



February 11, 2003

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

RECEIVED-FPSC
03 MAR -7 AM 11:02
COMMISSION
CLERK

Re: Docket No. 0201252-TP Petition for Expedited Review and Cancellation or Suspension of BellSouth Telecommunications, Inc.'s Key Customer Tariff filed 12/16/02, by Florida Digital Network, Inc.

Re: Docket No. 020119-TP Petition of Florida Digital Network Inc., for Expedited Review and Cancellation of BellSouth's Telecommunications, Inc.'s Key Customer Promotional Tariffs and For an Investigation of BellSouth Telecommunications, Inc.'s Promotional Pricing and Marketing Practices.

Re: Docket No. 020578-TP Petition of the Florida Competitive Carriers Association for Expedited Review and Cancellation of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs.

Dear Ms. Bayó,

Please find enclosed for filing in the above dockets an original and seven (7) copies of Florida Digital Network, Inc.'s (1) Request for Specified Confidential Classification for Supplemental Response to BellSouth Telecommunications, Inc.'s Interrogatory No. 33 and Hearing Exhibit No. 22.

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

Sincerely,

Matthew Feil
Florida Digital Network
General Counsel

This confidentiality request was filed by or for a "telco" for DN 022297-03. 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. 01438-03)

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LOCAL LONG DISTANCE
390 North Orange Ave . Suite 2000 . Orlando, Florida 32801
407.835.0300 . Fax 407.835.0309 . www.fdn.com

DOCUMENT NUMBER-DATE
INTERNET
02296 MAR-78
FPSC-COMMISSION CLERK 001379

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Expedited Review and Cancellation or Suspension of BellSouth Telecommunications, Inc.'s Key Customer Tariff filed 12/16/02, by Florida Digital Network, Inc.))) Docket No. 021252-TP

In Re: Petition of Florida Digital Network, Inc., for Expedited Review and Cancellation of BellSouth's Telecommunications, Inc.'s Key Customer Promotional Tariffs and For an Investigation of BellSouth Telecommunications, Inc.'s Promotional Pricing and Marketing Practices.))) Docket No. 020119-TP

In re: Petition of the Florida Competitive Carriers Association for Expedited Review and Cancellation of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs.))) Docket No. 020578-TP

FLORIDA DIGITAL NETWORK, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION

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 as follows:

- 1. In response to the Second Set of Interrogatories served by BellSouth Telecommunications, Inc. ("BellSouth"), FDN provided BellSouth with a supplemental response to BellSouth Interrogatory No. 33 which contained proprietary and confidential information. FDN provided the confidential response coincident with filing a Notice of Intent to Seek Confidential Classification on February 12, 2003. The confidential

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response to BellSouth Interrogatory No. 33 was assigned **Document Number 01438-03**.

Said document was also entered into the hearing record as **Exhibit No. 22**.

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document No. 01438-03 contains market deployment data and customer information 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 Document No. 01438-03 is confidential and proprietary under Florida Statutes, Section 364.183.

3. 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.

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

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

6. The information contained in Document No. 01438-03 contains market deployment data and customer information utilized by FDN to conduct its business. FDN has expended millions of dollars in infrastructure to support market deployment and its business. A significant portion of this investment will be wasted if Document No. 01438-03 is released to the public 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).

7. 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.

8. 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 enter an order declaring the information described hereinabove be confidential, proprietary business information that is not subject to public disclosure.

RESPECTFULLY SUBMITTED, this 6 day of March 2003.



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

ATTACHMENT A

**Florida Digital Network, Inc.
FPSC Docket No. 020119-TP/020578-
TP/021252-TP
Request for Confidential Classification
March 6, 2003**

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN FEBRUARY 12, 2003, SUPPLEMENTAL RESPONSE TO BELL SOUTH INTERROGATORY NO. 33 AND HEARING EXHIBIT NO. 22 IN FPSC DOCKETS NOS. 020119-TP, 021252-TP, AND 020578-TP.

Reasons for Claim for Proprietary Information Status

1. This information contains proprietary investment, market deployment, customer location information and competitive interest information. This information is valuable, is used by FDN in conducting its business, and FDN strives to keep it secret. Therefore, such information relates to competitive interests of FDN, the discloser of which would impair the competitive business of FDN. See Section 364.183(3)(e), Florida Statutes.
2. This information contains information that FDN strives to keep secret because it is elemental to FDN's business and status in the competitive market place. Therefore, such information is a trade secret. See Section 364.183(3)(a), Florida Statutes.

**FDN Supp. Response to BST
Int. No. 33 and Hearing Ex. 22**

Reason

All lines and columns (except headings)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (*) who have been sent a copy via overnight mail, this 6th day of March, 2003.

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Nancy White/Meredith Mays
C/O Ms. Nancy H. Sims
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Tallahassee, FL 32301-1556
nancy.sims@bellsouth.com

Ms. Felicia Banks
Florida Public Service Commission
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