



ORIGINAL

February 25, 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. 030851-TP Implementation of Requirements Arising from FCC  
Triennial UNE Review: Local Circuit Switching for Mass Market Customers

Dear Ms. Bayo:

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

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,

Matthew Feil  
FDN Communications  
General Counsel

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL 1 \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
OTH 1 copy LOCAL  
records

LONG DISTANCE

2301 Lucien Way Suite 200 Maitland, FL 32751  
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This confidentiality request was filed by or  
for a "telco" for DN 02861-04. 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. 02295-04)

DOCUMENT NUMBER-DATE  
INTERNET

02859 FEB 26 04

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising from Federal Communications Commission's Triennial UNE review: Local Circuit Switching for Mass Market Customers.

DOCKET NO. 030851-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 February 18, 2004 FDN filed with the Commission **Document No. 02295-04**. 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. 02295-04.

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document No. 02295-04 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. 02295-04 is confidential and proprietary under Florida Statutes, Section 364.183. The information in Document No. 02295-04 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. 02295-04 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. 02295-04 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 25<sup>th</sup> day of February 2004.

A handwritten signature in black ink that reads "Matthew Feil". The signature is written in a cursive style with a large, stylized initial "M".

Matthew Feil  
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**CERTIFICATE OF SERVICE**  
**Docket 030851-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 25<sup>th</sup> day of February, 2004.

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ATTACHMENT A

FDN Communications  
FPSC Docket No. 030851-TP  
Request for Confidential Classification  
February 25, 2004

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S RESPONSES  
TO STAFF'S THIRD SET OF INTERROGATORIES**

**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.

<u>FDN's Responses to Staff's Interrogatory No. 12</u>	<u>Reason</u>
Appendix Int. 12-A All pages, all lines	1, 2
<u>FDN's Responses to Staff's Interrogatory No. 13</u>	<u>Reason</u>
Appendix Int. 13-A All pages, all lines	1, 2
<u>FDN's Responses to Staff's Interrogatory No. 14</u>	<u>Reason</u>
Appendix Int. 14-A All pages, all lines	1, 2
<u>FDN's Responses to Staff's Interrogatory No. 16</u>	<u>Reason</u>
Appendix Int. 16-A All pages, all lines	1, 2

**ATTACHMENT B**

**FDN Communications  
FPSC Docket No. 030851-TP  
Request for Confidential Classification  
February 25, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S RESPONSES  
TO STAFF'S THIRD SET OF INTERROGATORIES**

**TWO REDACTED COPIES**

**ATTACHMENT C**

**FDN Communications  
FPSC Docket No. 030851-TP  
Request for Confidential Classification  
February 25, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN'S RESPONSES  
TO STAFF'S THIRD SET OF INTERROGATORIES**

**ONE HIGHLIGHTED COPY (IN RED FOLDER)**