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March 19, 2004

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: **Docket No. 030851-TP**
Implementation of requirements arising from Federal Communications
Commission's triennial UNE Review: Local Circuit Switching for Mass Market
Customers

Dear Ms. Bayo:

Please find enclosed for filing an original and 15 copies of Time Warner Telecom of Florida, L.P.'s Notice and Claim for Confidential Classification of Hearing Exhibits in connection with the documents submitted in response to BellSouth's First Interrogatories, Verizon's First Interrogatories, and First Request for Production of Documents. Although the aforementioned discovery requests were subsequently withdrawn, Time Warner submitted the documents pursuant to protective agreements entered into between the parties in lieu of responding to the discovery request. Service has been made as indicated on the Certificate of Service.

If you have any questions with regard to the foregoing, please do not hesitate to contact me.

Respectfully,

PENNINGTON, MOORE, WILKINSON,
BELL & DUNBAR, P.A.

Linda Noel

Linda Noel
Counsel for Time Warner Telecom of Florida, L.P.

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 03729-04. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

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records

Notice/Claim
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Confidential
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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
Filed: March 19, 2004

TIME WARNER TELECOM OF FLORIDA, L.P.'S NOTICE AND CLAIM FOR CONFIDENTIAL CLASSIFICATION OF HEARING EXHIBITS

Under Commission Rule 25-22.006, F.A.C., Time Warner Telecom of Florida, L.P. ("Time Warner") seeks confidential classification for certain information contained in Time Warner's responses to BellSouth's First Set of Interrogatories, Verizon's First Set of Interrogatories, and Verizon's First Set of Request for Production of Documents in this proceeding. Although the discovery requests were subsequently withdrawn, Time Warner submitted documents to BellSouth and Verizon pursuant to protective agreements entered into between the parties in lieu of responding to the discovery request. The aforementioned responses are listed as exhibits in this docket.

All of the information for which Time Warner seeks confidential treatment falls within Florida Statutes section 364.183(3), which defines "proprietary confidential business information" as:

Information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be related to the public.

Florida Statutes section 364.183(3)(a) expressly provide that "trade secrets" fall within the definition of "proprietary confidential business information." Florida Statutes section 364.183(3)(e), further provides that "proprietary confidential business information" includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information."

If competitors were able to acquire this detailed and sensitive information regarding Time Warner, they could more easily develop entry and marketing strategies to ensure success in

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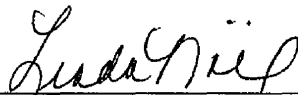
FPSC-COMMISSION CLERK

competing with Time Warner. This would afford them an unfair advantage while severely jeopardizing Time Warner's competitive position. In a competitive business, any knowledge obtained about a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. The unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunications consumer. Accordingly, Time Warner respectfully requests that the Commission classify the identified documents as confidential and enter an appropriate protective order.

While ruling on this pending request, Time Warner understands that the information at issue is exempt from Florida Statutes section 119.07(1) and Staff will accord it the stringent protection from disclosure required by Rule 25-22.006(3)(d).

One highlighted copy of each confidential document is attached to the original of this Request as Exhibit A. Two redacted copies of each document is attached as Exhibit B. A detailed justification of the confidentiality of the information at issue is attached as Exhibit C.

Respectfully submitted this 19th day of March, 2004.



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Counsel for Time Warner Telecom of Florida, L.P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing notice were sent via U.S. Mail on March 19, 2004 to:

AT&T
Tracy Hatch
101 North Monroe Street, Suite 700
Tallahassee, FL 32301-1549

Comm South Companies, Inc.
Sheri Pringle
P.O. Box 570159
Dallas, TX 75357-9900

AT&T Communications of the Southern
States, LLC
Ms. Lisa A. Sapper
1200 Peachtree Street, N.E., Ste. 8100
Atlanta, GA 30309-3579

Covad Communications Company
Mr. Charles E. Watkins
1230 Peachtree Street, NE, 19th Floor
Atlanta, GA 30309-3574

Access Integrated Networks, Inc.
Mr. Mark A. Ozanick
4885 Riverside Drive, Suite 107
Macon, GA 31210-1148

FDN Communications
Matthew Feil/Scott Kassman
390 North Orange Avenue, Suite 2000
Orlando, FL 32801-1640

Allegiance Telecom, Inc.
Charles Gerkin, Jr., Esq.
9201 North Central Expressway
Dallas, TX 75231

Florida Cable Telecommunications Assoc.,
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Michael A. Gross
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Tallahassee, FL 32303

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Theresa Larkin
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Lombard, IL 60148

Florida Competitive Carriers Assoc.
c/o McWhirter Law Firm
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Atlanta, GA 30346-1231

ITC^DeltaCom
Nanette Edwards
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Huntsville, AL 35802

BellSouth Telecommunications, Inc.
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c/o Ms. Nancy H. Sims
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Tallahassee, FL 32301-1556

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Marva Brown Johnson, Esq.
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Mr. R. Scott Seab
711 South Tejon Street, Suite 201
Colorado Springs, CO 80903-4054

NewSouth Communications Corp.
Jake E. Jennings/Keiki Hendrix
Two North Main Center
Greenville, SC 29601-2719

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

Phone Club Corporation
Carlos Jordan
168 S.E. 1st Street, Suite 705
Miami, FL 33131-1423

Sprint (KS)
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Overland Park, KS 66251-6100

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14111 Capital Blvd.
Mailstop: NCWKFR0313-3161
Wake Forest, NC 27587-5900

Sprint-Florida/Sprint
Communications Company
Susan Masterton
P. O. Box 2214
Tallahassee, FL 32316-2214

Supra Telecommunications & Information
Systems, Inc.(Mia)
Jorge Cruz-Bustillo, Esq.
2620 S.W. 27th Avenue
Miami, FL 33133-3005

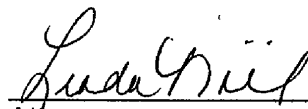
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Tier 3 Communications
Kim Brown
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Universal Telecom, Inc.
Jennifer Hart
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LaGrange, KY 40031-0679

Verizon Florida Inc.
Richard Chapkis/Kimberly Caswell
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110

Xspedius Communications
Ms. Rabinai E. Carson
5555 Winghaven Blvd., Suite 300
O'Fallon, MO 63366-3868



Attorney

JUSTIFICATION

DOCUMENT	LINE(S)/COLUMN(S)	REASON
Table: Switching Questions	All highlighted text	This is competitively sensitive, confidential business information of Time Warner pertaining to switch services. Time Warner maintains this information as confidential and disclosure of this information would cause harm to Time Warner and the ratepayers, and give competitors an unfair competitive advantage. Such disclosure is particularly unfair to Time Warner since it does not have access to this information from its competitors.
Table: Revised Switching Questions	All highlighted text	This is competitively sensitive, confidential business information of Time Warner pertaining to switch services. Time Warner maintains this information as confidential and disclosure of this information would cause harm to Time Warner and the ratepayers, and give competitors an unfair competitive advantage. Such disclosure is particularly unfair to Time Warner since it does not have access to this information from its competitors.

