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March 19, 2004

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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 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 Confidential Hearing Exhibit Nos. 11 and 99..

AUS _____
 CAF _____
 CMP _____
 COM 4 _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 MMS _____
 SEC _____
 OTH _____

Attached to the original is "Attachment C," a **CONFIDENTIAL** copy of the document for which confidential classification is being sought.

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

RECEIVED & FILED
R.V.N.
FPSC-BUREAU OF RECORDS

Enclosures

This confidentiality request was filed by or for a "telco" for DN 03713-04. 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.

(See 12360-03, 12690-03)
02786-04

DOCUMENT NUMBER-DATE
03712 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

**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR
CONFIDENTIAL HEARING EXHIBIT NOS. 11 AND 99**

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 Confidential Hearing Exhibit Nos. 11 and 99.

1. On February 24 - 27, 2004, the Commission conducted its hearing in this docket. During the hearing, confidential information of XO's was entered into the record as part of confidential hearing Exhibit Nos. 11 and 99.

2. The pertinent portions of Exhibit No. 11 relate to confidential portions of XO's response to Staff's TRO Data Request and XO's Supplemental Response to Staff's TRO Data Request previously filed with Staff under cover of confidentiality on December 3, 2003 and December 9, 2003, respectively. The confidential information provided in XO's response to Staff's TRO Data Request, filed December 3rd, contains information regarding XO's transport facilities. XO's Supplemental Response to Staff's TRO Data Request, filed December 9th, contains information regarding the number, type and location of XO's switches, the number of access lines per switch, and the areas where XO provides service. XO considers the above information to be confidential proprietary business information. Disclosure of this information could severely harm XO'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. 99 contains XO documents subpoenaed by BellSouth and

DOCUMENT NUMBER DATE

1 03712 MAR 19 04

FPSC-COMMISSION CLERK

subsequently provided to Staff on February 4, 2004. On February 25, 2004, XO filed a request for confidential classification for these documents, which are identical to XO's Supplemental Response to Staff's TRO Data Request. The documents contain information regarding the number, type and location of XO's switches, the number of access lines per switch, and the areas where XO provides service. XO considers the above information to be confidential proprietary business information. Disclosure of this information could severely harm XO'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.

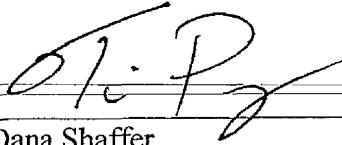
4. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would "impair the competitive business of the provider of the information." Disclosure of the XO confidential information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

DOCKET NO. 030851-TP

XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER FOR CONFIDENTIAL HEARING EXHIBIT NOS. 11 AND 99

Explanation of Proprietary Information

1. The copies contain **CONFIDENTIAL** XO information regarding XO's transport facilities, including location of XO's facilities, the arrangement type, transport type and the number of transport circuits. 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.

2. The copies contain **CONFIDENTIAL** XO information regarding the number, type and location of XO's switches, the number of access lines per switch, and the areas where XO provides 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.

XO's Response to Staff's TRO Data Request included in Exhibit No. 11

Confidential Chart Labeled "transport_XO Florida Inc_FL – Confidential – 12-3-03"

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1 of 1	5-33	1

XO's Supplemental Response to Staff's TRO Data Request included in Exhibit Nos. 11 and 99

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1	1-23	2
2	1-7	2
3	1-3	2
4	1-4	2
5	1-4	2
6	1-4	2
7	1-2	2
8	1-2	2
9	1-2	2
10	1-2	2
11	1	2
12	1	2

ATTACHMENT B

Florida Switch Questions CONFIDENTIAL INFORMATION / SUBJECT TO PROTECTIVE AGREEMENT

1. Please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLITM) of each switch used to provide qualifying service^{III} anywhere in the state of Florida that is owned by your company. If you lease, rent or otherwise obtain switching capacity on a switch that you do not own (other than from an incumbent Local Exchange Carrier), provide the same information regarding all such switches.

1 [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

2. For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines that switch is equipped to provide. If you lease, rent or otherwise obtain capacity on someone else's switch, provide the DS0/voice grade equivalent access lines associated with the capacity you have obtained.

5 [REDACTED] [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

3. For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines current in use and state the date for which such information is provided.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

4. State whether each switch obtained in response to Question 1 serves residential customers.

16 [REDACTED]

(7) 5. Does this switch serve customer locations with:

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

- a. 1 line only?
- b. 2 or fewer lines?

CONFIDENTIAL INFORMATION / SUBJECT TO PROTECTIVE AGREEMENT

- c. 3 or fewer lines?
- d. 4 or fewer lines?
- e. 5 or fewer lines?
- f. 6 or fewer lines?
- g. 7 or fewer lines?
- h. 8 or fewer lines?
- i. 9 or fewer lines?
- j. 10 or fewer lines?

6. For each grouping of customer locations identified in Question 5 (locations with 1 line, 1 locations with 2 or fewer lines, etc.), provide:

2

- a. The individual customer locations. Initially, it will be sufficient to provide these locations by wire center service area. If that information is not readily available, then the information should be provided by actual customer address. To explain further, this question asks you to provide, initially by wire center service area, the number of customer locations you serve that have one line, two lines or fewer, three lines or fewer, etc. If you cannot provide the information by wire center service area, then provide this information by actual customer location, i.e. Customer A is located at 1234 Broadway, Miami, Florida, and has one line, and so forth.
- b. The number of lines at each location that are used to provide voice service, and the number of lines that are used to provide data service, identified separately. If each line is used to provide both voice and data, so indicate.
- c. If you know that the specific customer location is served by lines provided by another CLBC, or by an ILEC, provide the number of DS0/voice grade equivalent lines provided at each customer location by other CLBCs or ILECs.

7. Provide the street address (e.g., 123 Main Street), the city (e.g., Miami), and the state (e.g., FL) where every switch identified in response to Question 1 is located.

3
4
5
6
7

[REDACTED]

CONFIDENTIAL INFORMATION / SUBJECT TO PROTECTIVE AGREEMENT

8. Do you offer to provide or do you provide switching to other carriers for their use in serving customers? If yes, state: (a) the carriers to whom you provide switching; (b) the types of service, if known, that are provided by the carriers to whom you provide switching; (c) whether you will provide switching to any requesting carrier; (d) identify each wire center district (by eight digit CLLI code) in which wholesale switching is available.

1

2

9. State whether you have any plans to terminate your service in any area in Florida that is currently served by the switches identified in response to Question 1. If you do, identify the areas where you intend to terminate service (and by areas we mean geographic areas, not individual customers).

3

DI A "qualifying service" is a telecommunications service that competes with a telecommunications service that has been traditionally the exclusive or primary domain of incumbent LECs, including, but not limited to, local exchange service, such as plain old telephone service, and access services, such as digital subscriber line services and high-capacity circuits. 47 C.F.R. § 51.5.

[REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

*** PROPRIETARY AND CONFIDENTIAL ***

[REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

[REDACTED]

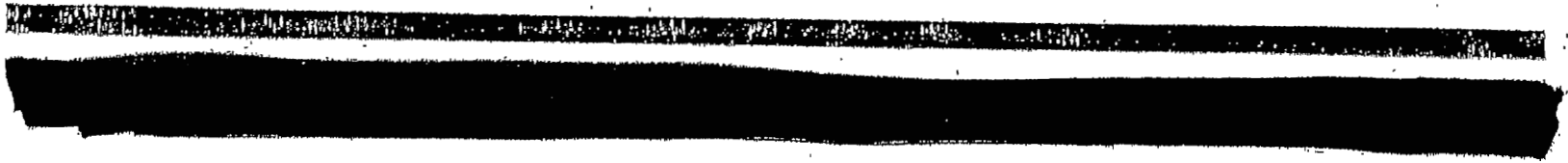
1 [REDACTED]

2 [REDACTED]

3

4

1
2



[REDACTED]

1
2 [REDACTED]

[REDACTED]

1
2 [REDACTED]

[REDACTED]

1
2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing the XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order for Confidential Hearing Exhibit Nos. 11 and 99 has been provided by (*) hand delivery, (**) email, and U.S. Mail this 19th day of March 2004 to the following:

(*) (**) Jeremy Susac, Staff Counsel
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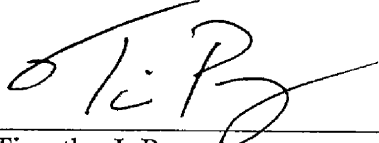
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