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March 17, 2004

VIA HAND DELIVERY

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

RECEIVED-FPSC  
MAR 17 PM 4:48  
COMMISSION  
CLERK

Re: Docket No.: 030852-TP


Dear Ms. Bayo:

On behalf of XO Florida, Inc. (XO), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order for its Response to Staff's Supplemental TRO Data Request

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

Sincerely,

  
Timothy J. Perry

AUS	_____
CAF	_____
CMP	_____
COM	_____
CTR	_____
ECR	_____
GCL	<input checked="" type="checkbox"/> TJP/ft
OPC	_____ Enclosures
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SEC	<input checked="" type="checkbox"/>
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This confidentiality request was filed by or for a "telco" for DNO 0360704. 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.  
(See 12690-03 + 0278804)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising  
From Federal Communications Commission's  
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

Filed: March 17, 2004

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**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL  
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR  
ITS RESPONSE TO STAFF'S SUPPLEMENTAL TRO DATA REQUEST**

XO Florida, Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification and Motion for Protective Order for its response to Staff's Supplemental TRO Data Request.

1. On February 5, 2004, Staff sent to XO its Supplemental TRO Data Request in this docket. On February 25, 2004, XO filed its response along with a Notice of Intent to Request Confidential Classification for its response.

2. XO's response to Staff's Supplemental TRO Data Request contains information regarding XO's transport facilities, the geographic areas that it is capable of providing transport service, and how it provides such service. XO considers this information to be confidential proprietary business information. This information has not been made public. Disclosure of this information could severely harm XO's competitive interests in the marketplace. 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 would "impair the competitive business of the provider of the information."

DOCUMENT NUMBER-DATE

03606 MAR 17 3

FPSC-COMMISSION CLERK

Disclosure of the XO confidential information would harm its business operations by placing details of its operations and capabilities in the public domain. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes.

5. XO 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, XO 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.



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Attorneys for XO Florida, Inc.

ATTACHMENT A

**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR ITS RESPONSE TO STAFF'S SUPPLEMENTAL TRO DATA REQUEST**

DOCKET NO. 030852-TP

**Explanation of Proprietary Information**

1. XO's response to Staff's Supplemental TRO Data Request contains **CONFIDENTIAL** XO information regarding XO's transport facilities, the geographic areas that it is capable of providing transport service, and how it provides such service. This information is related to XO's ongoing business affairs and can be used by XO'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." 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.

<b><u>Page Number</u></b>	<b><u>Line(s)</u></b>	<b><u>Reason</u></b>
1	1-8	1
2	1-12	1
3	1-11	1
4	1-3	1

**ATTACHMENT B**

XO FLORIDA, INC.'S RESPONSE TO STAFF'S SUPPLEMENTAL DATA  
REQUEST REGARDING IMPLEMENTATION OF REQUIREMENTS ARISING  
FROM FEDERAL COMMUNICATION COMMISSION'S TRIENNIAL  
UNBUNDLED NETWORK ELEMENT REVIEW - HIGH-CAPACITY LOOPS  
AND TRANSPORT (DOCKET NO. 030852-TP)

1. Provide the following information even if you do not agree that your facilities qualify under the TRO's self-provisioning trigger for dedicated transport. Provide the following information for each and every route in Attachment, **BellSouth Supplemental Exhibit SWP-8**, where BellSouth may have identified you as a self-provider of DS3 and/or dark fiber transport.

(a) Identify whether or not you have either deployed your own DS3 , DS1 or dark fiber facilities, or have deployed DS3 facilities by attaching your own optronics to activate dark fiber transmission facilities obtained under a long-term infeasible right of use.

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3



(b) Identify each and every capacity level (DS1, DS3 and OCn) in which you are operationally ready to provide transport along each route, and how many DS3 and OCn facilities along each route are carrying traffic.

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8



2. Provide the following information even if you do not agree that your facilities qualify under the TRO's self-provisioning trigger for dedicated transport. Provide the following information for each and every route in Attachments, **Verizon Exhibits F.1 and F.2**, in which Verizon may have identified you as a self-provider of DS3 and/or dark fiber transport.

(a) Identify whether or not you have either deployed your own DS3 , DS1 or dark fiber facilities, or have deployed DS3 facilities by attaching your own optronics to activate dark fiber transmission facilities obtained under a long-term infeasible right of use.

1  
2  
3



(b) Identify each and every capacity level (DS1, DS3 and OCn) in which you are operationally ready to provide transport along each route, and how many DS3 and OCn facilities along each route are carrying traffic.

4  
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3. Provide the following information even if you do not agree that your facilities qualify under the TRO's wholesale facilities trigger for dedicated transport. Provide the following information for each and every route identified in Attachment, **BellSouth Supplemental Exhibit SWP-8**, where BellSouth may have identified you as offering wholesale DS1, DS3 and/or dark fiber dedicated transport.

(a) Identify each route on which you have deployed your own DS1 facilities, or are using dark fiber facilities that you have obtained on an unbundled, leased, or purchased basis if you have attached your own optronics to activate the fiber, and offer a DS1 route over these facilities on a widely available wholesale basis to other carriers desiring to serve customers on that route.

9  
10



(b) Identify each route on which you have deployed your own DS3 facilities, or are using dark fiber facilities that you have obtained on an unbundled, leased, or purchased basis if you have attached your own optronics to activate the fiber, and offer a DS3 route over these facilities on a widely available wholesale basis to other carriers desiring to serve customers on that route.

11  
12



(c) Identify each route on which you have deployed your own dark fiber facilities, or obtained dark fiber facilities from an entity other than the ILEC, and are operationally ready to lease or sell such facilities for the provision of fiber-based transport along the particular route.

1 [REDACTED]  
2 [REDACTED]

(d) Provide the number of dark fiber facilities that are available along each route.

3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]

4. Provide the following information even if you do not agree that your facilities qualify under the TRO's wholesale facilities trigger for dedicated transport. Provide the following information for each and every route identified in Attachments, **Verizon Exhibits F.3 and F.4**, in which Verizon may have identified you as offering wholesale DS1, DS3 and/or dark fiber dedicated transport.

(a) Identify each route on which you have deployed your own DS1 facilities, or are using dark fiber facilities that you have obtained on an unbundled, leased, or purchased basis if you have attached your own optronics to activate the fiber, and offer a DS1 route over these facilities on a widely available wholesale basis to other carriers desiring to serve customers on that route.

6 [REDACTED]  
7 [REDACTED]

(b) Identify each route on which you have deployed your own DS3 facilities, or are using dark fiber facilities that you have obtained on an unbundled, leased, or purchased basis if you have attached your own optronics to activate the fiber, and offer a DS3 route over these facilities on a widely available wholesale basis to other carriers desiring to serve customers on that route.

8 [REDACTED]  
9 [REDACTED]

(c) Identify each route on which you have deployed your own dark fiber facilities, or obtained dark fiber facilities from an entity other than the ILEC, and are operationally ready to lease or sell such facilities for the provision of fiber-based transport along the particular route.

10 [REDACTED]  
11 [REDACTED]

(d) Provide the number of dark fiber facilities that are available along each route.



1

2



5. Provide all transport routes in the BellSouth and Verizon territories in which you filed a notice to terminate service. Identify whether you channelized and offered wholesale DS1, DS3 and dark fiber transport along each route. (Refer to **BellSouth Supplemental Exhibit SWP-8 and Verizon Exhibits F.1-F.4**, as applicable to your company.)

3



## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order for its Response to Staff's Supplemental TRO Data Request has been provided by (\*) hand delivery, (\*\*) email and U.S. Mail this 17<sup>th</sup> day of March 2004, to the following:

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Tallahassee, Florida 32301

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c/o Nancy Sims  
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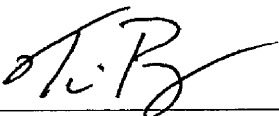
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