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July 22, 2005

**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. 041144-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC ("KMC") are an original and fifteen copies of KMC's Request for Confidential Treatment 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

**BEFORE THE PUBLIC SERVICE COMMISSION**

Complaint of Sprint-Florida, Incorporated	)	
Against KMC Telecom III, LLC	)	
KMC Telecom V, Inc. and KMC Data LLC	)	Docket No. 041144-TP
for failure to pay intrastate access charges	)	Filed: July 22, 2005
pursuant to its interconnection agreement and	)	
Sprints tariffs and for violation of	)	
Section 364.16(3)(a), Florida Statutes.	)	
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**KMC TELECOM III, LLC, KMC TELECOM V, INC. AND  
KMC DATA LLC'S REQUEST FOR CONFIDENTIAL TREATMENT**

KMC Telecom III, LLC, KMC Telecom V, Inc. and KMC Data LLC (collectively "KMC"), pursuant to Section 364.183, Florida Statutes, and Rule 25-2.006, Florida Administrative Code, request confidential treatment 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 28, 2005, KMC filed in the above-captioned proceeding the Direct Testimony of Marva Brown Johnson on behalf of KMC (the "Johnson Testimony"), which attached exhibits. When KMC filed the Johnson Testimony, it filed the appropriate corresponding Claim for Confidential Treatment, in accordance with Rule 25.22.006(5), Florida Administrative Code, and Section 364.183(1), Florida Statutes, regarding the Johnson Testimony.

2. KMC hereby files this Request for Confidential Treatment, in accordance with Rule 25-22.006(4), Florida Administrative Code, for the confidential portions of page 8 of the Johnson Testimony and portions of confidential Hearing Exhibit No. 57 (MBJ-3). The public and redacted copies required by Rule 25-22.006(4) are not being filed at this time for the testimony as they were filed with the claim on February 28, 2005, but a revised redacted version of the exhibit is attached hereto as Exhibit A and the revised confidential is in the attached sealed

envelope marked Attachment B. KMC withdraws its claims as to the other pages of Ms. Johnson's direct testimony and all her other exhibits except for the portions of Hearing Exhibit 57 (MBJ-3).

3. The information for which confidential treatment in the Johnson Testimony is requested reveals:

(a) the access charges that Sprint back-billed KMC by market, *see* Johnson Testimony at p.8, lines 6-8; and

(b) the amounts billed for services rendered to KMC's customer on a service-by-service basis.

4. The access charges figures reveal the volume of traffic on KMC's network by market, and, therefore, the total business KMC engages in with Sprint. Additionally, this information provides insight into KMC's market share of customers. 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.

5. The specific amounts billed to KMC's customer are customer-specific information that constitutes customer proprietary network information ("CPNI") which under the FCC's rules is confidential and which under Florida law constitutes a trade secret. 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 the Johnson Testimony and the confidential exhibit attached thereto to be confidential and exempt from section 119.071(1), pursuant to section 364.183(3)(a).

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,



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Attorneys for KMC Telecom III LLC, KMC  
Telecom V, Inc., and KMC Data LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of the foregoing have been served upon the following parties by hand delivery (\*) and/or U.S. Mail this 22<sup>nd</sup> day of July, 2005.

Beth Keating, Esq.\*  
General Counsel's Office, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Ms. Nancy Pruitt\*  
Division of Competitive Markets and Enforcement  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Susan Masterton, Esq.  
Sprint-Florida, Incorporated  
1313 Blairstone Road  
Tallahassee, FL 32301

  
\_\_\_\_\_  
Floyd R. Self

1 traffic that Sprint unilaterally determined was intrastate toll traffic for the  
2 period from July 2002 through August 2003.

3 **Q. DID SPRINT, IN FACT, BILL KMC ACCESS CHARGES FOR THE**  
4 **TRAFFIC IN QUESTION?**

5 A. Yes. Consistent with Sprint's threat, Sprint back-billed KMC Telecom III,  
6 LLC, on the November 12, 2003 invoice for the amount of **BEGIN**  
7 **CONFIDENTIAL** [REDACTED]  
8 **END CONFIDENTIAL.**

9 **Q. WHAT WAS KMC'S RESPONSE TO THE NOVEMBER 6, 2003,**  
10 **LETTER AND THE SUBSEQUENT BACK-BILL?**

11 A. Pursuant to the dispute resolution provisions of the underlying  
12 interconnection agreement and the standard business practice between  
13 KMC and Sprint, KMC filed a timely dispute of these charges on  
14 December 4, 2003. KMC's dispute advised Sprint that KMC did not  
15 generate the volume of intrastate switched access traffic for which Sprint  
16 was back-billing.

17 **Q. DID KMC TAKE ANY OTHER STEPS IN RESPONSE TO THE**  
18 **NOVEMBER 6, 2003, LETTER AND NOVEMBER 12, 2003, BACK-**  
19 **BILL?**

20 A. Yes, KMC made clear that Sprint had not, in any event, provided KMC  
21 with adequate supporting detail to allow KMC to analyze or verify the  
22 charges. Sprint has an unambiguous obligation to provide supporting  
23 detail for carrier usage billing, consistent with the industry standards for

UNIPOINT HOLDINGS FT MYERS

DETAIL LISTING OF CHARGES

AMOUNT

BALANCE TRANSFER/PARENT  
 KMC DID  
 Surcharge, E911  
 KMC PRI Service  
 End User Common Line Chg  
 KMC Private Line Inter DS  
 KMC Private Line Inter DS  
 GRAND TOTAL



<u>ITEM</u>	<u>Dedicated Item</u>	<u>FROM DATE</u>	<u>TO DATE</u>	<u>QTY.</u>	<u>AMOUNT</u>
NFL8170103019	DS1 - FL8/DHMC/203084/KMM				
	Private Line Inter DS1 1st ch	12/20/03	1/19/04	1	
	SUBTOTAL				
FL8CA011700900 PON	TRANSPORT				
	Private Line Inter DS3 1st ch	12/20/03	1/19/04	1	
	SUBTOTAL				
FL8CA011700900 PON	ORLANDO LOCAL LOOP				
	Private Line Inter DS3 1st ch	12/20/03	1/19/04	1	
	SUBTOTAL				
FL8CA011700900 PON	FT. MYERS LOCAL LOOP				
	Private Line Inter DS3 1st ch	12/20/03	1/19/04	1	
	SUBTOTAL				
	TOTAL Dedicated Item				
<u>ITEM</u>	<u>Local Charges</u>	<u>FROM DATE</u>	<u>TO DATE</u>	<u>QTY.</u>	<u>AMOUNT</u>
239.791.2240-2259	DID BLOCKS 239.221.2850-				
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC DID 1st Block	12/20/03	1/19/04	1	
	SUBTOTAL				
FB/DHMH/201001/KMM06 PRI					
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				



UNIPOINT HOLDINGS FT MYERS

ITEM	Local Charges	FROM DATE	TO DATE	QTY.	AMOUNT
F8/DHMH/201001/KMM07	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F8/DHMH/201001/KMM08	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F8/DHMH/201001/KMM09	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F8/DHMH/201001/KMM10	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F8/DHMH/201001/KMM11	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F8/DHMH/201001/KMM12	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F8/DHMH/201001/KMM13	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				



UNIPOINT HOLDINGS FT MYERS

ITEM	Local Charges	FROM DATE	TO DATE	QTY.	AMOUNT
F8/DHMH/201001/KMM14	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F8/DHMH/201001/KMM15	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F8/DHMH/201001/KMM16	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
	TOTAL Local Charges				

TAX DETAIL REPORT

Description of Charge	Amount
ST 911 SURCHARGE	
STATE USF SURCHARGE	
STATE SPECIAL TAX	
STATE SALES TAX	
CITY DISTRICT TAX	
MUNI FRANCHISE FEE	
CITY SALES TAX	
Total Taxes and Surcharges	

UNIPOINT HOLDINGS TALLAHASSEE

DETAIL LISTING OF CHARGES

BALANCE TRANSFER/PARENT  
 KMC DID  
 Surcharge, E911  
 KMC PRI Service  
 End User Common Line Chg  
 KMC Private Line Inter DS  
 KMC Private Line Inter DS  
 GRAND TOTAL

AMOUNT



<u>ITEM</u>	<u>Dedicated Item</u>	<u>FROM DATE</u>	<u>TO DATE</u>	<u>QTY.</u>	<u>AMOUNT</u>
NFL2170103010	DS1 - FL2/DHMC/202084/KMM				
	Private Line Inter DS1 1st ch	12/20/03	1/19/04	1	
	SUBTOTAL				
FL2CA011700899 PON	TRANSPORT				
	Private Line Inter DS3 1st ch	12/20/03	1/19/04	1	
	SUBTOTAL				
FL2CA011700899 PON	ORLANDO LOCAL LOOP				
	Private Line Inter DS3 1st ch	12/20/03	1/19/04	1	
	SUBTOTAL				
FL2CA011700899 PON	PENSACOLA LOCAL LOOP				
	Private Line Inter DS3 1st ch	12/20/03	1/19/04	1	
	SUBTOTAL				
	TOTAL Dedicated Item				
<u>ITEM</u>	<u>Local Charges</u>	<u>FROM DATE</u>	<u>TO DATE</u>	<u>QTY.</u>	<u>AMOUNT</u>
850.201.2450-2469	DID BLOCK				
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC DID 1st Block	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM11 PRI					
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				



UNIPOINT HOLDINGS TALLAHASSEE

ITEM	Local Charges	FROM DATE	TO DATE	QTY.	AMOUNT
F2/DHMH/202001/KMM12	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM13	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM14	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM15	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM16	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM16	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM18	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				

UNIPOINT HOLDINGS TALLAHASSEE

ITEM	Local Charges	FROM DATE	TO DATE	QTY.	AMOUNT
F2/DHMH/202001/KMM19	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM20	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM21	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
F2/DHMH/202001/KMM22	PRI				
	End User Common Ln Port Chg, PRI	12/20/03	1/19/04	1	
	E911 Surcharge	12/20/03	1/19/04	1	
	KMC PRI	12/20/03	1/19/04	1	
	SUBTOTAL				
	TOTAL Local Charges				

TAX DETAIL REPORT

Description of Charge	Amount
ST 911 SURCHARGE	
STATE USF SURCHARGE	
STATE SPECIAL TAX	
STATE SALES TAX	
CITY DISTRICT TAX	
MUNI FRANCHISE FEE	
CITY SALES TAX	
Total Taxes and Surcharges	