



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

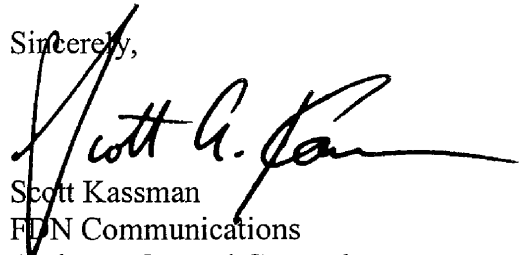
Re: Docket No. 030852-TP Implementation of Requirements Arising from FCC  
Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber  
Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport

Dear Ms. Bayo:

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

2301 Lucien Way Suite 200 Maitland, FL 32751  
407.835.0300 Fax 407 835.0309 www.fdn.com

DOCUMENT NUMBER-DATE  
INTERNET

02865 FEB 26 3

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 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 17, 2004, FDN filed with the Commission **Document No. 02232-04**. 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. 02232-04.

2. On February 19, 2004, FDN filed with the Commission **Document No. 02432-04**, have inadvertently failed to include said document in its prior filing.

3. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document Nos. 02232-04 and 02432-04 contain 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 Nos. 02232-04 and is 02432-04 confidential and proprietary under Florida Statutes, Section

DOCUMENT NUMBER-DATE  
**02865 FEB 26 3**  
FPSC-COMMISSION CLERK

364.183. The information in Document Nos. 02232-04 and 02432-04 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.

4. 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.

5. Attachment B hereto is two redacted versions for public disclosure.

6. Attachment C hereto is a sealed envelope containing one copy of the documents that are confidential and proprietary.

7. The information contained in Document Nos. 02232-04 and 02432-04 contain 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 Nos. 02232-04 and 02432-04 are 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).

8. 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.

9. 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 <sup>25<sup>th</sup></sup> day of February 2004.



---

Matthew Feil  
Scott Kassman  
FDN Communications  
2301 Lucien Way  
Suite 200  
Maitland, FL 32751  
(407) 447-6636  
[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 25th day of February, 2004.

Florida Public Service Commission  
Mr. Adam Teitzman/Jason Rojas  
2540 Shumard Oak Boulevard  
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)  
[plee@psc.state.fl.us](mailto:plee@psc.state.fl.us)

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

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

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

Allegiance Telecom, Inc.  
Charles Gerkin/James Harlan  
9201 N Central Expressway  
Dallas, TX 75231  
[charles.gerkin@allegiancetelecom.com](mailto:charles.gerkin@allegiancetelecom.com)

Allegiance Telecom, Inc. (IL)  
Theresa Larkin  
700 East Butterfield Road  
Lombard, IL 60148  
[terry.larkin@algx.com](mailto:terry.larkin@algx.com)  
Ausley Law Firm  
J. Jeffrey Wahlen  
PO Box 391  
Tallahassee, FL 32302  
[jwahlen@ausley.com](mailto:jwahlen@ausley.com)

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

BellSouth Telecommunications, Inc.  
D. 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)

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

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

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)

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)

Florida Competitive Carriers  
Association  
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)

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

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

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

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

NOW Communications, Inc.  
Mr. R. Scott Seab  
711 South Tejon Street  
Suite 201  
Colorado Springs, CO 80903-4054

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

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

Phone Club Corporation  
Carlos Jordan  
168 S.E. 1<sup>st</sup> Street, Suite 705  
Miami, FL 33131-1423  
[phoneclubcorp@aol.com](mailto:phoneclubcorp@aol.com)

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

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

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

Supra Telecom  
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)

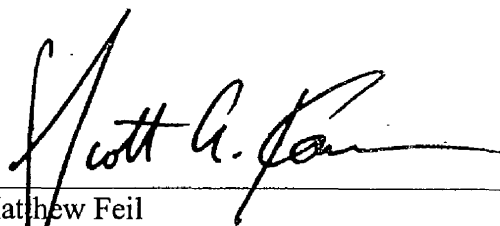
Supra Telecom  
Jonathan Audu  
1311 Executive Center Drive  
Suite 220  
Tallahassee, FL 32301-5027  
[jonathan.audu@stis.com](mailto:jonathan.audu@stis.com)

Tier 3 Communications  
Kim Brown  
2235 First Street, Suite 217  
Ft. Myers, FL 33901-2981  
[steve@tier3communications.net](mailto:steve@tier3communications.net)

Universal Telecom, Inc.  
Jennifer Hart  
P.O. Box 679  
LaGrange, KY 40031-0679  
[jenniferh@universaltelecominc.com](mailto:jenniferh@universaltelecominc.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)  
[david.christian@verizon.com](mailto:david.christian@verizon.com)  
[terry.scobie@verizon.com](mailto:terry.scobie@verizon.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)



---

Matthew Feil  
Scott A. Kassman  
FDN Communications  
2301 Lucien Way  
Suite 200  
Maitland, FL 32751  
(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  
February 25, 2004

### REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN COMMUNICATIONS' SECOND REVISED RESPONSE TO BELL SOUTH'S FIRST 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.

#### 2<sup>nd</sup> Revised Appendix BST Int. 4-A

#### Reason

Tab 1 ("Self Provided Transport Data")  
Lines 7 through 11, Columns A through M

1, 2

Tab 2 ("Self Provided Transport – Collo")  
Lines 5 through 9, Columns A through F

1, 2

**ATTACHMENT B**

**FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
February 25, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN  
COMMUNICATIONS' SECOND REVISED RESPONSE TO BELLSOUTH'S  
FIRST SET OF INTERROGATORIES**

**TWO REDACTED COPIES**

**ATTACHMENT C**

**FDN Communications  
FPSC Docket No. 030852-TP  
Request for Confidential Classification  
February 25, 2004**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FDN  
COMMUNICATIONS' SECOND REVISED RESPONSE TO BELLSOUTH'S  
FIRST SET OF INTERROGATORIES**

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