

**ORIGINAL**

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May 26, 2005

**VIA HAND DELIVERY**  
**CONFIDENTIAL MATERIALS ENCLOSED**

Ms. Blanca Bayo  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 041114-TP

Dear Ms. Bayo:

On behalf of XO Communications Services, Inc. (XO) enclosed for filing are the original and one copy each of the following:

- XO's Sixth Request for Specified Confidential Classification with one (1) copy of the **CONFIDENTIAL** information attached to the original.

This material contains proprietary confidential business information of XO within the meaning of Section 364.183(1), Florida Statutes. To that end, the confidential information in the public copy of the attachments has been redacted.

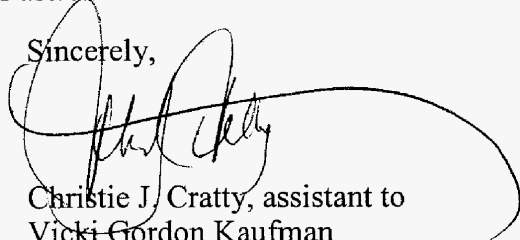
Please acknowledge receipt of the above by stamping the extra copy of each and returning the stamped copies to me. Thank you for your assistance.

- CMP 1
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC 1
- OTH 1 conf records

Enclosures

cc: Jason Rojas (w/redacted enclosures)  
James Meza/Andrew Shore (w/enclosures)  
Dana Shaffer (w/enclosures)

Sincerely,



Christie J. Cratty, assistant to  
Vicki Gordon Kaufman

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DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of XO Florida, Inc.  
Against BellSouth Telecommunications,  
Inc. for refusal to Convert Circuits to  
UNEs and for Expedited Processing /

Docket No.: 041114-TP  
Filed: May 26, 2005

**XO COMMUNICATION SERVICES INC.'S SIXTH REQUEST FOR SPECIFIED  
CONFIDENTIAL CLASSIFICATION**

XO Communication Services Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Sixth Request for Specified Confidential Classification for BellSouth's Response to Staff's Fourth Request for the Production of Documents, No. 73.

1. On April 29, 2005, BellSouth Telecommunications, Inc. (BellSouth) filed its Response to Staff's Fourth Request for the Production of Documents (Nos. 68-73). The information was provided to the Commission along with a Notice of Intent to Request Confidential Classification.

2. BellSouth's Response to Staff's Fourth Request for the Production of Documents No. 73 contains confidential proprietary information belonging to XO. The Response contains information on XO's circuits. XO considers this information to be confidential proprietary business information.

3. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would "impair the competitive business of the provider of the information." Disclosure of the XO confidential information would harm its business operations by placing details of its operations and capabilities in the public domain. Accordingly, the information should be shielded from disclosure and exempt

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

from the public disclosure requirements of section 119.07, Florida Statutes. A more specific description of the exhibit information is contained in Attachment A.

4. The Commission has ruled twice in this docket that circuit information is proprietary and confidential in accordance with Section 362.183 (3) Florida Statutes, and disclosure of this information would cause harm to the requesting party's competitive interests. (*See* Order No: PSC-05-TP0511-CFO, BellSouth's Responses to Staff's Second Request for Production of Documents No. 33 and BellSouth's Responses to Staff's Third Request for Production of Documents No. 59, *see also* Order No:PSC-05-0466-CFO-TP). The circuit information contained in BellSouth's Response to Staff's Fourth Request for Production of Documents, No. 73, is the same type of circuit information and disclosure would cause harm to XO's competitive interests.

5. Appended hereto as Attachment B are two copies of the requested documents with the confidential classification redacted.

6. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents that XO claims are confidential and proprietary.

**WHEREFORE**, based on the foregoing, XO moves the Commission to enter an order declaring the information described above to be confidential, proprietary business information that is not subject to public disclosure.

  
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Attorneys for XO Communications Services, Inc.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing XO Communication Services, Inc.'s Sixth Request For Confidential Classification was served on the following by hand delivery this 26<sup>th</sup> day of May , 2005.

Jason Rojas  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

James Meza  
Andrew Shore  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301

  
Vicki Gordon Kaufman

**ATTACHMENT A**

**DOCKET NO. 04114-TP**

**XO COMMUNICATIONS SERVICES, INC.'S  
SIXTH REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

**Explanation of Proprietary Information**

1. The copies contain **CONFIDENTIAL** XO information regarding specific XO circuits. This information is related to XO's ongoing business affairs and can be used by XO's competitors to harm its competitive interests. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24 (a), Art. 1 of the State Constitution.

**BellSouth's Response to Staff's Fourth Request for the Production of Documents  
No. 73**

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
2	11,12	1

**ATTACHMENT B**

BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 041114-TP  
Staff's 4<sup>th</sup> Request for Production  
April 19, 2005  
Item No. 73  
Page 2 of 2

RESPONSE: (Cont.)

<p>September 9, 2004 -September 7, 2004 emails from XO to request a reschedule for circuit [REDACTED] and canceling [REDACTED].</p> <p><b>Relevant in that it reflects there were FL Global Crossing SPA that were a part of the migration project and that there were both XO and Allegiance representatives involved in the migration process regardless of the collocation the circuits were actually migrated.</b></p>	8-10
<p>February 18, 2005 email from the BellSouth account team providing the status the XO Global Crossing Project Status for GA and FL. <b>Relevant in that it reflects there were FL Global Crossing SPA that were a part of the migration project.</b></p>	11-19
<p>September 7, 2004 emails from XO concerning the Global Crossing circuits that Allegiance wish to migrate from Global Crossing SPA to Allegiance SPA. <b>Relevant in that it reflects there were FL Global Crossing SPA that were a part of the migration project.</b></p>	19-20
<p>February 18, 2004 through March 22, 2004 emails exchanged between BellSouth and XO regarding BellSouth's professional services providing information about getting the Coordinated Hot Cut process started and the charges for the project, getting all of the relevant information collected about the project, guidelines and processes. <b>Relevant in that it establishes that XO initiated the migration project concerning the Global Crossing circuits before the project started for GA or FL.</b></p>	21-30.