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March 21, 2002

Ms. Blanca Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 990649A-TP -- Investigation into Pricing of Unbundled Network Elements (BellSouth Track)

Dear Ms. Bayó,

Please find enclosed for filing in the above docket an original and seven (7) copies of Florida Digital Network, Inc.'s Request for Specified Confidential Classification. Please note as to that only the original includes the highlighted and redacted versions of the document.

Please also note that the confidential document is filed as a substitute for Confidential Hearing Exhibit No. 17, as was permitted by the Commission during the hearing in the above case held on March 11 and 12.

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,

Matthew Feil
Florida Digital Network
General Counsel

C: All parties

This confidentiality request was filed by or for a "telco" for DN ~~03321-02~~. 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.

(See DN 01087-02)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into Pricing of)
Unbundled Network Elements)
_____)

Docket No. 990649A

**FLORIDA DIGITAL NETWORK, INC.’S REQUEST FOR SPECIFIED
CONFIDENTIAL CLASSIFICATION FOR REVISED/SUBSTITUTED
HEARING EXHIBIT NO. 17**

Florida Digital Network, Inc., (“FDN”) pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, files its Request for Specified Confidential Information for revised/substituted Hearing Exhibit No. 17 as follows:

1. On January 28, 2002, FDN served by email and overnight mail its responses to the First Set of Document Requests served on it by the Florida Public Service Commission Staff (“Staff”). Attachment DR-1B to the Response to Document Request No. 1 contained nonpublic, proprietary confidential business information of FDN. FDN filed a Request for Specified Classification for Attachment DR-1B, and the Commission granted said request in Order No. PSC-02-0306-CFO-TP, issued March 8, 2002.

2. Confidential Attachment DR-1B was to be stipulated into the record as Confidential Hearing Exhibit No. 17. At the beginning of the hearing on March 11 and 12, counsel for FDN notified the Commission and the parties that Confidential DR-1B/Hearing Exhibit No. 17 contained math errors and required correction. A copy of the revised and substituted confidential Attachment DR-1B was provided to counsel for BellSouth at the hearing on March 12, and the Commission permitted FDN to file this

corrected Confidential Attachment DR1-B after the hearing (along with a request for specific confidential treatment) to revise/replace the original stipulated Confidential Hearing Exhibit No. 17. Accordingly, FDN now files for the record in this proceeding the corrected Confidential Attachment DR1-B to revise/replace the original stipulated Confidential Hearing Exhibit No. 17, and FDN requests confidential treatment of said document.

3. FDN files this Request for Specified Confidential Classification because the information contained in Corrected Attachment DR-1B/Hearing Exhibit No. 17 contains market deployment data utilized by FDN to conduct business in Florida and release of such information would cause substantial competitive harm to FDN. The information contained in the referenced Corrected Attachment DR-1B/Hearing Exhibit No. 17 is confidential and proprietary under Florida Statutes, Section 364.183. This information, if released, would allow FDN's competitors to have ready access to nonpublic data that will do substantial competitive harm to FDN.

4. Attachment A hereto contains an explanation of the proprietary information along with a list that identifies the location of information designated as confidential and proprietary.

5. Attachment B hereto is two redacted versions for public disclosure.

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

7. The information contained in Corrected Attachment DR-1B/Hearing Exhibit No. 17 contains market deployment data utilized by FDN to conduct business. FDN has expended millions of dollars in infrastructure to support market deployment. A

significant portion of this investment will be wasted if the contents of said document are released and competitors are thereby permitted to target the markets FDN has targeted in the same or similar manner as FDN. Therefore, such information should be classified as confidential business information and proprietary information pursuant to Section 364.183(3)(e). Further, such information has been kept as a trade secret under Section 364.183(3)(a).

8. FDN has treated and intends to continue to treat the information for which confidential classification is sought as private, and this information has not been generally disclosed.

9. The original of this Request has been mailed to the Division of Records for the Commission and a copy was served on the parties.

WHEREFORE, based on the foregoing, FDN respectfully requests that the Commission accept the document described hereinabove as revised/substituted Confidential Hearing Exhibit No. 17 and enter an order declaring same confidential, proprietary business information that is not subject to public disclosure.

RESPECTFULLY SUBMITTED, this 21 day of March, 2002.



Matthew Feil
Florida Digital Network
390 North Orange Avenue
Suite 2000
Orlando, FL 32801
(407) 835-0460

Attachment A
FDN Request for Confidential Classification
Docket No. 990649A
March 21, 2002

Documents covered by Request:

Corrected Attachment DR-1B to FDN's Response to Staff's Document Request No. 1 / Hearing Exhibit No. 17.

Reasons for Confidential / Proprietary Claim

1. The information contained in Corrected Attachment DR-1B / Hearing Exhibit No. 17 contains market deployment data utilized by FDN to conduct business. FDN has expended millions of dollars in infrastructure to support market deployment, and a significant portion of this investment will be wasted if this document is released and competitors are thereby permitted to target the markets FDN has targeted. Therefore, such information should be classified as confidential business information and proprietary information pursuant to Section 364.183(3)(e). In addition, this information has been kept by FDN as a trade secret and is valuable because FDN uses it in conducting its business. Therefore, the information should also be deemed confidential pursuant to Section 364.183(3)(a).

Documents Produced Subject to Claim

Corrected Attachment DR-1B / Hearing Exhibit No. 17,
Entire Document

Reasons for Claim

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Attachment B
FDN Request for Confidential Classification
Docket No. 990649A
March 21, 2002

Documents covered by Request:

Corrected Attachment DR-1B / Hearing Exhibit No. 17.

Two Redacted Copies

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Attachment C
FDN Request for Confidential Classification
Docket No. 990649A
March 21, 2002

Documents covered by Request:

Corrected Attachment DR-1B / Hearing Exhibit No. 17.

One Highlighted Copy (in sealed envelope)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by email on March 21, 2002, and by U.S. Mail or by overnight mail (if designated with a *) on the same date.

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