

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of DIECA Communications, Inc., d/b/a Covad Communications Company Against BellSouth Telecommunications, Inc. For Breach of the Parties' Interconnection Agreement and Unauthorized Discontinuance Of Service to Customers, Request for Maintenance of the Status Quo, and Request For Expedited Relief.

---

Docket No: 030945-TP

Filed: December 15, 2003

**DIECA Communications, Inc., d/b/a Covad Communications Company's Request for Specified Confidential Classification and Motion for Protective Order**

DIECA Communications, Inc., d/b/a Covad Communications Company (Covad), pursuant to Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification and Motion for Protective Order.

1. On September 26, 2003, Covad filed its Complaint Against BellSouth Telecommunications, Inc. for Breach of the Parties' Interconnection Agreement and Sections 271 and 251 of the Telecommunications Action of 1996, Request for Maintenance of Status Quo, and Request for Expedited Relief. On November 24, 2003, Covad filed its 1st Revised Exhibit A to its Complaint along with a Notice of Intent to Request Specified Confidential Classification. Covad's 1st Revised Exhibit A to the Complaint contains confidential customer information. Further, Covad considers the information in its 1st Revised Exhibit A to be confidential, proprietary business information.

2. The confidential, proprietary business contained in the 1st Revised Exhibit A to Covad's Complaint is specifically related to Covad's business operations. The confidential, proprietary business information is related to Covad's customers, their circuit identification numbers and their location. Disclosure of the information would harm Covad's competitive business interests. The information has not been made public. 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 is required.

information would “impair the competitive business of the provider of the information.” Disclosure of the Covad confidential information would harm its business operations by placing details of Covad’s customers and their location in the public domain. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes.

4. In addition, the 1st Revised Exhibit A to the Complaint contains confidential customer information. Section 364.24, Florida Statutes, prohibits the public disclosure of customer account information.

5. Covad treats the information for which confidential classification is sought as private and confidential.

6. Appended hereto as Attachment B are two copies of the requested documents with the confidential information redacted.

7. 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, Covad 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.

*Charles Watkins*

Charles Watkins

Senior Counsel

Covad Communications Co.

1230 Peachtree Street, N.E., 19<sup>th</sup> Floor

Atlanta, Georgia 30309

(404) 942-3494

(404) 942-3495 (fax)

[gwatkins@covad.com](mailto:gwatkins@covad.com)

Vicki Gordon Kaufman

McWhirter Reeves McGlothlin Davidson

Kaufman & Arnold, P.A.

117 South Gadsden Street

Tallahassee, Florida 32301

Telephone: (850) 222-2525

Telecopy: (850) 222-5606

[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)

Attorneys for Covad Communications, Inc.

**ATTACHMENT A**

**Request For Confidential Classification of Confidential, Proprietary Customer and  
Business Information in the 1st Revised Exhibit A to Covad's Complaint  
Docket No. 030945-TP**

**Explanation of Proprietary Information**

1. The information provided belonging to Covad provided in the 1st Revised Exhibit A to Covad's Complaint contains confidential, proprietary customer business information regarding the circuit identification information for specific Covad customers. This information is related to Covad's ongoing business affairs and can be used by Covad'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." In addition, § 364.24, Florida Statutes, prohibits the public disclosure of customer account 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>Page No.</u>	<u>Lines</u>	<u>Reason</u>
1st Revised Exhibit A	1-32	1

**ATTACHMENT B**

**Request For Confidential Classification of Confidential, Proprietary Customer and  
Business Information in the 1st Revised Exhibit A to Covad's Complaint  
Docket No. 030945-TP**

**Redacted Copies**

Covad Customers Who Will Be Disconnected  
(PUBLIC)

1) 1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

2) 5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]

3) 9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

4) 13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

5) 17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

6) 21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

7) 25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]

8) 29 [REDACTED]  
30 [REDACTED]  
31 [REDACTED]  
32 [REDACTED]

Covad Customers Who Will Be Disconnected  
(PUBLIC)

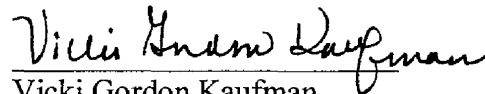
- 1) 1 [Redacted]  
2 [Redacted]  
3 [Redacted]  
4 [Redacted]
- 2) 5 [Redacted]  
6 [Redacted]  
7 [Redacted]  
8 [Redacted]
- 3) 9 [Redacted]  
10 [Redacted]  
11 [Redacted]  
12 [Redacted]
- 4) 13 [Redacted]  
14 [Redacted]  
15 [Redacted]  
16 [Redacted]
- 5) 17 [Redacted]  
18 [Redacted]  
19 [Redacted]  
20 [Redacted]
- 6) 21 [Redacted]  
22 [Redacted]  
23 [Redacted]  
24 [Redacted]
- 7) 25 [Redacted]  
26 [Redacted]  
27 [Redacted]  
28 [Redacted]
- 8) 29 [Redacted]  
30 [Redacted]  
31 [Redacted]  
32 [Redacted]

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing DIECA Communications, Inc., d/b/a Covad Communications Company's Request for Specified Confidential Classification and Motion for Protective Order has been provided by (\*) hand delivery or U.S. Mail this 15th day of December 2003, to the following:

(\*) Roseanne Gervasi  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Nancy White  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301-1556

  
Vicki Gordon Kaufman