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September 6, 2002

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VIA HAND DELIVERY

Ms. Blanca Bayo, Director Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard, Room 110 Betty Easley Conference Center Tallahassee, FL 32399-0850

Re: Docket No. 020129-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of US LEC of Florida Inc., ITC^DeltaCom, Time Warner Telecom of Florida, LP and MCI WorldCom ("Petitioners") are the original and fifteen copies of a Notice of Intent to Utilize Proprietary and/or Confidential Information at Final Hearing.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

Martin P. McDO

Martin P. McDonnell

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DOCUMENT NUMBER-DATE 09444 SEP-6 원

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Joint Petition of US LEC of Florida Inc., Time Warner Telecom of Florida, LP and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc.

Docket No. 020129-TP

Filed: September 6, 2002

NOTICE OF INTENT TO UTILIZE PROPRIETARY AND/OR CONFIDENTIAL INFORMATION AT FINAL HEARING

COME NOW, US LEC OF FLORIDA INC., ITC^DELTACOM, TIME WARNER TELECOM OF FLORIDA, LP and MCI WORLDCOM (hereinafter "Petitioners"), and pursuant to Order No. PSC-02-1179-PHO-TP dated August 29, 2002 hereby notice the Prehearing Officer and all parties of record that Petitioners intend to use confidential and/or proprietary information during the hearing, and as grounds therefor state:

1. On July 25, 2002, BellSouth responded to ITC^DeltaCom's First Request for Production of Documents, and requested that the documents be held as proprietary and confidential. On August 29 and 30, 2002, Petitioners deposed several BellSouth witnesses and, while maintaining the confidentiality of the information contained in the documents, discussed many of the documents produced by BellSouth to ITC^DeltaCom on July 25, 2002, and elicited material and relevant responses to questions regarding the documents.¹

2. BellSouth's responses to ITC^DeltaCom's First Request for Production of Documents, the answers to Petitioners' questions during the depositions of BellSouth witnesses, and

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¹This notice is being filed on September 6, 2002 as a result of the receipt by all parties of DATE official transcripts of the depositions on September 6, 2002.

the testimony of BellSouth's witnesses at the final hearing regarding the proprietary and/or confidential information is pertinent and material to a fair resolution in the instant docket.

3. Pursuant to agreement between all parties, written copies of the proprietary and confidential information that is to be used in the hearing will be submitted to Commissioners, necessary staff and the court reporter in folders clearly marked with the nature of the contents. Also, Petitioners' witnesses have been cautioned to avoid verbalizing such information in such a way that would compromise the confidential nature of the information. When reasonably possible, all such information will be presented by written exhibit only. At the conclusion of the portion of the hearing that involves proprietary and confidential information, all copies of the exhibits shall be returned to the proffering party. Further, if a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Division of Commission Clerk and Administrative Services confidential files.

Respectfully submitted,

Martin P. MaDil

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following this 6th day of September, 2002:

Jason Fudge, Esq. Adam Teitzman, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Boulevard, Room 370 Tallahassee, FL 32399-0850

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Ms. Carolyn Marek Time Warner Telecom of Florida, L.P. 233 Bramerton Court Franklin, TN 37069-4002 Nancy White, Esq. James Meza, III, Esq. c/o Ms. Nancy H. Sims BellSouth Telecommunications, Inc. 150 South Monroe Street, Suite 400 Tallahassee, FL 32301-1556

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