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August 18, 1999

KAREN D. WALKER
850-425-5612

Internet Address:
kwalker@hklaw.com

VIA HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Undocketed - 1999 ALEC Data Request

Dear Ms. Bayo:

Enclosed for filing are the original and 15 copies of US LEC of Florida Inc.'s ("US LEC"'s) Request for Confidential Classification of certain portions of US LEC's response to staff's 1999 ALEC Data Request. Also enclosed are the following: (1) a separate, sealed envelope containing one copy of US LEC's response to the 1999 ALEC Data Request on which the information for which US LEC is requesting confidential classification is highlighted, and (2) two copies of US LEC's response to the 1999 ALEC Data Request with the information for which US LEC is requesting confidential classification redacted.

For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter.

09831-99

This request for confidentiality was filed by or on behalf of a telecommunications company in an Undocketed matter. No ruling is required unless the material is subject to a request per 119.07, FS. To view the material, you must obtain written authorization from the director of the division that requested it.

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Blanca S. Bayo
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Thank you for your consideration in this matter.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Karen D. Walker", with a long horizontal flourish extending to the right.

Karen D. Walker

Enclosure
KDW/

cc: Walter D'Haeseleer, Division of Communications (via hand delivery)
David Wolfe, Division of Communications (via hand delivery)
David Zipkin, US LEC of Florida Inc.
Tim Smoak, US LEC of Florida Inc.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: 1999 ALEC Data Request

Filed: August 18, 1999

REQUEST FOR CONFIDENTIAL CLASSIFICATION

US LEC of Florida, Inc. ("US LEC"), by and through undersigned counsel, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, requests that the Florida Public Service Commission (the "Commission") classify as confidential certain proprietary confidential business information contained in US LEC's response to Commission staff's 1999 ALEC Data Request. In support of its request, US LEC states:

1. US LEC is the holder of Interexchange Company Certificate of Public Convenience and Necessity No. 5310 and Alternative Local Exchange Company ("ALEC") Certificate of Public Convenience and Necessity No. 5311. By letter dated July 1, 1999, Commission staff requested that US LEC respond to the 1999 ALEC Data Request, which is designed to help the Commission evaluate the status of local competition in the telecommunications industry. A copy of the letter is attached hereto as Exhibit "A."

2. On August 2, 1999, US LEC submitted its response to the 1999 ALEC Data Request under cover of a Notice of Intent to Request Confidential Classification of certain proprietary confidential business information contained in US LEC's response. In accordance with Rule 25-22.006, Florida Administrative Code, this Request for Confidential Classification is being filed with the Commission within 21 days of US LEC submitting its response to the 1999 ALEC

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Data Request under cover of a Notice of Intent to Request Confidential Classification in order to maintain the continued confidential handling of the proprietary confidential business information contained in US LEC's response.

3. The information in US LEC's response to the 1999 ALEC Data Request for which US LEC requests confidential classification is as follows:

- US LEC's response to item 3.c. of the 1999 ALEC Data Request which identifies by exchange the number of business lines served for each exchange where US LEC is providing any form of business local telephone service (bottom of page 2 of the response);
- US LEC's response to item 3.i. of the 1999 ALEC Data Request which indicates whether US LEC has been assigned its own NXX codes, and if so, identifies the number of codes assigned and the volume of numbers assigned from each code (bottom of page 3 of the response);
- US LEC's response to item 13.a. of the 1999 ALEC Data Request which indicates US LEC's gross Florida operating revenues for the year ending December 31, 1998 (bottom of page 4 of the response); and
- US LEC's response to item 13.b. of the 1999 ALEC Data Request which indicates US LEC's 1998 assessable revenues (bottom of page 4 of the response).

This information has been treated by US LEC as private and has not been disclosed unless disclosed pursuant to a statutory provision, order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

4. The above-described information in US LEC's response to the 1999 ALEC Data Request is entitled to confidential classification pursuant to Section 364.183(1), Florida Statutes, and is exempt from Section 119.07(1), Florida

Statutes, and Article I, Section 24(a) of the Florida Constitution. Section 364.183(3) defines "proprietary confidential business information" as:

information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

§ 364.183(3), Fla. Stat. (1997). Section 364.183(3) further provides that "proprietary confidential business information" includes "[i]nformation relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." § 364.183(3)(e), Fla. Stat. (1997).

5. The information in US LEC's response to the 1999 ALEC Data Request constitutes "proprietary confidential business information" within the meaning of that phrase as defined in Section 364.183(3). US LEC's responses to items 3.c., 3.i., 13.a. and 13.b. of the 1999 ALEC Data Request contain information regarding US LEC's market share and financial stability. This information relates to US LEC's competitive interests and the disclosure of this information to US LEC's competitors would impair the competitive business of US LEC. Accordingly, public disclosure of US LEC's responses to items 3.c., 3.i., 13.a. and 13.b. of the 1999 ALEC Data Request would irreparably harm US LEC.

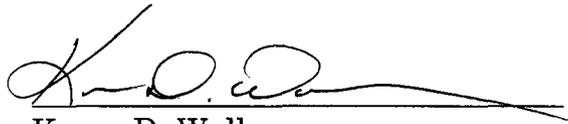
6. Attached hereto in a sealed envelope is a copy of US LEC's response to the 1999 ALEC Data Request on which the confidential information has been

highlighted. Also attached hereto are two edited copies of US LEC's response to the 1999 ALEC Data Request on which the confidential information has been redacted.

7. US LEC has good cause and justification for its request, and continued confidentiality of proprietary confidential business information in US LEC's response to the 1999 ALEC Data Request will not prejudice the Commission, or any other persons or entities.

WHEREFORE, US LEC respectfully requests that the Commission determine that US LEC's responses to items 3.c., 3.i., 13.a. and 13.b. of the 1999 ALEC Data Request are confidential and exempt from the Public Records Act, Chapter 119, Florida Statutes, and Article I, Section 24(a) of the Florida Constitution.

Respectfully submitted this 18th day of August, 1999.



Karen D. Walker
Florida Bar No. 0982921
HOLLAND & KNIGHT LLP
P.O. Drawer 810
Tallahassee, Florida 32302
(850) 224-7000

Attorneys for US LEC of Florida Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by United States Mail to Jack Shreve, Office of Public Counsel, 111 W. Madison Street, Suite 812, Tallahassee, Florida 32399 this 18th day of August, 1999.


Karen D. Walker

TAL1 #202453 v1

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF
TELECOMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

July 1, 1999

CERTIFIED MAIL

Gary D. Grefrath
Ex. Vice President, Administration
US LEC of Florida Inc.
401 North Tryon Street, Suite 1000
Charlotte, NC 28202

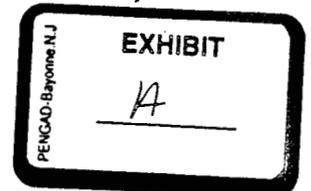
Dear Mr. Grefrath:

Chapter 364, Florida Statutes, contains the framework the Commission uses for regulation of the telecommunications industry. As a result of certain amendments made to this chapter during the 1995 Legislative session, the Commission has a statutory mandate to prepare and deliver annually a report, to the Governor and the Legislature, on the status of competition in the telecommunications industry. The report is due December 1, 1999.

In order to meet this Legislative mandate we must gather data from the industry. The attached data request will help us evaluate the status of local competition in Florida. The survey was designed to enable fairly brief responses. In addition, we ask that you provide any comments or additional information you believe will assist staff in evaluating and reporting on the development of local exchange competition in Florida.

Once the completed data request is received by the commission, the information will become public record. If you believe your response to the data request contains confidential information, you can request that your response be exempt from F.S. 119.07(1), General State Policy on Public Records. Enclosed is Florida Public Service Commission Rule 25-22.006, Florida Administration Code, which provides the necessary information for submitting confidential information to be exempt from F.S. 119.07(1).

In order to meet our statutory obligations, it is essential that we obtain this information in a timely manner. Florida Public Service Commission Rule 25-4.043, Florida Administration Code, Response to Commission Staff inquiries, states:



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The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in **writing within fifteen (15) days** from the date of the Commission inquiry.

Failure to comply with Rule 25-4.043, Florida Administration Code, can result in the Commission assessing penalties of up to \$25,000 per offense, where each day of non-compliance constitutes separate offences per F.S. 364.285(1).

We ask that you provide your responses to the enclosed data requests no later than August 6, 1999. Your response may be sent via mail, or by facsimile to (850) 413-6549. If there are any questions, please call David Wolfe at (850) 413-6548.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter D'Haeseleer', with a long horizontal line extending to the right.

Walter D'Haeseleer
Director

Enclosures:
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Florida Exchange List

Alachua	Cocoa Beach	Greenwood	Lee
Alford	Cocoa	Gretna	Leesburg
Alligator Point	Coral Springs	Groveland	Lehigh Acres
Altha	Cottdale	Gulf Breeze	Live Oak
Apalachicola	Crawfordville	Haines City	Luraville
Apopka	Crecent City	Hastings	Lynn Haven
Arcadia	Crestview	Havana	Maccleddy
Archer	Cross City	Hawthorne	Madison
Astor	Crystal River	High Springs	Malone
Avon Park	Dade City	Hilliard	Marathon
Baker	Daytona Beach	Hobe Sound	Marco Island
Baldwin	DeBary	Holley-Navarre	Marianna
Bartow	Deerfield Beach	Hollywood	Maxville
Belle Glade	DeFuniak Springs	Homestead	Mayo
Bellevue	Deland	Homosassa	McIntosh
Beverly Hills	DeLeon Springs	Hosford	Melbourne
Big Pine Key	Delray Beach	Howey-in-the-Hills	Melrose
Blountstown	Destin	Hudson	Miami
Boca Grande	Dowling Park	Immokalee	Micanopy
Boca Raton	Dunnellon	Indian Lake	Middleburg
Bonifay	East Orange	Indiantown	Milton
Bonita Springs	Eastpoint	Interlachen	Molino
Bowling Green	Eau Gallie	Inverness	Monticello
Boynton Beach	Englewood	Islamorada	Montverde
Bradenton	Eustis	Jacksonville Beach	Moore Haven
Branford	Everglades	Jacksonville	Mount Dora
Bristol	Fernandina Beach	Jasper	Mulberry
Bronson	Flagler Beach	Jay	Munson
Brooker	Florahome	Jennings	Myakka
Brooksville	Florida Sheriff's Boy's	Jensen Beach	Naples
Bunnell	Ranch	Julington	New Port Richey
Bushnell	Forest	Jupiter	New Smyrna Beach
Callahan	Freeport	Keaton Beach	Newberry
Cantonment	Frostproof	Kenansville	North Cape Coral
Cape Haze	Ft. Meade	Key Largo	North Dade
Cape Coral	Ft. Myers	Key West	North Fort Myers
Carrabelle	Ft. Lauderdale	Kingsley Lake	North Key Largo
Cedar Key	Ft. Pierce	Kissimmee	North Naples
Celebration	Ft. Walton Beach	La Belle	North Port
Century	Ft. White	Lady Lake	Oak Hill
Chattahoochee	Ft. Myers Beach	Lake Buena Vista	Ocala
Cherry Lake	Gainesville	Lake Butler	Ocklawaha
Chiefland	Geneva	Lake City	Okeechobee
Chipley	Glendale	Lake Placid	Old Town
Citra	Graceville	Lake Wales	Orange City
Clearwater	Grand Ridge	Lakeland	Orange Park
Clermont	Green Cove Springs	Laurel Hill	Orange Springs
Clewiston	Greensboro	Lawtey	Orlando
	Greenville		

Oviedo	Sebring	Wewahitchka
Pace	Shalimar	White Springs
Pahokee	Silver Springs Shores	Wildwood
Palatka	Sneads	Williston
Palm Coast	Sopchoppy	Windermere
Palmetto	Spring Lake	Winter Garden
Panacea	St. Augustine	Winter Haven
Panama City	St. Cloud	Winter Park
Panama City Beach	St. Johns	Yankeetown
Paxton	St. Marks	Youngstown-Fountain
Pensacola	St. Petersburg	Yulee
Perrine	Stark	Zephyrhills
Perry	Stuart	Zolfo Springs
Pierson	Sugarloaf Key	
Pine Island	Sunny Hills	
Plant City	Tallahassee	
Polk City	Tampa	
Pomona Park	Tarpon Springs	
Pompano Beach	Tavares	
Ponce de Leon	The Beaches	
Ponte Vedra Beach	Titusville	
Port Charlotte	Trenton	
Port St. Joe	Trilacootchee	
Port St. Lucie	Tyndall	
Punta Gorda	Umatilla	
Quincy	Valparaiso	
Raiford	Venice	
Reedy Creek	Vernon	
Reynolds Hill	Vero Beach	
Salt Springs	Waldo	
San Antonio	Walnut Hill	
Sanderson	Wauchula	
Sanford	Weekiwachee Springs	
Sanibel-Captiva Island	Welaka	
Santa Rosa Beach	Wellborn	
Sarasota	West Palm Beach	
Seagrove Beach	West Kissimmee	
Sebastian	Westville	