



ORIGINAL

RECEIVED-FPSC

04 JAN 16 AM 11:44

COMMISSION CLERK

January 15, 2004

Ms. Blanca S. Bayo  
Director, Division of the Commission  
Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 030852-TP Implementation of Requirements Arising from FCC  
Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber  
Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport

Dear Ms. Bayo:

Enclosed please find an original and seven (7) copies of FDN Communications Request  
for Specified Classification

If you have any questions regarding the enclosed, please call me at 407-447-6636.

Sincerely,

Scott Kassman  
FDN Communications  
Assistant General Counsel

AUS  
CAF  
CMP  
COM  
CTR  
ECR  
GCL  
OPC  
MMS  
SEC  
OTH  
conf records

LOCAL

LONG DISTANCE

390 North Orange Avenue Suite 2000 Orlando, FL 32801  
407.835.0300 Fax 407.835.0309 www.fdn.com

This confidentiality request was filed by or  
for a "telco" for DN 006668-04. 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.

04 JAN 16 AM 10:46  
DISTRIBUTION CENTER

DOCUMENT NUMBER-DATE

00666 JAN 16 3

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission )  
Triennial UNE review: Location Specific-Review )  
For DS1, DS3, and Dark Fiber Loops and )  
Route-Specific Review for DS1, DS3, and Dark )  
Fiber Transport )  
\_\_\_\_\_ )

Docket No. 030852-TP

**FDN COMMUNICATIONS' REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

Florida Digital Network, Inc., d/b/a FDN Communications ("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 January 7, 2004, FDN filed with the Commission **Document No. 00222-04**. Said document contains confidential business information and customer specific information that is proprietary to FDN. FDN also filed a Notice of Intent to request confidential classification with Document No. 00222-04.

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document No. 00222-04 contains market deployment data and other specific network 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. 00222-04 is confidential and proprietary under Florida Statutes, Section 364.183. The information in Document No. 00222-04 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-03-1263-PCO-TP, issued November 7, 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.

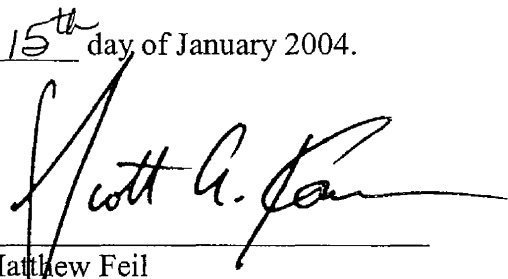
6. The information contained in Document No. 00222-04 contains market deployment data and other specific network information utilized by FDN to conduct its business. FDN has expended millions of dollars in infrastructure to support market deployment and its business. A significant portion of this investment will be wasted if Document No. 00222-04 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 15<sup>th</sup> day of January 2004.

A handwritten signature in black ink, appearing to read "Matthew Feil", written over a horizontal line.

Matthew Feil  
Scott Kassman  
FDN Communications  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
(407) 835-0460  
[mfeil@mail.fdn.com](mailto:mfeil@mail.fdn.com)  
[skassman@mail.fdn.com](mailto:skassman@mail.fdn.com)

**CERTIFICATE OF SERVICE**  
**Docket 030852-TP**

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 15<sup>th</sup> day of January, 2004.

BellSouth Telecommunications, Inc.  
R. Lackey/M. Mays/N. White/J. Meza/A. Shore  
c/o Ms. Nancy H. Sims  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301-1556  
[nancy.sims@bellsouth.com](mailto:nancy.sims@bellsouth.com)  
[linda.hobbs@bellsouth.com](mailto:linda.hobbs@bellsouth.com)  
[chantel.stevens@bellsouth.com](mailto:chantel.stevens@bellsouth.com)  
[douglas.lackey@bellsouth.com](mailto:douglas.lackey@bellsouth.com)  
[meredith.mays@bellsouth.com](mailto:meredith.mays@bellsouth.com)  
[nancy.white@bellsouth.com](mailto:nancy.white@bellsouth.com)

Mr. Adam Teitzman/Jason Rojas  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[ateitzma@psc.state.fl.us](mailto:ateitzma@psc.state.fl.us)  
[jrojas@psc.state.fl.us](mailto:jrojas@psc.state.fl.us)  
[jsusac@psc.state.fl.us](mailto:jsusac@psc.state.fl.us)  
[wgarcia@psc.state.fl.us](mailto:wgarcia@psc.state.fl.us)  
[vmckay@psc.state.fl.us](mailto:vmckay@psc.state.fl.us)

McWhirter Law Firm  
Vicki Kaufman/Joseph McGlothlin  
117 South Gadsden Street  
Tallahassee, FL 32301  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)

Covad Communications Company  
Mr. Charles E. Watkins  
1230 Peachtree Street, N.E.  
19<sup>th</sup> Floor  
Atlanta, GA 30309-3574  
[gwatkins@covad.com](mailto:gwatkins@covad.com)

Verizon Florida, Inc.  
Richard Chapkis/Kimberly Caswell  
One Tampa City Center  
201 North Franklin Street (33602)  
P.O. Box 110, FLTC 0007  
Tampa, FL 33601-0110  
[Richard.chapkis@verizon.com](mailto:Richard.chapkis@verizon.com)

Florida Cable Telecom Assoc., Inc.  
Michael A. Gross  
246 East 6<sup>th</sup> Avenue  
Suite 100  
Tallahassee, FL 32303  
[mgross@fcta.com](mailto:mgross@fcta.com)

AT&T Communications of the  
Southern States, LLC  
Ms. Lisa A. Sapper  
1200 Peachtree Street, N.E.  
Suite 8100  
Atlanta, GA 30309-3579  
[lisariley@att.com](mailto:lisariley@att.com)

AT&T  
Tracy Hatch  
101 North Monroe Street  
Suite 700  
Tallahassee, FL 32301-1549  
[thatch@att.com](mailto:thatch@att.com)

ITC DeltaCom  
Ms. Nanette S. Edwards  
4092 South Memorial Parkway  
Huntsville, AL 35802-4343  
[nedwards@itcdelta.com](mailto:nedwards@itcdelta.com)

KMC Telecom III, LLC  
Marva Brown Johnson, Esq.  
1755 North Brown Road  
Lawrenceville, GA 30043-8119  
[marva.johnson@kmctelecom.com](mailto:marva.johnson@kmctelecom.com)

Messer Law Firm  
Floyd Self/Norman Horton  
P.O. Box 1876  
Tallahassee, FL 32302-1876  
[fself@lawfla.com](mailto:fself@lawfla.com)  
[nhorton@lawfla.com](mailto:nhorton@lawfla.com)

Sprint Communications Corp. (FL)  
Susan Masterton  
P.O. Box 2214  
Tallahassee, FL 32316-2214  
[susan.masterton@mail.sprint.com](mailto:susan.masterton@mail.sprint.com)

Allegiance Telecom, Inc.  
Charles Gerkin, Jr., Esq.  
9201 N Central Expressway  
Dallas, TX 75231  
[Charles.gerkin@algx.com](mailto:Charles.gerkin@algx.com)

Moyle Law Firm  
Jon Moyle, Jr.  
The Perkins House  
118 N Gadsden Street  
Tallahassee, FL 32301  
[jmoylejr@moylelaw.com](mailto:jmoylejr@moylelaw.com)

Florida Competitive Carriers Assoc  
C/O McWhirter Law Firm  
Joseph McGlothlin/Vicki Kaufman  
117 South Gadsden Street  
Tallahassee, FL 32301  
[jmclothlin@mac-law.com](mailto:jmclothlin@mac-law.com)

MCI WorldCom Communications, Inc.  
Ms. Donna C. McNulty  
1203 Governors Square Boulevard  
Suite 201  
Tallahassee, FL 32301-2960  
[donna.mcnulty@mci.com](mailto:donna.mcnulty@mci.com)

MCI WorldCom Communications, Inc.  
De O'Roark, Esq.  
Six Concourse Parkway  
Suite 600  
Atlanta, GA 30328  
[de.oroark@wcom.com](mailto:de.oroark@wcom.com)

Xspedius Communications  
Ms. Rabinai E. Carson  
5555 Winghaven Boulevard  
Suite 300  
O'Fallon, MO 63366-3868  
[rabinai.carson@xspedius.com](mailto:rabinai.carson@xspedius.com)

Allegiance Telecom, Inc. (IL)  
Theresa Larkin  
700 East Butterfield Road  
Suite 400  
Lombard, IL 60148  
[Terry.larkin@algx.com](mailto:Terry.larkin@algx.com)

Access Integrated Networks, Inc.  
Mr. Mark Ozanick  
4885 Riverside Drive  
Suite 107  
Macon, GA 31210-1148  
[mark.ozanick@accesscomm.com](mailto:mark.ozanick@accesscomm.com)

NewSouth Communications Corp.  
Jake E. Jennings/Keiki Hendrix  
Two North Main Center  
Greenville, SC 29601-2719  
[jejennings@newsouth.com](mailto:jejennings@newsouth.com)  
[khendrix@newsouth.com](mailto:khendrix@newsouth.com)

Casey & Genta, LLP  
Bill Magness  
919 Congress Avenue  
Suite 1060  
Austin, TX 78701

Nuvox Communications, Inc.  
Bo Russell  
301 North Main Street  
Greenville, SC 29601-2171

Phone Club Corporation  
Carlos Jordan  
168 SE First Street  
Suite 705  
Miami, FL 33131-1423  
[phoneclubcorp@aol.com](mailto:phoneclubcorp@aol.com)

Sprint (NC)  
H. Edward Phillips, III  
14111 Capital Boulevard  
Mailstop: NCWKFR0313-3161  
Wake Forest, NC 27587-5900

Tier 3 Communications  
Kim Brown  
2235 First Street  
Suite 217  
Ft. Meyers, FL 33901  
[steve@tier3communications.net](mailto:steve@tier3communications.net)

Universal Telecom, Inc.  
Jennifer Hart  
PO Box 679  
LaGrange, KY 40031-0679  
[jenniferh@universaltelecomin.com](mailto:jenniferh@universaltelecomin.com)

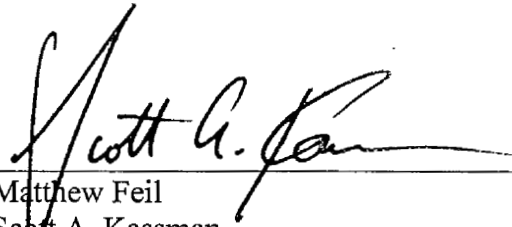
BellSouth BSE, Inc.  
Mr. Mario L. Soto  
North Terraces Building  
400 Perimeter Center Terrace, Suite 400  
Atlanta, GA 30346-1231  
[Mario.soto@bellsouth.com](mailto:Mario.soto@bellsouth.com)

Comm South Companies, Inc.  
Sheri Pringle  
PO Box 570159  
Dallas, TX 75357-9900  
[springle@commsouth.net](mailto:springle@commsouth.net)

Sprint (KS)  
Kenneth A. Schiffman  
6450 Sprint Parkway  
Mailstop: KSOPHN0212-2A303  
Overland Park, KS 66251-6100

Supra Telecommunications & Information  
Systems, Inc. (MIA)  
Jorge Cruz-Bustillo, Esq.  
2620 SW 27<sup>th</sup> Avenue  
Miami, FL 33133-3005  
[Jorge.cruz-bustillo@stis.com](mailto:Jorge.cruz-bustillo@stis.com)

Supra Telecommunications & Information  
Systems, Inc.  
Jonathan Audu  
1311 Executive Center Drive  
Suite 220  
Tallahassee, FL 32301-5027  
[jonathan.audu@stis.com](mailto:jonathan.audu@stis.com)



---

Matthew Feil  
Scott A. Kassman  
FDN Communications  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
(407) 835-0460  
(407) 447-6636  
[mfeil@mail.fdn.com](mailto:mfeil@mail.fdn.com)  
[skassman@mail.fdn.com](mailto:skassman@mail.fdn.com)



**ATTACHMENT A**

**FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
January 16, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S  
RESPONSES TO BELL SOUTH'S SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS NO. 6**

**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 disclosure 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's Responses to BST RPOD No. 6**

**Reason**

All lines, all pages

1, 2

**ATTACHMENT B**

**FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
January 16, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S  
RESPONSES TO BELLSOUTH'S SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS NO. 6**

**TWO REDACTED COPIES**

**ATTACHMENT C**

**FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
January 16, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S  
RESPONSES TO BELLSOUTH'S SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS NO. 6**

**ONE HIGHLIGHTED COPY (IN ENVELOPE)**