



ORIGINAL

January 21, 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.

Also enclosed please find a revised Notice of Intent to Request Confidential  
Classification. The version filed on January 13, 2004 mistakenly makes reference to  
BellSouth's Interrogatory Nos. 1-15. The enclosed revised document correctly makes  
reference to Verizon's Interrogatory Nos. 1-15.

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 \_\_\_\_\_

LOCAL  
*ICM records*

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 00993-04. 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.  
*(x-ref 00527-04)*

INTERNET  
DOCUMENT NUMBER-DATE

**00992 JAN 22 03**

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission ) Docket No. 030852-TP  
Triennial UNE review: Location Specific-Review )  
For DS1, DS3, and Dark Fiber Loops and )  
Route-Specific Review for DS1, DS3, and Dark )  
Fiber Transport )  
\_\_\_\_\_ )

**FDN COMMUNICATION’S NOTICE OF INTENT TO REQUEST  
CONFIDENTIAL CLASSIFICATION**

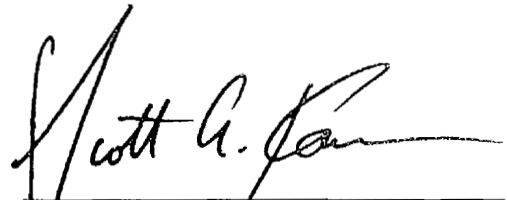
Florida Digital Network, Inc., d/b/a FDN Communications. (“FDN” or “Company”), pursuant to Rule 25-22.006, Florida Administrative Code, files this Notice of Intent to Request Specified Confidential Classification and says the following:

- 1) On January 12, 2004 FDN served its responses and objections to Verizon Florida, Inc.’s (“Verizon”) First Request for Admissions (Nos. 1-2), First Set of Interrogatories (Nos. 1-21), and First Set of Request for Production of Documents (Nos. 1-11).
- 2) The information contained in Appendix Int. 1 and Appendix Int. 2-A, 2-B served in response to Verizon’s Interrogatory Nos. 1-15 includes confidential business information and customer specific information that is proprietary to FDN.
- 3) All of the information in Appendix Int. 1 and Appendix Int. 2-A, 2-B is confidential. FDN provided this confidential information to BellSouth subject to the protective order issued in this docket and under a Protective Agreement. Because this information is proprietary, FDN is now filing this Notice of Intent to Request Specified Confidential Classification pursuant

to Rule 25-22.006, Florida Administrative Code, in order to allow the Commission to take possession of the confidential documents without delay. A copy of the confidential information is provided to the Commission herewith in a sealed envelope.

- 4) The original of this notice has been filed with the Division of Records and Reporting, and a copy has been served on all parties of record. FDN will submit a specific request for confidential classification as required.

Respectfully submitted this 21<sup>st</sup> day of January 2004.



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Scott A. Kassmah  
Assistant General Counsel  
FDN Communications  
390 N. Orange Avenue  
Suite 2000  
Orlando, FL 32801  
(407) 447-6636

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission ) Docket No. 030852-TP  
Triennial UNE review: Location Specific-Review )  
For DS1, DS3, and Dark Fiber Loops and )  
Route-Specific Review for DS1, DS3, and Dark )  
Fiber Transport )  
\_\_\_\_\_ )

**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 13, 2004, FDN filed with the Commission **Document No. 00527-04**. 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. 00527-04.

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document No. 00527-04 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. 00527-04 is confidential and proprietary under Florida Statutes, Section 364.183. The information in Document No. 00527-04 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. 00527-04 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. 00527-04 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 21<sup>st</sup> day of January 2004.

  
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**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 21<sup>st</sup> day of January, 2004.

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**ATTACHMENT A**

**FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
January 22, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF FDN'S  
RESPONSES TO VERIZON'S FIRST REQUEST FOR ADMISSIONS (NOS. 1-2),  
FIRST SET OF INTERROGATORIES (NOS. 1-21), AND FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS (NOS. 1-11)**

**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 VZ Int. 1**

**Reason**

Line 7 through and including Line 26  
Column A through and Including Column J

1, 2

**FDN's Responses to VZ Int. 2-A**

**Reason**

Entire page

1, 2

**FDN's Responses to VZ Int. 2-B**

**Reason**

Entire page

1, 2

**ATTACHMENT B**

**FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
January 22, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF FDN'S  
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FIRST SET OF INTERROGATORIES (NOS. 1-21), AND FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS (NOS. 1-11)**

**TWO REDACTED COPIES**

**ATTACHMENT C**

**FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
January 22, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF PORTIONS OF FDN'S  
RESPONSES TO VERIZON'S FIRST REQUEST FOR ADMISSIONS (NOS. 1-2),  
FIRST SET OF INTERROGATORIES (NOS. 1-21), AND FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS (NOS. 1-11)**

**ONE HIGHLIGHTED COPY (IN ENVELOPE)**