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May 7, 2002

**VIA HAND DELIVERY**

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

RECEIVED FPSC  
02 MAY - 7 PM 4:57  
COMMISSION  
CLERK

Re: Docket No.: 011119-TP

Dear Ms. Bayo:

On behalf of XO Florida, Inc. (XO), 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 for Exhibit No. \_\_\_\_\_ (RK-) to the Testimony of Rex Knowles.

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,



Timothy J. Perry

This confidentiality request was filed by or for a "telco" for DN 04232-02 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.

AUS	_____
CAF	_____
CMP	_____ TJP/bae
COM	<u>3</u> Enclosure
CTR	_____
ECR	_____
GCL	<u>1</u> _____
OPC	_____
MMS	_____
SEC	<u>1</u> _____
OTH	_____

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
04939 MAY -7 02  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by XO Florida,  
Inc. for arbitration of  
Unresolved issues with BellSouth  
Telecommunications, Inc.

Docket No.: 011119-TP  
Filed: May 7, 2002

**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL  
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR EXHIBIT  
NO. \_\_\_\_\_ (RK-4) TO THE TESTIMONY OF REX KNOWLES**

XO Florida, Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification and Motion for Protective Order for Exhibit No. \_\_\_\_\_ (RK-4) to the Testimony of Rex Knowles.

1. On April 16, 2002, XO filed the supplemental testimony and exhibit of Rex Knowles of XO. On the same day, XO filed its Notice of Intent to Request Specified Confidential Classification for Exhibit No. \_\_\_\_\_ (RK-4) to the testimony of Rex Knowles of XO.

2. The confidential portions of the exhibit to Mr. Knowles' testimony contain information specifically related to XO's business operations. XO considers this information to be confidential, proprietary business information. The confidential information is related to XO's switch and XO's ability to serve customers in certain geographic areas. Disclosure of the information would harm XO's competitive business interests. The information has not been made public and is governed by a Protective Agreement between the parties. A more specific description of this information is contained in Attachment A.

3. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would "impair the competitive business of the provider of the information." Disclosure of the XO confidential information would harm its business operations by placing details of its operations and capabilities in the public domain. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes.

DOCUMENT NUMBER-DATE

04939 MAY-7 2002

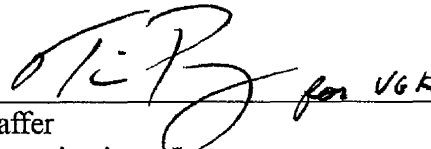
FPSC-COMMISSION CLERK

4. XO treats the information for which confidential classification is sought as private and confidential.

5. Appended hereto as Attachment B are 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.



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Attorneys for XO Florida, Inc.

**ATTACHMENT A**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF  
TESTIMONY OF REX KNOWLES  
DOCKET NO. 011119-TP**

**Explanation of Proprietary Information**

1. The information provided in Mr. Knowles' Exhibit \_\_\_\_\_ (RK-4) contains confidential, proprietary business information regarding XO's switch and its ability to serve customers in certain geographic areas. This information is related to XO's ongoing business affairs and can be used by XO's competitors to harm its competitive interests. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24(a), Art. 1 of the State Constitution.

<u>Exhibit No.</u>	<u>Page</u>	<u>Line</u>	<u>Reason</u>
RK-4	All	All	1

**ATTACHMENT B**

Exhibit No. \_\_\_\_\_ (RK-4) to the testimony of Rex Knowles is confidential in its entirety and therefore has not been attached.

**ATTACHMENT C**

The confidential version of Exhibit RK-4 to the testimony of Rex Knowles of XO has previously been filed with the Commission in this docket. Please refer to document number 04232-02.



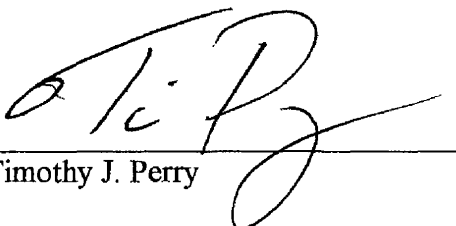
**CERTIFICATE OF SERVICE**

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 for Exhibit No. (RK-4) to the Testimony of Rex Knowles has been furnished by (\*) hand delivery or by U. S. Mail on this 7th day of May 2002 to the following:

(\*) Jason Fudge  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

(\*) James Meza  
c/o Nancy White  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301

Patrick Turner  
BellSouth Telecommunications, Inc.  
675 West Peachtree Street, Suite 430  
Atlanta, Georgia 30375

  
\_\_\_\_\_  
Timothy J. Perry