

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

August 10, 2001

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 960786-TL

RECEIVED-FPSC
01 AUG 10 PM 4:25
COMMISSION
CLERK

Dear Ms. Bayo:

On behalf of XO Florida, Inc., enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order.

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

Sincerely,

Vicki Gordon Kaufman

APP _____
 CAF _____
 CMP _____
 COM _____ VGK/bae
 CTR _____ Enclosure
 ECR _____
 LEG _____
 OPC _____
 PAI _____
 RGO _____
 SEC _____
 SER _____
 OTH _____

This confidentiality request was filed by or for a "telco" for DN 09775-01. 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.
 (x-ref. 08898-01)

DOCUMENT NUMBER-DATE

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOID & STEN, P.A. 09774 AUG 10 01

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing XO Florida, Inc.'s Request For Specified Confidential Classification and Motion For Protective Order has been furnished by (*) hand delivery this 10th day of August, 2001, to the following:

(*)Beth Keating
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Jeremy Marcus
Blumenfeld & Cohen
1625 Massachusetts Avenue, NW
Suite 300
Washington DC 20036

Nancy B. White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee Florida 32301

James Falvey
e.spire Communications
131 National Business Parkway
Suite 100
Annapolis Junction, MD 20701

Michael Gross
Florida Cable Telecommunications
Association
246 E. 6th Avenue
Tallahassee, Florida 32303

Kim Caswell
GTE
Post Office Box 110
FLTC0007
Tampa, Florida 33601

Richard Melson
Post Office Box 6526
Tallahassee, Florida 32314

Scott Sapperstein
Intermedia
One Intermedia Way
MC FLT-HQ3
Tampa, Florida 33619-1309

Donna McNulty
WorldCom
325 John Knox Road
The Atrium, Suite 105
Tallahassee, Florida 32303

Floyd Self/Norman Horton
Messer Law Firm
Post Office Box 1876
Tallahassee, Florida 32302

Pete Dunbar/Karen Camechis
Pennington Law Firm
Post Office Box 10095
Tallahassee, Florida 32301

Susan S. Masterton
Sprint
Post Office Box 2214
MC: FLTLH00107
Tallahassee, Florida 32316-2214

Ken Hoffman
Rutledge Law Firm
Post Office Box 551
Tallahassee, Florida 32302-0551

Andrew Isar
Ascent
3220 Uddenberg Lane, Suite 4
Gig Harbor, WA 98335

Matthew Feil
Florida Digital Network, Inc.
390 North Orange Avenue
Suite 2000
Orlando, Florida 32801

Angela Green, General Counsel
Florida Public Telecommunications Assoc
125 S. Gadsden Street
Suite 200
Tallahassee, Florida 32301-1525

Patrick Wiggins
Katz, Kutter Law Firm
12th Floor
106 East College Avenue
Tallahassee, Florida 32301

John Marks, III
Knowles Law Firm
215 S. Monroe Street
Suite 130
Tallahassee, Florida 32301

Scheffel Wright
Landers Law Firm
Post Office Box 271
Tallahassee, Florida 32302

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Suite 812
Tallahassee, Florida 32399-1400

Rodney L. Joyce
600 14th Street, N.W.
Suite 800
Washington DC 20005-2004

John Kerkorian
MPower
5607 Glenridge Drive, Suite 300
Atlanta, GA 30342

CWA (Orl)
Kenneth Ruth
2180 West State Road 434
Longwood, FL 32779

ITC^ DeltaCom
Nanette S. Edwards
4092 South Memorial Parkway
Huntsville, AL 35802-4343

Network Access Solutions Corporation
100 Carpenter Drive, Suite 206
Sterling, VA 20164

Swidler & Berlin
Richard Rindler/Michael Sloan
3000 K. St. NW #300
Washington, DC 20007-5116

Suzanne F. Summerlin
IDS Telcom L.L.C.
1311-B Paul Russell Road, Suite 201
Tallahassee, Florida 32301

Jim Lamoureux
AT&T Communications, Inc.
1200 Peachtree Street, NE
Room 8068
Atlanta, GA 30309

Vicki Gordon Kaufman
Vicki Gordon Kaufman

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of
BellSouth Telecommunications,
Inc.'s entry into interLATA
services pursuant to Section 271
of the Federal
Telecommunications Act of 1996..

Docket No. 960786-TL

Filed: August 10, 2001

-----/
**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER**

XO Florida, Inc. (XO), pursuant to section 364.183, Florida Statutes, and rule 25-22.006, Florida Administrative Code, files its Request for Confidential Classification and Motion for Protective Order as to the materials described herein. In support thereof, XO states:

1. On July 20, 2001, XO filed the direct testimony of Elina Padfield in this case. On the same day, XO filed its Notice of Intent to Request Confidential Classification for certain material contained in Ms. Padfield's direct prefiled testimony.
2. The confidential portions of Ms. Padfield's testimony contain information specifically related to the conduct of XO's business, such as the number of transactions XO processed in Florida as well as payments due to XO from BellSouth due to BellSouth's failure to appropriately process XO orders. A more specific description of this information is contained in Attachment A.
3. XO considers this information to be confidential and proprietary business information. Its disclosure would harm XO's business operations by putting details of XO's operations and business decisions in the public domain. Section 364.1833(e) includes in the category of "proprietary confidential business information" information which relates to "competitive interests, the disclosure of which would impair the competitive business of the provider

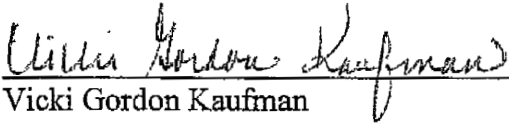
of information." The information produced by XO falls within that category. Accordingly, it should be exempt from the public disclosure requirements of section 119.07, Florida Statutes.

4. XO intends to treat the information for which confidential classification is sought as private and confidential.

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

6. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents including the material which is 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.


Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Davidson
Decker Kaufman Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, FL 32301
(850) 222-2525 (Telephone)
(850) 222-5605 (Telefax)

Henry C. Campen, Jr.
Parker, Poe, Adams & Bernstein
First Union Capital Center
150 Fayetteville Street Mall, S-1400
PO Box 389
Raleigh, NC 27602
(919) 890-4145 (Telephone)
(919) 834-4564 (Telefax)

Dana Shaffer
Vice President, Legal and Regulatory Affairs
XO Communications, Inc.
105 Malloy Street, Suite 200
Nashville, TN 37201-2315
(615) 777-7700 (Telephone)
(615) 345-1564 (Telefax)

Attorneys for XO Florida, Inc.

ATTACHMENT A

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF XO'S

CONFIDENTIAL INFORMATION

DOCKET NO. 960786-TL

Explanation of Proprietary Information

1. The information provided contains XO-specific order information, such as the number of transactions processed. Public disclosure of this information would be harmful to XO's competitive interests as it would give other competitors insight into XO's on-going business affairs. Pursuant to Section 364.183, Florida Statutes, such information is classified as proprietary, confidential business information which is exempt from section 119.07(1) and section 24(a), Art. 1 of the State Constitution.

<u>Page No.</u>	<u>Line</u>	<u>Reason</u>
3	16, 21	1
4	9, 10, 18, 21	1
6	4	1

ATTACHMENT B

REDACTED COPIES

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Consideration of BellSouth)
Telecommunications, Inc.'s Entry into)
InterLATA Services Pursuant to Section) Docket No. 960786-TL
271 of the Federal Telecommunications)
Act of 1996.)

REBUTTAL TESTIMONY

OF

ELINA PADFIELD

ON BEHALF OF XO FLORIDA, INC

JULY 20, 2001

CONFIDENTIAL

1 Q: PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A: My name is Elina Padfield. My business address is 105 Molloy St., Suite 300,
3 Nashville, Tennessee 37201.

4 Q: BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

5 A: I am a Senior Manager for XO Communications, Inc. ("XO").

6 Q: PLEASE DESCRIBE YOUR BACKGROUND AND EXPERIENCE IN
7 THE TELECOMMUNICATIONS INDUSTRY.

8 A: I have nearly twenty years of experience in the telecommunications industry.
9 I spent fourteen years with MCI Telecommunications, nine of those as a
10 provisioner. I was later promoted to manager of the Provisioning Department.
11 I have been employed with XO for five years, three years as the Regional
12 Provisioning Manager and one and a half years as the manager of
13 Provisioning Support for the Region. I am presently Senior Manager of the
14 South Region Disconnect Center.

15 Q: WHAT IS THE PURPOSE OF YOUR TESTIMONY?

16 A: My testimony addresses Checklist Items 2 and 11 and rebuts BellSouth's
17 testimony that it has complied with these two Checklist items. With respect to
18 Checklist Item 2, my testimony demonstrates that BellSouth's performance
19 data is inaccurate and unreliable. My testimony rebuts the testimony of
20 BellSouth witness Cox who states that BellSouth performance data associated
21 with commercial usage shows that BellSouth has complied with the Checklist.
22 My testimony also presents XO's concerns about BellSouth's failure to meet
23 its obligation to provide local number portability (Checklist Item 11).

1 **BellSouth's Performance Data Is Inaccurate and Unreliable**

2 **Q: IS BELLSOUTH'S SELF-REPORTED DATA ACCURATE AND**
3 **RELIABLE?**

4 A: No. XO submits local service requests ("LSRs") to BellSouth via the
5 Electronic Data Interchange ("EDI") interface. XO's electronic systems
6 record the number of LSRs submitted by XO to BellSouth and the number of
7 responses received from BellSouth, including firm order confirmations
8 ("FOCs"). I compared XO's Florida data with BellSouth's self-reported data
9 and found that BellSouth did not include a significant number of transactions
10 in its reports.

11 **Q: WHAT DATA DID YOU COMPARE?**

12 A: I compared XO data on FOCs for orders for local number portability ("LNP")
13 and for orders for unbundled loops with LNP for Florida with BellSouth's
14 self-reported data.

15 **Q: WHAT DID YOU FIND?**

16 A: For May 2001, XO received [REDACTED] FOCs for LNP. BellSouth reports data on
17 FOC timeliness for LNP orders in its report "LNP Firm Order Timeliness
18 Interval Distribution and Firm Order Confirmation Average Interval." The
19 BellSouth raw data file for this report is contained in the "Ordering: FOC
20 Timeliness (LNP)" file accessible via the PMAP website. BellSouth's file
21 reflects [REDACTED] LNP FOCs for May 2001 in Florida - 20 fewer LNP FOCs for May
22 than XO actually received. This is an error rate of nearly 20%.

23 **Q: DID XO FIND ANY OTHER INDICATIONS THAT THE PMAP DATA**

1 **IS UNRELIABLE?**

2 A: Yes. BellSouth's Parity Analysis and Remedy Information ("PARIS") data
3 for XO provides another illustration of the unreliability of BellSouth's
4 performance data. This data is used to calculate remedy payments ordered by
5 the Georgia Public Service Commission for BellSouth's failure to meet
6 Commission-established performance benchmarks. The purpose of discussing
7 this data here is simply to illustrate the discrepancies in the data BellSouth
8 utilizes. For example, for the month of April 2001, BellSouth's PMAP
9 website showed a total payment due XO of [REDACTED]. However, XO received a
10 check from BellSouth in June for [REDACTED] for the April PARIS payment.

11 **Q: WHAT IS THE SIGNIFICANCE OF THIS LARGE DISCREPANCY**
12 **TO THIS PROCEEDING?**

13 A: This enormous discrepancy in the BellSouth data strongly suggests that the
14 XO data reported on the PMAP website for April severely overstates
15 BellSouth's performance. Likewise, other BellSouth self-reported data may
16 be similarly overstated.

17 **Q: HAVE THESE DISCREPANCIES CONTINUED?**

18 A: Yes. The PMAP website reported at total of [REDACTED] in PARIS payments
19 due XO from BellSouth for performance benchmarks missed in May.
20 However, BellSouth has told XO that it will be receiving a payment of
21 [REDACTED] for May. BellSouth offered no explanation for this discrepancy.
22 BellSouth provides no accounting to XO regarding the PARIS payments or
23 the basis for them, despite the huge discrepancies illustrated above.

1 Q: DOES XO HAVE CONFIDENCE IN THE PMAP DATA?

2 A: No. For the reasons described above, XO does not have confidence in
3 BellSouth's PMAP data. This data is not accurate and is not a reliable
4 indicator of BellSouth's performance.

5 Number Portability (Checklist Item 11)

6 Q: IS BELL SOUTH MEETING ITS OBLIGATIONS UNDER
7 CHECKLIST ITEM 11?

8 A: No. While BellSouth's Ms. Cox and Mr. Milner claim that BellSouth meets
9 this item, BellSouth's self-reported data demonstrate that BellSouth has not
10 complied with its obligations regarding number portability. The LNP-
11 Average Disconnect Timeliness Interval measures the time BellSouth takes to
12 disconnect its service after a customer has been ported to a ALEC. If a LNP
13 disconnect does not happen in a timely manner, the customer will not be
14 able to receive calls originating from BellSouth customers in the same central
15 office serving area. When BellSouth does handle a LNP disconnect properly,
16 the ALEC customer generally regards this as a problem caused by the ALEC.
17 The opposite is true. Nevertheless, the LNP disconnect problem can cause the
18 ALEC's new customer to lose confidence in the ALEC.

19 Q: WHAT IS THE CURRENT BENCHMARK FOR THIS METRIC?

20 A: The current benchmark for LNP-Disconnect Timeliness ordered by the
21 Commission is fifteen minutes.

22 Q: WHAT DOES THE MAY FLORIDA DATA SHOW FOR XO?

23 A: The May LNP-Average Disconnect Timeliness data for XO Communications

1 for Florida reported on BellSouth's PMAP website shows that BellSouth met
2 the benchmark for this measure only 3.72% of the time. BellSouth fell short
3 of this important measure nearly 97% of the time for the month of May in
4 Florida. Of a total of [REDACTED] transactions, only [REDACTED] were processed in a timely
5 manner.

6 Q: WHY IS THIS IMPORTANT?

7 A: Even accepting BellSouth's self-reported data as accurate (which XO does
8 not), this data demonstrates that XO is not meeting its obligations to provide
9 number portability.

10 Q: DOES THIS CONCLUDE YOUR TESTIMONY?

11 A: Yes.

12

CONFIDENTIAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Rebuttal Testimony of Elina Padfield on Behalf of XO Florida, Inc. has been furnished by (*) hand delivery or by U. S. Mail on this 20th day of July, 2001, to the following:

(*)Beth Keating
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Jeremy Marcus
Blumenfeld & Cohen
1625 Massachusetts Avenue, NW
Suite 300
Washington DC 20036

Nancy B. White
c/o Nancy Sims
BellSouth Telecommunications, inc.
150 South Monroe Street
Suite 400
Miami Florida 32301

James Falvey
e.spire Communications
131 National Business Parkway
Suite 100
Annapolis Junction, MD 20701

Michael Gross
Florida Cable Telecommunications
Association
246 E. 6th Avenue
Tallahassee, Florida 32303

Kim Caswell
GTE
Post Office Box 110
FLTC0007
Tampa, Florida 33601

Richard Melson
Post Office Box 6526
Tallahassee, Florida 32314

Scott Sapperstein
Intermedia
One Intermedia Way
MC FLT-HQ3
Tampa, Florida 33619-1309

Donna McNulty
325 John Knox Road
Suite 105
Tallahassee, Florida 32303

Floyd Self/Norman Horton
Messer Law Firm
Post Office Box 1876
Tallahassee, Florida 32302

Pete Dunbar/Karen Carnechis
Pennington Law Firm
Post Office Box 10095
Tallahassee, Florida 32301

Susan S. Masterton
Sprint
Post Office Box 2214
MC: FLTLH00107
Tallahassee, Florida 32316-2214

Ken Hoffman
Rutledge Law Firm
Post Office Box 551
Tallahassee, Florida 32302-0551

Andrew Isar
Ascent
3220 Uddenberg Lane, Suite 4
Gig Harbor, WA 98335

Matthew Feil
Florida Digital Network, Inc.
390 North Orange Avenue
Suite 2000
Orlando, Florida 32801

Angela Green, General Counsel
Florida Public Telecommunications Assoc
125 S. Gadsden Street
Suite 200
Tallahassee, Florida 32301-1525

Patrick Wiggins
Katz, Kutter Law Firm
12th Floor
106 East College Avenue
Tallahassee, Florida 32301

John Marks, III
Knowles Law Firm
215 S. Monroe Street
Suite 130
Tallahassee, Florida 32301

Scheffel Wright
Landers Law Firm
Post Office Box 271
Tallahassee, Florida 32302

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Suite 812
Tallahassee, Florida 32399-1400

Rodney L. Joyce
600 14th Street, N.W.
Suite 800
Washington DC 20005-2004

John Kerkorian
MPower
5607 Glenridge Drive, Suite 300
Atlanta, GA 30342

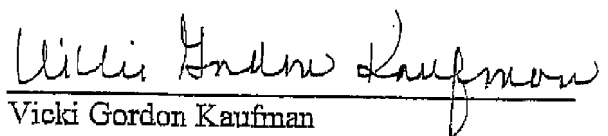
CWA (Orl)
Kenneth Ruth
2180 West State Road 434
Longwood, FL 32779

ITC^ DeltaCom
Nanette S. Edwards
4092 South Memorial Parkway
Huntsville, AL 35802-4343

Network Access Solutions Corporation
100 Carpenter Drive, Suite 206
Sterling, VA 20164

Swidler & Berlin
Richard Rindler/Michael Sloan
3000 K. St. NW #300
Washington, DC 20007-5116

Jim Lamoureux
AT&T Communications, Inc.
1200 Peachtree Street, NE
Room 8068
Atlanta, GA 30309



Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525 (telephone)
(850) 222-5606 (fax)

Henry C. Campen, Jr.
Parker, Poe, Adams & Bernstein
First Union Capital Center
150 Fayetteville Street Mail, S-1400
Post Office Box 389
Raleigh, NC 27602
(919) 890-4145 (telephone)
(919) 834-4564 (fax)

Dana Shaffer
XO Communications, Inc.
105 Molloy Street, Suite 300
Nashville TN 37201-2315

Attorneys for XO Florida, Inc.

ATTACHMENT C

CONFIDENTIAL DOCUMENTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing XO Florida, Inc.'s Request For Specified Confidential Classification and Motion For Protective Order has been furnished by (*) hand delivery this 10th day of August, 2001, to the following:

(*)Beth Keating
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Jeremy Marcus
Blumenfeld & Cohen
1625 Massachusetts Avenue, NW
Suite 300
Washington DC 20036

Nancy B. White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee Florida 32301

James Falvey
e.spire Communications
131 National Business Parkway
Suite 100
Annapolis Junction, MD 20701

Michael Gross
Florida Cable Telecommunications
Association
246 E. 6th Avenue
Tallahassee, Florida 32303

Kim Caswell
GTE
Post Office Box 110
FLTC0007
Tampa, Florida 33601

Richard Melson
Post Office Box 6526
Tallahassee, Florida 32314

Scott Sapperstein
Intermedia
One Intermedia Way
MC FLT-HQ3
Tampa, Florida 33619-1309

Donna McNulty
WorldCom
325 John Knox Road
The Atrium, Suite 105
Tallahassee, Florida 32303

Floyd Self/Norman Horton
Messer Law Firm
Post Office Box 1876
Tallahassee, Florida 32302

Pete Dunbar/Karen Camechis
Pennington Law Firm
Post Office Box 10095
Tallahassee, Florida 32301

Susan S. Masterton
Sprint
Post Office Box 2214
MC: FLTLH00107
Tallahassee, Florida 32316-2214

Ken Hoffman
Rutledge Law Firm
Post Office Box 551
Tallahassee, Florida 32302-0551

Andrew Isar
Ascent
3220 Uddenberg Lane, Suite 4
Gig Harbor, WA 98335

Matthew Feil
Florida Digital Network, Inc.
390 North Orange Avenue
Suite 2000
Orlando, Florida 32801

Angela Green, General Counsel
Florida Public Telecommunications Assoc
125 S. Gadsden Street
Suite 200
Tallahassee, Florida 32301-1525

Patrick Wiggins
Katz, Kutter Law Firm
12th Floor
106 East College Avenue
Tallahassee, Florida 32301

John Marks, III
Knowles Law Firm
215 S. Monroe Street
Suite 130
Tallahassee, Florida 32301

Scheffel Wright
Landers Law Firm
Post Office Box 271
Tallahassee, Florida 32302

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Suite 812
Tallahassee, Florida 32399-1400

Rodney L. Joyce
600 14th Street, N.W.
Suite 800
Washington DC 20005-2004

John Kerkorian
MPower
5607 Glenridge Drive, Suite 300
Atlanta, GA 30342

CWA (Orl)
Kenneth Ruth
2180 West State Road 434
Longwood, FL 32779

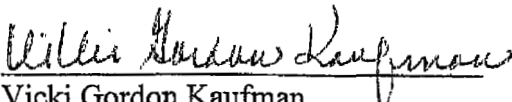
ITC^ DeltaCom
Nanette S. Edwards
4092 South Memorial Parkway
Huntsville, AL 35802-4343

Network Access Solutions Corporation
100 Carpenter Drive, Suite 206
Sterling, VA 20164

Swidler & Berlin
Richard Rindler/Michael Sloan
3000 K. St. NW #300
Washington, DC 20007-5116

Suzanne F. Summerlin
IDS Telcom L.L.C.
1311-B Paul Russell Road, Suite 201
Tallahassee, Florida 32301

Jim Lamoureux
AT&T Communications, Inc.
1200 Peachtree Street, NE
Room 8068
Atlanta, GA 30309


Vicki Gordon Kaufman