



April 21, 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

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 Request for Specified Confidential Classification covering a portion of BellSouth's Post-Hearing Brief.

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 03677-03. 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. 03069-03)

DOCUMENT NUMBER - DATE

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IDENTIFICATION CENTER

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
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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
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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. On April 1, 2003, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Commission **Document Number 03069-03**. Said document contains portions of BellSouth's Post-hearing brief in the captioned matter which BellSouth understood contained FDN proprietary and confidential information. BellSouth also filed a Notice of Intent to request confidential classification with Document Number 03069-03.

DOCUMENT NUMBER-DATE

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2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document No. 03069-03 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. 03069-03 is confidential and proprietary under Florida Statutes, Section 364.183. The information in Document No. 03069-03 is the same or similar to information the Commission declared proprietary and confidential business information, exempt from Florida's Public Records Laws, by Order No. PSC-03-0220-CFO-TP, issued February 13, 2003, in this docket.

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. 03069-03 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. 03069-03 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 21 day of April 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
April 21, 2003**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF
BELLSOUTH'S POST-HEARING BRIEF 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.

**BellSouth Post-hearing brief:
Page, line of text (after graph)¹**

Reason

Page 6, lines 8 through 13: All references to FDN's number of lines and all percentages derived from such numbers

1, 2

¹ Page 6 of the document begins with a graph. For reference purposes herein, the first line of page 6 is the line beginning "In addition to overall"

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ATTACHMENT B

**Florida Digital Network, Inc.
FPSC Docket No. 020119-TP/020578-
TP/021252-TP
Request for Confidential Classification
April 21, 2003**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF
BELLSOUTH'S POST-HEARING BRIEF IN FPSC DOCKETS NOS. 020119-TP,
021252-TP, AND 020578-TP.**

TWO REDACTED COPIES

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ATTACHMENT C

**Florida Digital Network, Inc.
FPSC Docket No. 020119-TP/020578-
TP/021252-TP
Request for Confidential Classification
April 21, 2003**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF
BELLSOUTH'S POST-HEARING BRIEF IN FPSC DOCKETS NOS. 020119-TP,
021252-TP, AND 020578-TP.**

ONE HIGHLIGHTED COPY (IN ENVELOPE)

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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 21st day of April, 2003.

BellSouth Telecommunications, Inc.
Nancy White/Meredith Mays
C/O Ms. Nancy H. Sims
150 S. Monroe Street
Suite 400
Tallahassee, FL 32301-1556
nancy.sims@bellsouth.com
Meredith.mays@bellsouth.com

Ms. Felicia Banks
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
fbanks@psc.state.fl.us



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