



**FPL  
FiberNet**

FPL FiberNet, LLC  
P.O. 025566  
Miami, Florida 33102

December 2, 2003

Division of the Commission – Clerk and Administrative Service  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**SUBJECT: CLAIM OF CONFIDENTIALITY TREATMENT**

**REFERENCE:** TRO Data Request Related To The Following Dockets  
Local Circuit Switching for Mass Market Customers (Docket No. 030851-TP)  
High-Capacity Loops and Transport (Docket No. 030852-TP)

- ATTACHMENTS:**
1. loop\_FPL\_FIBERNET\_LLC\_FL.xls (complete)
  2. loop\_FPL\_FIBERNET\_LLC\_FL.xls (confidential data excluded) – 2 copies
  3. loop\_FPL\_FIBERNET\_LLC\_FL.xls (confidential data highlighted)
  4. transport\_FPL\_FIBERNET\_LLC\_FL.xls (complete)
  5. transport\_FPL\_FIBERNET\_LLC\_FL.xls (confidential data excluded) – 2 copies
  6. transport\_FPL\_FIBERNET\_LLC\_FL.xls (confidential data highlighted)
  7. Electronic media formatted (all files referenced above)

Dear Sir or Madam,

The FPSC Division of Competitive Markets & Enforcement have requested that we provide data on market activity. As part of that submittal, they have specifically requested information which is currently protected by Confidentiality Agreements between FPL FiberNet, LLC, and it's customers.

**Pursuant to Section 364.183(1) of the Florida Statutes, FPL FiberNet is formally requesting that the attached documents receive confidential treatment and be treated as exempt from FS 119.07(1)**

In accordance with your Practices and Procedures, Chapter 25-22.006, 1 complete, 2 redacted, and 1 highlighted version of the subject document has been provided.

An electronic copy of all referenced document is also provided. Excel cell references AH15 through AH56 in loop\_FPL\_FIBERNET\_LLC\_FL.xls and AH32 through AH786 in transport\_FPL\_FIBERNET\_LLC\_FL.xls identify FPL FiberNet customers by name. If made part of the public record, competitors would be able to identify where and to what extent our customers have a presence in the market. We consider this to be proprietary in nature.

If you have any questions please call Joe Ferrel at 305-552-4287.

Respectfully

Sol Stamm,  
Controller

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- SCL
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC
- OTH \_\_\_\_\_

each  
dkt

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 12267-03. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

(See DN 12265-03)

DOCUMENT NUMBER-DATE

12266 DEC-3 03

FPSC-COMMISSION CLERK

**AFFIDAVIT**

By my signature below, I, SOL STAMM, attest to the accuracy of the information contained herein and the attached documents. I have reviewed the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of FPL FiberNet LLC.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

Sol Stamm  
Print Name

[Signature]  
Signature

Controller  
Title

12/2/03  
Date

305-552-3810  
Telephone No.

305-229-5959  
Fax No.

FPL FIBERNET, LLC  
Utility

Address: P.O. BOX 025566  
MIAMI, FL 33102

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 2nd day of Dec, 2003 by Sol Stamm

(NOTARY SEAL)



**Petra Nunez**  
Commission #DD231919  
Expires: Aug 30, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

[Signature]  
(Signature of Notary Public)

(Name of Notary Typed, Printed, or Stamped)

Personally Known  OR Produced Identification  Type of Identification Produced \_\_\_\_\_