

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 28, 2002

**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR
CONFIDENTIAL RESPONSES TO STAFF'S SECOND SET OF INTERROGATORIES
(No. 10) TO XO FLORIDA, INC.**

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 Confidential Responses to Staff's Second Set of Interrogatories (No. 10) to XO Florida, Inc.

1. On May 7, 2002, XO filed its Confidential Responses to Staff's Second Set of Interrogatories (No. 10) to XO Florida, Inc. On the same day, XO filed its Notice of Intent to Request Confidential Classification for those responses.

2. XO's response to Interrogatory No. 10 contains information regarding the states in which XO is currently receiving reciprocal compensation at the tandem switching rate. XO considers this information to be confidential proprietary business information. Disclosure of this information could severely harm XO's competitive interests in the marketplace. The information 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.

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

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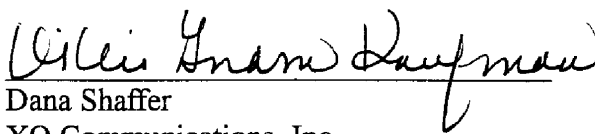
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and confidential.

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. XO's response to Interrogatory No. 10 contains information regarding the states in which XO is currently receiving reciprocal compensation at the tandem switching rate. 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>Interrogatory Response No.</u>	<u>Page</u>	<u>Line</u>	<u>Reason</u>
10(c)	2	3-5	1

ATTACHMENT B

F

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**XO FLORIDA, INC.'S RESPONSES TO STAFF'S
SECOND SET OF INTERROGATORIES (NO. 10)**

Pursuant to Rule 28-106.206, Florida Administrative Code and Rule 1.350, Florida Rules of Civil Procedure, XO Florida, Inc. (XO) provides the following Responses to Staff's Second Set of Interrogatories and states as follows:

INTERROGATORIES:

10. (a) Has XO requested that any other state Commission determine whether XO is entitled to reciprocal compensation at the tandem interconnection rate?

Response: Subject to, and without waving its objections to Interrogatory No. 10, XO provides the following response: XO Georgia, Inc. raised the tandem interconnection issue in an arbitration currently pending before the Georgia Public Service Commission in Docket No. 14360-U. XO filed its petition in that proceeding on August 17, 2001. The Georgia Public Service Commission has not issued any final ruling in the proceeding.

No other XO affiliate has individually arbitrated this issue. An XO affiliate did participate with several other ALECs in a generic proceeding before the Public Utilities Commission of Texas addressing the tandem interconnection issue, along with other issues.

- (b) If the response to (a) is affirmative, please identify:

1. each state Commission;
2. each proceeding in which XO asked the state Commission to make the determination;
3. the docket number and filing date of each proceeding; and
4. any determinations or rulings made in each proceeding regarding the tandem interconnection rate.

Response: Please see XO's response to Interrogatory 10(a). Detailed information concerning the Texas proceeding will be provided under separate cover.

- (c) Is XO currently receiving reciprocal compensation at the tandem switching rate in

1 any state?

2 **Response:** Subject to, and without waving its objections to Interrogatory No. 10, XO provides the
3 following response: Yes. [REDACTED]

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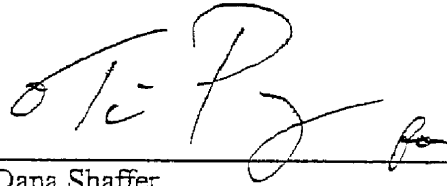
6 (d) If the response to (c) is affirmative, please identify:

- 7 1. The state;
8 2. The proceeding in which XO asked the state
9 Commission to make the determination (if
10 applicable);
11 3. the docket number and filing date of the proceeding
12 in 2. (If applicable); and
13 4. any determinations or rulings made in the proceeding
14 in 2. (If applicable) regarding the tandem
15 interconnection rate.

16 **Response:** Subject to, and without waving its objections to Interrogatory No. 10, XO provides the
17 following response:

18 Interrogatory 10(d)(1) – See Response to Interrogatory 10(c) above.

19 Interrogatory 10(d)(2) through 10(d)(4) – Not applicable, except for in Texas. Specific
20 information regarding the Texas proceeding will be provided under separate cover.



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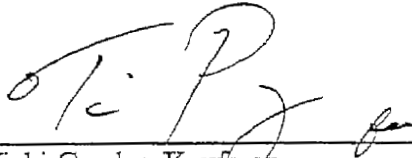
CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing XO Florida, Inc.'s Responses to Staff's Second Set of Interrogatories (No. 10)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
BellSouth Telecommunications, Inc.
150 West Flager Street
Suite 1910
Miami, Florida 33130

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



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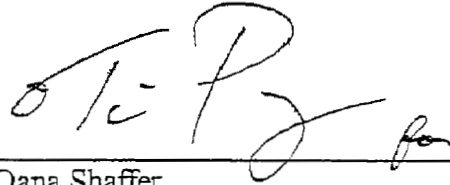
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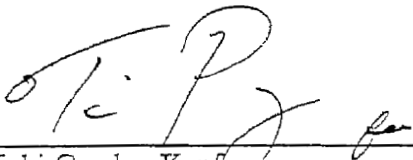
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ATTACHMENT C

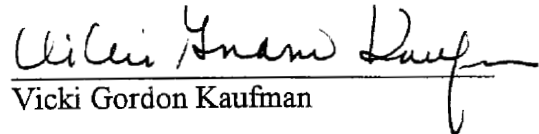
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