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ADMITTED IN FLORIDA & DC  
BOARD CERTIFIED REAL ESTATE LAWYER  
CERTIFIED CIRCUIT CIVIL MEDIATOR  
CERTIFIED PUBLIC ACCOUNTANT, FL  
OCT 19 1999 3:58 PM  
RECORDS AND REPORTING  
REC'D - PSC

October 19, 1999

**BY HAND DELIVERY BY THIS DATE**

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

Re: Docket #990750-TP; *Petition for Arbitration by ITC^DeltaCom Communications*

Dear Ms. Bayo:

On behalf of ITC^DeltaCom Communications, Inc., enclosed for filing in the referenced docket are an original and 16 copies of ITC^DeltaCom's Second Request for Confidential Classification. Please file stamp the extra enclosed copy and return it to our runner. Thank you for your assistance.

Sincerely,

HUEY, GUILDAY & TUCKER, P.A.

J. Andrew Bertron, Jr.

JAB/

Enclosures

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**This request for confidentiality was filed in a docketed matter by or on behalf of a telecommunications company for Confidential Document No. ~~12763-99~~ No ruling is required unless the material is subject to a request per 119.07, FS, or has been admitted into the record per Rule 25-22.006(8)(b), FAC.**

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12762 OCT 19 99

FPSC-RECORDS, REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of: )  
)  
Petition for Arbitration of ITC^DeltaCom )  
Communications, Inc. with BellSouth )  
Telecommunications, Inc. Pursuant to the )  
Telecommunications Act of 1996 )  
\_\_\_\_\_ )

Docket No.990750-TP

**PETITIONER ITC^DELTA COM'S SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Petitioner ITC^DeltaCom Communications, Inc. (hereinafter "ITC^DeltaCom"), by its undersigned attorneys, pursuant to Rule 25-22.006, Florida Administrative Code, requests confidential classification of certain documents filed in this docket and says:

1. On October 1, 1999, ITC^DeltaCom filed certain documents in response to Staff's First Request for Production of Documents, including the following:

a. In response to Staff document request no. 2(a): region wide data by state showing the provisioning/ordering intervals for ITC^DeltaCom resale orders (hereafter "the ITC^DeltaCom intervals report"),

b. In response to Staff document request no. 5: customer problem tickets,

c. In response to Staff document request no. 11: June and July, 1999 reports of BellSouth order delays, including the names of ITC^DeltaCom's affected customers (hereafter, "the BellSouth Delay Reports"), and

d. In response to Staff document request no. 14: text response providing examples of how lack of nondiscriminatory access to OSS has adversely affected customers.

2. Concurrently, ITC^DeltaCom filed a notice of intent to request confidential classification.

DOCUMENT NUMBER-DATE  
12762 OCT 19 99  
FPSC-RECORDS/REPORTING

3. Enclosed as Attachment "A" is a listing of the location of the information in each document designated by ITC^DeltaCom as confidential.

4. Enclosed in a sealed envelope as Attachment "B" are 2 copies of the documents with the confidential information highlighted.

5. Enclosed in a sealed envelope as Attachment "C" are 2 copies of the documents with the confidential information redacted.

6. The information in these documents is intended to be and is treated by ITC^DeltaCom as private and has not been disclosed.

7. The bases for requesting confidential classification are as follows:

a. The ITC^DeltaCom intervals report produced in response to Staff document request 2(a) shows the region wide data by state of the provisioning/ordering intervals for ITC^DeltaCom resale orders.

b. The customer problem tickets produced in response to Staff document request no. 5 provides the names of ITC^DeltaCom customers and descriptions of problems or inferior service they have experienced because of BellSouth's use of long copper loops or outdated Universal Digital Loop Carrier.

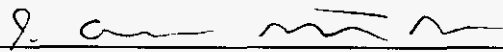
c. The BellSouth Delay Reports produced in response to Staff document request no. 11 contain the names of ITC^DeltaCom's customers and notations describing problems with orders due to delays by BellSouth.

d. The text response to Staff document request no. 14 provides names of ITC^DeltaCom customers and describes examples of problems they have experienced due to a lack of nondiscriminatory access to OSS and the resulting impact on ITC^DeltaCom's operations.

Public disclosure of the information described in paragraphs a through d would impair ITC^DeltaCom's ability to compete in the marketplace because its competitors could use this information to ITC^DeltaCom's disadvantage. Disclosure of this information would impair the competitive business of ITC^DeltaCom, and therefore the information is confidential pursuant to §364.183(3)(e), Florida Statutes, and is exempt from public disclosure requirements under Chapter 119, Florida Statutes, and Article I, Section 24(a), of the Florida Constitution.

8. The original of this request for confidential classification has been filed with the Division of Records and Reporting. Copies, with the confidential information redacted, have been served on counsel for BellSouth. ITC^DeltaCom will make all confidential information in these exhibits available to BellSouth upon execution of a confidentiality agreement suitable to both parties.

Dated this 19th day of October, 1999.

  
J. Michael Huey (Fla. Bar # 0130971)  
J. Andrew Bertron, Jr. (Fla. Bar # 982849)  
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**Attorneys for ITC^DeltaCom**

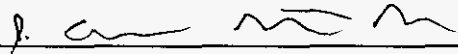
**CERTIFICATE OF SERVICE  
DOCKET NO. 990750-TP**

I hereby certify that a true and correct copy of the foregoing has been furnished this  
19 day of October , 1999 to the following:

Diana Caldwell  
Staff Counsel  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850  
**(hand delivery)**

Nancy B. White  
Michael P. Goggin  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301  
**(hand delivery)**

R. Douglas Lackey  
Thomas B. Alexander  
E. Earl Edenfield, Jr.  
BellSouth Telecommunications, Inc.  
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675 W. Peachtree Street, N.E.  
Atlanta, Georgia 30375  
**(U.S. Mail)**

  
\_\_\_\_\_  
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## **ATTACHMENT "A"**

### **Listing of Location of Confidential Material**

#### 1. Documents Produced in Response to Staff Request 2(a):

This documents contain seven pages. The information in these documents produced in response to Staff document request 2(a) is in summary form and therefore, as shown on the highlighted and redacted copies, substantially all of the information on every page of these exhibits is confidential. Because these exhibits are not in the form of numbered testimony, ITC^DeltaCom cannot identify the line numbers of the information claimed to be confidential. The specific justification in support of confidential classification of all information in this document is §364.183(3)(e), Florida Statutes, as explained in the body of the request for confidential classification.

#### 2. Documents Produced in Response to Staff Request 5:

This document consists of 22 pages of customer problem tickets which describe problems reported to ITC^DeltaCom by its customers. Because these exhibits are in the form of narratives written by ITC^DeltaCom employees at the time the incidents occurred, there are no page or line numbers, and therefore ITC^DeltaCom cannot identify the line or page numbers of the information claimed to be confidential. ITC^DeltaCom designates as confidential all information which may identify ITC^DeltaCom's customers. Such information is highlighted in Attachment "B". The specific justification in support of confidential classification of all information in this document is §364.183(3)(e), Florida Statutes, as explained in the body of the request for confidential classification.

#### 3. Documents Produced in Response to Staff Request 11:

These documents consist of two reports for June and July 1999 totaling 13 pages. Because these exhibits are in the form of tables without line numbers, ITC^DeltaCom cannot identify the line numbers of the information claimed to be confidential. ITC^DeltaCom designates as confidential the names of its customers in the third column of each table on each page. These names are highlighted in Attachment "B". The specific justification in support of confidential classification of all information in this document is §364.183(3)(e), Florida Statutes, as explained in the body of the request for confidential classification.

4. Documents Produced in Response to Staff Request 14:

<u>Page</u>	<u>Line#</u>
2	2, 3, 4, 10, 12
3	12, 14, 21
4	5, 14, 15, 18
5	6, 7, 8

The specific justification in support of confidential classification of all information in these lines and pages is §364.183(3)(e), Florida Statutes, as explained in the body of the request for confidential classification.