served January 12, 2004 (Attachment 3)
 - d) Response to Verizon's First Request for Admissions, First Interrogatories and First Request for Production of Documents - Served February 3, 2004 (Attachment 4)
 - e) Response to BellSouth's First Request for Admissions, Third Set of Interrogatories and Third Request for Production of Documents - Served February 10, 2004 (Attachment 5)
3. Xspedius filed Rebuttal Testimony of James Falvey in this docket which contained an exhibit with confidential information (Attachment 6).
4. Xspedius also provided a response to the staff data request which is addressed in Attachment 7.
5. Witness Gary Ball on behalf of the FCCA and Orville Fulp and John White for Verizon included exhibits with their respective testimony which contained confidential information derived from Xspedius confidential responses (Attachment 8).
6. 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. In some instances the disclosure of lines on a page or empty cells on a sheet would also reveal valuable information about competitive plans. The disclosure of the information—or non information—identified by Xspedius.

Respectfully submitted,



Norman H. Horton, Jr.

Messer, Caparello & Self

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(850) 222-0720

Attorneys for Xspedius Communications, 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 (*), and/or U. S. Mail the 24th day of March, 2004.

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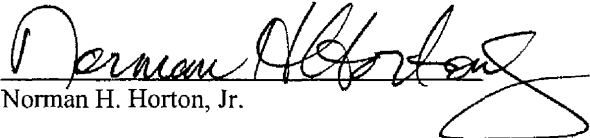
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Norman H. Horton, Jr.

ATTACHMENT 1

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

1. The responses to BellSouth's discovery contains information relative to facilities, service areas, capabilities, in service customers, service potential and capacity that is considered and treated as confidential and highly sensitive. Such information, contained in an attachment to the Response 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 by 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>Document</u>	<u>Reason</u>
FL-LOOP INT-1, 1 page All lines and columns	1

ATTACHMENT 2

Xspedius Revised Responses and Objections to BellSouth's First Set of Interrogatories served December 22, 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 to the response reveals information about Xspedius' current business and its potential plans in Florida and other jurisdictions 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 by 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>	<u>Reason</u>
ALL-LOOP-INT-1, 1 page all lines and columns	1
ALL-LOOP-INT-1(a), 3 pages all lines and columns	1 and 2
ALL-LOOP-INT-1(b), 1 page All lines and columns	1
ALL-LOOP-INT-1(d), 1 page All lines and columns	1 and 2
ALL-LOOP-INT-1(e), 1 page All lines and columns	1 and 2
ALL-LOOP-INT-1(h), 1 page All lines and columns	1 and 2

ATTACHMENT 3

Xspedius Responses and Objections to Staff's First Set of Interrogatories served January 12, 2004

1. The responses to Staff'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 to the discovery 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 by 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>Document</u>	<u>Reason</u>
Confidential Response to Interrogatory No. 5, 1 page All lines and columns	1
Confidential Response to Interrogatory No. 5, 1 page All lines and columns	1

Xspedius

ALL-LOOP-INT-1

Xspedius Lit Buildings in Florida

Address	CLEC CLLI	Wholly-Owned	BellSouth IRU	Access to All Customers	Capacity Deployed	Capacity Activated
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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DOCKET 030852-TP
XSPEDIUS' RESPONSES TO STAFF'S FIRST SET OF INTERROGATORIES
CONFIDENTIAL RESPONSE TO INTERROG. NO. 5
PAGE 1 OF 1



ATTACHMENT 4

Xspedius Response and Objections to Verizon's First Request for Admissions, First Interrogatories and First Request for Production of Documents, served February 3, 2004

1. The responses to Verizon's discovery contains information relative to facilities, service areas, capabilities, in service customers, service potential and capacity that is considered and treated as confidential and highly sensitive. Such information, contained in an attachment to the Response 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 by 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

Response to Request for Production of Documents No. 2, 1 page
All lines and columns

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ATTACHMENT 5

Xspedius Responses and Objections to BellSouth's First Request for Admissions and Third Interrogatories and Third Requests for Production of Documents served February 10, 2004

1. The responses to BellSouth's discovery contains information relative to facilities, service areas, capabilities, in service customers, service potential and capacity that is considered and treated as confidential and highly sensitive. Such information, contained in an attachment to the Response 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 by 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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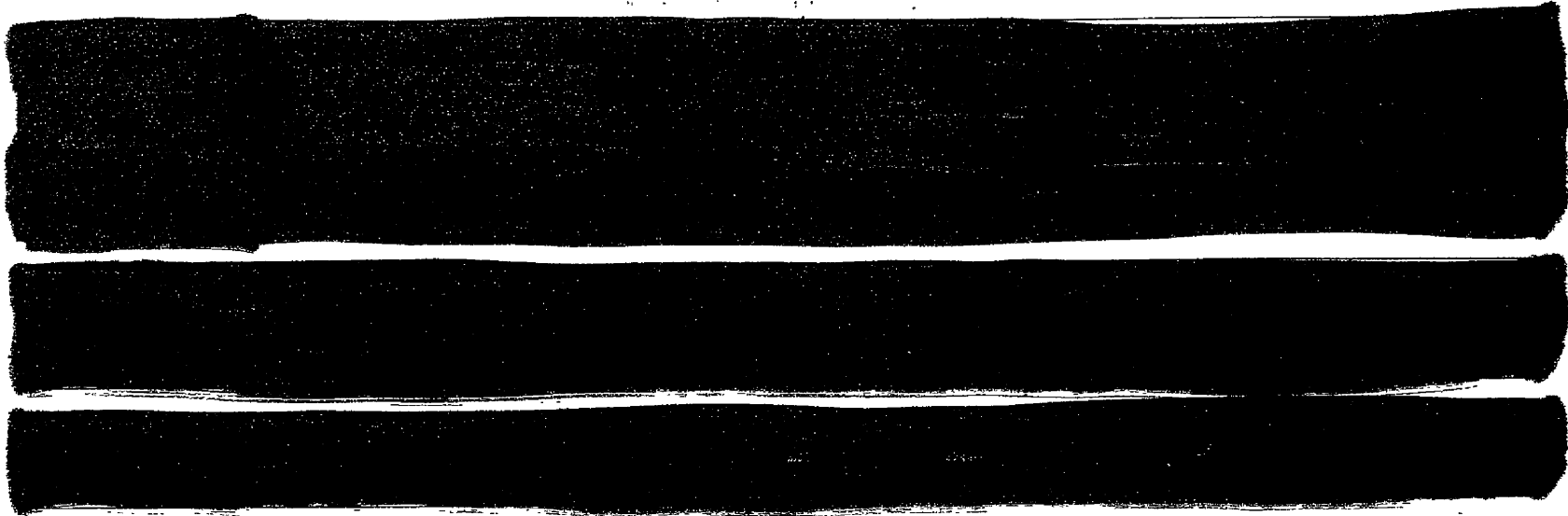
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XSPEDIUS CONFIDENTIAL RESPONSES
PROVIDED ONLY PURSUANT TO PROTECTIVE AGREEMENT

FL-STAFF-LOOP-INT 1
CONFIDENTIAL



ATTACHMENT 6

Rebuttal Testimony of James Falvey

1. The exhibit 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, 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 by 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, Exhibit JCF-2, 1 page
All lines and columns

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ATTACHMENT 7

Response to Staff TRO Data Request

1. The data contained in the data request reveals information relative to facilities, capacity and capabilities, customers and the potential to serve areas which is considered to be and is treated as confidential and proprietary. This response 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 by 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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2	Wire Center CLLI	Company	FPSC Company Code	Switch CLLI	Define Abbreviations	Function Performed	Class 4 and Class 5 Functions? (Y/N)	NPA-NXX
3		Xspedius Management Co Switched Services, LLC		TX674/TJ690				
4		Xspedius Management Co Switched Services, LLC		TX674/TJ690				
5		Xspedius Management Co Switched Services, LLC		TX674/TJ690				
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60		Xspedius Management Co Switched Services, LLC		TX674/TJ690				

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	Wire Center CLLI	Company	FPSC Company Code	Switch CLLI	End Office	Tandem Office	Multi-Function	Remble Line Packet	Broadband	Other	# of VG provisioned	# of VG in use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesaler?	Self-Provider?	FPSC code of Owner	FPSC code of Leasor	Nature of the arrangement	Equipment Type		
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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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	Wire Center CLLI	Company	FP Company Co	Switch CLLI	End Office	Tandem Office	Multi-Function	Remote Line	Packet	Broadband	Other	# of VG provisioned	# of VG in use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesaler?	Self-Provider?	FPSC code of Owner	FPSC code of Leasor	Nature of the arrangement	Equipment Type	
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	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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	Wire Center CLLI	Company	FPSC Company Code	Switch CLLI	End Office	Tandem Office	Multi-Function	Remote Line	Packet	Broadband	Other	# of VG provisioned	# of VG in use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 6 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesaler?	Self-Provider?	FPSC code of Owner	FPSC code of Leasor	Nature of the arrangement	Equipment Type	
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	Wire Center CLLI	Company	Fpsc Company Code	Switch CLLI	Define Abbreviations	Function Performed	Class 4 and Class 5 Functions? (Y/N)	NPA-NXX
238		Xspedius Management Co Switched Services, LLC	TX674/TJ690					
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	Wire Center CLLI	Company	FPSC Company Code	Switch CLLI	End Office	Tandem Office	Multi-Function	Remote Line	Packet	Broadband	Other	# of VG provisioned	# of VG in use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesaler?	Self-Provider?	FPSC code of Owner	FPSC code of Leasor	Nature of the arrangement	Equipment Type	
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		FPSC Company Code	Switch CLLI	End Office	Tandem Office	Multi-Function	Remote Line Packet	Broadband	Other	# of VG provisioned	# of VG in use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesaler?	Self-Provider?	FPSC code of Owner	FPSC code of Leasor	Nature of the arrangement	Equipment Type	
2	Wire Center CLLI Company																										
356	Xspedius Management Co Switched Services, LLC	TX674/TJ690																									
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	A	B	C	D	AC	AD	AE	AF
	Wire Center CLLI	Company	FPSC Company Code	Switch CLLI	Define Abbreviations	Function Performed	Class 4 and Class 5 Functions? (Y/N)	NPA-NXX
356		Xspedius Management Co Switched Services, LLC	TX674/TJ690					
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	Wire Center CLLI	Company	FPSC Company Code	Switch CLLI	End Office	Tandem Office	Multi-Function	Remote Line	Packet	Broadband	Other	# of VG provisioned	# of VG in use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesaler?	Self-Provider?	FPSC code of Owner	FPSC code of Leasor	Nature of the arrangement	Equipment Type
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421		Xspedius Management Co Switched Services, LLC	TX674/TJ690					

ATTACHMENT 8

Exhibits to Surrebuttal Testimony of Gary Ball for FCCA and Joint Supplemental Testimony of Orville Fulp and John White for Verizon Florida, Inc.

1. The designated exhibits contain information derived from responses provided by Xspedius relative to facilities, service areas, capabilities, in service customers, service potential and capacity that is considered and treated as confidential and highly sensitive. The consolidated information 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 has value to Xspedius and is not readily ascertainable by 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.

The exhibits identified include information about or derived from several CLEC's and has previously been provided by the sponsoring witnesses in a confidential and redacted version thus a copy is not attached.

<u>Documents</u>	<u>Reason</u>
Exhibit GJB-AA to Ball Surrebuttal Testimony pages 4, 7, and 12 of 13; selected lines	1
Exhibits F1-F4 to Joint Supplemental Testimony of Fulp and White; all lines in "Xspedius" column	1