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March 19, 2004

VIA HAND DELIVERY

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

Re: Docket No.: 030851-TP


Dear Ms. Bayo:

On behalf of DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ DIECA Communications, Inc. d/b/a Covad Communications Company's Request for Specified Confidential Classification and Motion for Protective Order Regarding Confidential Hearing Exhibit Nos. 11 and 12.

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

Sincerely,



Timothy J. Perry

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This confidentiality request was filed by or for a "telco" for DN 03709-04. 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.

DOCUMENT NUMBER-DATE

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, 03708 MAR 19 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising
From Federal Communications Commission
Triennial UNE review: Local Circuit Switching
For Mass Market Customers

Docket No. 030851-TP

Filed: March 19, 2004

**DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS
COMPANY'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION AND
MOTION FOR PROTECTIVE ORDER REGARDING CONFIDENTIAL
HEARING EXHIBIT NOS. 11 AND 12**

DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), pursuant to Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification and Motion for Protective Order Regarding Confidential Hearing Exhibit Nos. 11 and 12.

1. On February 24 - 27, 2004, the Commission conducted its hearing in this docket. During the hearing, confidential portions of Covad's response to Staff's 2003 TRO Data Request and confidential responses to Staff's and BellSouth's discovery were entered into the record as part of hearing Exhibit Nos. 11 and 12, respectively.

2. Exhibit No. 11 contains a confidential copy of Covad's Response to Staff's 2003 TRO Data Request. The document contains information regarding the number and location of Covad's switches, the areas where Covad provides service, the number of voice grade lines it has provisioned, the number of customers Covad serves and the type of service that Covad provides its customers. Covad considers this information to be confidential proprietary business information. Disclosure of this information could severely harm Covad's competitive interests in the marketplace. The information has not been made public. A more specific description of this information is contained in Attachment A.

3. Exhibit No. 12¹ contains a copy of Covad's Confidential Response and Objections to BellSouth's Telecommunications, Inc.'s First Request for Production of Documents (Nos. 1-21) and First Set of Interrogatories (Nos. 1-84), Covad's Confidential Response to Staff's First Request for Production of Documents (No. 3) and Covad's Confidential Supplemental Response to BellSouth's First Set of Interrogatories (Nos. 31 and 35).

4. Covad's Confidential Response and Objections to BellSouth's Telecommunications, Inc.'s First Request for Production of Documents (Nos. 1-21) and First Set of Interrogatories (Nos. 1-84) contains information regarding the location of Covad's switches and the number of broadband lines it has provisioned. Covad considers this information to be confidential proprietary business information. Disclosure of this information could severely harm Covad's competitive interests in the marketplace. The information has not been made public. A more specific description of this information is contained in Attachment A.

5. Covad's Confidential Response to Staff's First Request for Production of Documents (No. 3) contains information regarding Covad's total consumer lines in service as of November 11th and December 8th, 2003. Covad considers this information to be confidential proprietary business information. Disclosure of this information could severely harm Covad's competitive interests in the marketplace. The information has not been made public. A more specific description of this information is contained in Attachment A.

6. Covad's Confidential Supplemental Response to BellSouth's First Set of Interrogatories (Nos. 31 and 35) contains information regarding Covad's "Average Revenue Per User" (ARPU) and customer churn rate. Covad considers this information to be confidential

¹ Two "Miscellaneous Confidential Stipulations" were entered into the record at the hearing as Exhibit Nos. 12 and 13. Covad believes, but it is not clear from the record, that the information it requests confidential classification for is included in Exhibit No. 12. However, if Covad is mistaken, and the documents are included as part of Exhibit No. 13, then Covad intends its request to apply to that Exhibit.

proprietary business information. Disclosure of this information could severely harm Covad's competitive interests in the marketplace. The information has not been made public. A more specific description of this information is contained in Attachment A.

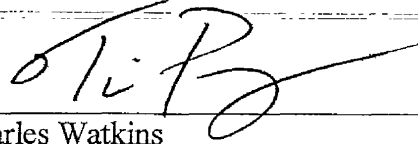
7. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would "impair the competitive business of the provider of the information." Disclosure of the Covad confidential information 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.

8. Covad treats the information for which confidential classification is sought as private and confidential.

9. Appended hereto as Attachment B are two copies of each document with the confidential information redacted.

10. Appended hereto as Attachment C is a sealed envelope containing one copy of each document including the material which is confidential and proprietary.

WHEREFORE, based on the foregoing, Covad 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 DIECA Communications, Inc.
d/b/a Covad Communications Company

ATTACHMENT A

DOCKET NO. 030851-TP

**DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS
COMPANY'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION AND
MOTION FOR PROTECTIVE ORDER REGARDING CONFIDENTIAL
HEARING EXHIBIT NOS. 11 AND 12**

**EXPLANATION OF PROPRIETARY INFORMATION
CONTAINED IN EXHIBIT NO. 11**

1. The document contains **CONFIDENTIAL** Covad information regarding the number and location of Covad's switches, the areas where Covad provides service, the number of voice grade lines it has provisioned, the number of customers Covad serves and the type of service that Covad provides its customers. This information is related to Covad's ongoing business affairs and can be used by Covad'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.

2. The document contains **CONFIDENTIAL** Covad information regarding the number, type and location of Covad's remote switches. This information is related to Covad's ongoing business affairs and can be used by Covad'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.

Chart provided in response to Staff's TRO Data Request titled "switching_covad_FL."

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1 of 7	3-68	1
2 of 7	69-135	1
3 of 7	136-202	1
4 of 7	203-269	1
5 of 7	270-336	1
6 of 7	337-403	1
7 of 7	404-421	1

**Chart provided in response to Staff's TRO Data Request
titled "Remote Switch Addresses_covad_FL."**

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1 of 1	3	2

**EXPLANATION OF PROPRIETARY INFORMATION
CONTAINED IN EXHIBIT NO. 12**

3. The document contains **CONFIDENTIAL** information regarding the location of Covad's switches and the number of broadband lines it has provisioned. This information is related to Covad's ongoing business affairs and can be used by Covad'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.

4. The document contains **CONFIDENTIAL** information regarding Covad's total consumer lines in service as of November 11th and December 8th, 2003. This information is related to Covad's ongoing business affairs and can be used by Covad'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.

5. The document contains **CONFIDENTIAL** information regarding Covad's contains information regarding Covad's "Average Revenue Per User" (ARPU) and customer churn rate. This information is related to Covad's ongoing business affairs and can be used by Covad'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.

**Covad's Confidential Response and Objections to BellSouth's Telecommunications, Inc.'s
First Request for Production of Documents (Nos. 1-21)
and First Set of Interrogatories (Nos. 1-84)**

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
6	1-6	3
7	1-6	3
8	1-2	3

**Covad's Confidential Response to Staff's
First Request for Production of Documents (No. 3)**

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1	1-2	4

**Covad's Confidential Supplemental Response to
BellSouth's First Set of Interrogatories (Nos. 31 and 35)**

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1	1-53	5
2	1-6	5

ATTACHMENT B

switching_covad_FL
Switching

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2	Wire Center CLLI	By/Off/CLLI	Type of Switch (X or Blank)													York	FPSC code of Owner	FPSC code of Lessor	Nature of the arrangement	Equipment Type	Define Abbreviations	Function Performed	Class of Service Function? (N)	NPA-NXX								
3			1. In Office	2. In Home Office	3. Multi-Function	4. Remote Line	5. Packet	6. Broadband	7. Other	8. For VLS	9. Provisioned	10. For VLS in Use	11. Capacity (CCS)	12. # of Residential	13. # of Customers with 1 to 2 lines	14. # of Customers with 3 to 4 lines	15. # of Customers with 5 lines or more	16. # Voice only	17. # Data Services Only	18. # Voice and Data	19. Owner?	20. Wholesale?	21. Retail Provider?									
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	Wire Center CLLI	Switch CLLI	End Office	Trunking Office	Multi-Function	Reside Line	Trunked	Broadband	Other	# of VG Provisioned	# of VG In Use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesale?	Self-Provider?	FPSC code of Owner	FPSC code of Lessor	Nature of the arrangement	Equipment Type	Define Abbreviations	Facility Performed	Class 4 and Class 5 Functions? (Y/N)	HPA-HXX:		
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	Wire Center OLLI	Switch OLLI	End Office	Trunk Office	Multi-Function	Remote Line	Facial	Broadband	Other	# of VG provisioned	# of VG in use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesale?	Self-Provider?	FPSC code of Owner	FPSC code of Lessor	Nature of the arrangement	Equipment Type	Define Abbreviation	Function Performed	Class 4 and Class 5 Functions? (Y/N)	NFA-NXX	
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	Wire Center CLLI	Switch CLLI	End Office	Trunk Office	Multi-Function	Remote Line - Packet	Provisioned	Other	# of VG Provisioned	# of VG in use	Capacity (CCS)	# of Resendable	# of Customers with 1 to 5 lines	# of Customers with 4 to 6 lines	# of Customers with 8 lines or more	# Voice only	# Data Services Only	# Voice and Data	Owner?	Wholesale?	Self-Provider?	FPSC code of Owner	FPSC code of Lessor	Nature of the arrangement	Equipment Type	Define Abbreviations	Function Performed	Class 4 and Class 5 Functions? (Y/N)	NPA-NXX		
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2	Wire Center CLLI	Switch CLLI	End Office	Tandem Office	Mail-Function	Remote Line	Private	Broadband	Other	# of VG provisioned	# of VG in use	Capacity (CCS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	is/voice only	is/Data Service Only	is/Voice and Data	Owner?	Wholesaler?	Self-Provider?	FPSC code of Owner	FPSC code of Lessor	Nature of the arrangement	Equipment Type	Define Abbreviations	Function Performed	Class A and Class B Functions (Y/N)	NPA HXX	
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	Wires Center CLLI	Switch CLLI	First Office	Transfer Office	Multi-Function	Remote Line	Pocket	Bronzeboard	Other	# of VS Provisioned	# of VS in Use	Capacity (CBS)	# of Residential	# of Customers with 1 to 3 lines	# of Customers with 4 to 8 lines	# of Customers with 9 lines or more	# Voice only	# Data Service Only	# Voice and Data	Owner?	Wholesale?	Self-Provisioned?	FPSC code of Owner	FPSC code of Lessor	Nature of the arrangement	Equipment Type	Define Abbreviations	Function Performed	Class 4 and Class 5 Functions? (Y/N)	NPA-NXX	
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2	Wire Center CLLI	Switch CLLI	Ext. Office	Tandem Office	Multi-Function	Remote Line	Packet	Broadband	Other	Surf VG	Personnel	Surf VG	In Use	Capacity (CCS)	# of Residential	# of Customers with 7 to 3 Rings	# of Customers with 2 to 6 Lines	# of Customers with 5 lines or more	Is Voice only	Is Data Services Only	Is Voice and Data Owner?	Wholesale?	Self-Funded?	FPSC code of Owner	FPSC code of Lessor	Nature of the Arrangement	Equipment Type	Define Abbreviations	Function Performed	Class and Class 5 Functioner (Type)	NPA-HXX
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Remote Switch Addresses_covad_FL
 Remote Switch Addresses

	A	B	C	D	E	F	G	H
1	Please list all of your remote switches. Any switches located at the central office, do not need to be added.							
2	Switch CLI	Host CLI	Vertical Coordinates	Horizontal Coordinates	Switch Street Address	City	State	Zip
3	[REDACTED]							

~~farther objects that, if such discovery is relevant, it is overly broad and unduly burdensome.~~

Nevertheless, without waiving the preceding objections, Covad will provide general churn, customer counts, business plans, and general business statistics for the state of Florida.

Subject to and without waiving Covad's General and Specific Objections, Covad responds to BellSouth's First Interrogatories as follows:

INTERROGATORIES

1. Identify each switch owned by Covad that Covad uses to provide a qualifying service anywhere in Florida, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch).

Response to Interrogatory No. 1: Covad provides xDSL services in Florida using ATM switches, configured as multiplexers, located in the following central offices:

[BEGIN CONFIDENTIAL INFORMATION]

- 1 1. 
- 2 2. 
- 3 3. 
- 4 4. 
- 5 5. 
- 6 6. 

[END CONFIDENTIAL INFORMATION]

2. For each switch identified in response to Interrogatory No. 1, please:
 - (a) provide the Common Language Location Identifier ("CLLI") code of the switch;

- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG.

Response to Interrogatory No. 2:

(a) and (b)

[BEGIN CONFIDENTIAL INFORMATION]

- 1 1. [REDACTED]
- 2 2. [REDACTED]
- 3 3. [REDACTED]
- 4 4. [REDACTED]
- 5 5. [REDACTED]
- 6 6. [REDACTED]

[END CONFIDENTIAL INFORMATION]

(c)

- 1. Cisco BPX 8600 ATM Switch
- 2. Cisco BPX 8600 ATM Switch
- 3. Cisco BPX 8600 ATM Switch
- 4. Cisco BPX 8600 ATM Switch
- 5. Cisco BPX 8600 ATM Switch

6. Cisco BPX 8500 ATM Switch

(d) Covad does not report any type of "voice grade equivalent" lines in its FCC Form 477 filings because Covad does not provide voice services in the state of Florida or elsewhere. Covad only reports broadband lines. Covad had [BEGIN
1 CONFIDENTIAL INFORMATION [REDACTED] END CONFIDENTIAL
INFORMATION] broadband lines in service in the state of Florida as of October 27, 2003.

(e) Covad does not report any type of "voice grade equivalent" lines in its FCC Form 477 filings because Covad does not provide voice services in the state of Florida or elsewhere. Covad only reports broadband lines. Covad had [BEGIN
2 CONFIDENTIAL INFORMATION [REDACTED] END CONFIDENTIAL
INFORMATION] broadband lines in service in the state of Florida as of October 27, 2003.

(f) None of Covad's switches are listed in the LERG.

3. Identify any other switch not previously identified in Interrogatory No. 1 that Covad uses to provide a qualifying service anywhere in Florida, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch). In answering this Interrogatory, do not include ILEC switches used by Covad either on an unbundled or resale basis.

Response to Interrogatory No. 3: None.

Covad's Response to Staff's First
Request for Production of Documents (No. 3)
Docket No: 030851-TP

1 FL
2 FL

Consumer Nov. 11, 2003
Consumer Dec. 8, 2003

Total Consumer
Lines in Service

[REDACTED]

FILED

CONFIDENTIAL

CONFIDENTIAL

COV000001

CONFIDENTIAL

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CONFIDENTIAL

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CERTIFICATE OF SERVICE

~~I HEREBY CERTIFY~~ that a true and correct copy of the foregoing DIECA Communications, Inc. d/b/a Covad Communications Company's Request for Specified Confidential Classification and Motion for Protective Order Regarding Confidential Hearing Exhibit Nos. 11 and 12 has been provided by (*) hand delivery, (**) email and U.S. Mail this 19th day of March 2004, to the following:

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