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March 19, 2004

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**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 030851-TP


Dear Ms. Bayó:

Enclosed for filing on behalf of MCI WorldCom Communications, Inc. are an original and fifteen copies of MCI WorldCom Communications, Inc.'s Request for Confidential Classification for portions of the rebuttal testimony of Mark T. Bryant filed in the above referenced docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

  
for **Floyd R. Self**

FRS/amb  
Enclosures  
cc: Parties of Record

This confidentiality request was filed by or for a "telco" for DN 00272-04. No filing 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.

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(for 00272-04)  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission ) Docket No. 030851-TP  
triennial UNE review: Local Circuit Switching )  
for Mass Market Customers ) Filed: March 19, 2004  
\_\_\_\_\_ )

**MCI'S REQUEST FOR CONFIDENTIAL CLASSIFICATION**

MCImetro Access Transmission Services, LLC and MCI WorldCom Communications, Inc. (hereinafter "MCI"), pursuant to section 364.183, Florida Statutes, and Rule 25-2.006, Florida Administrative Code, requests confidential classification of certain data previously filed in this docket pursuant to a claim for confidentiality. In support of this request MCI hereby states:

1. On January 7, 2004, MCI filed in the above-captioned proceeding the transcript of the Rebuttal Testimony of Mark T. Bryant. Bryant's testimony included confidential and proprietary information. When MCI filed the transcript of Bryant's rebuttal testimony, it filed the appropriate corresponding Claim for Confidential Treatment, in accordance with Rule 25-22.006(5) and section 364.183(1), Florida Statutes.

2. MCI hereby files this Request for Confidential Classification, in accordance with Rule 25-22.006(4), Florida Administrative Code, for the confidential and proprietary aspects of Bryant's rebuttal testimony. The public and redacted copies required by Rule 25-22.006(4) are not being filed at this time as they were filed with the claim filed on January 7, 2004.

3. The information for which confidential classification is requested reveals confidential and proprietary business information. Specifically, the information includes:

(a) Page 20, lines 19-22, and Page 21, lines 1-5 of Bryant's Rebuttal Testimony: Bryant identifies CLECs that he believes should not be included in the analysis of what meets the self-provisioning trigger, counter to the opinion of Ms. Tipton;

(b) Page 21, lines 13-25 of Bryant's Rebuttal Testimony: Bryant provides analysis on how companies identified above in 3(a) are not actively marketing services to residential subscribers, but instead focus on provision of services to business customers;

(c) Page 22, lines 3-5 of Bryant's Rebuttal Testimony: Bryant references Exhibit MTB-6, which reproduces web sites of the CLECs identified above in 3(a);

(d) Page 22, lines 9-11, 13-17 and 18-21, Page 23, lines 5-23, and Page 24, lines 1-7 of Bryant's Rebuttal Testimony: Bryant identifies other companies that fail to meet the criteria for triggering CLECs, and why;

(e) Page 24, lines 16-19 of Bryant's Rebuttal Testimony: Bryant identifies additional CLECs that he considers triggering companies, beyond those cited by BellSouth;

(f) Page 27, lines 7-10, 11-13, 15-16 and 18-20, and Page 28, lines 1-4 of Bryant's Rebuttal Testimony: Bryant identifies companies that Dr. Fulps claims should be counted as triggers in actual deployment analysis, then disagrees with Dr. Fulps' analysis;

(g) Confidential Exhibits to Bryant's Rebuttal Testimony: MTB-6 (CLEC Marketing Information); MTB-7 (News Article); MTB-8 (Triggering Companies, BellSouth); and MTB-9 (Triggering Companies, Verizon).

5. The information contained in Dr. Bryant's rebuttal testimony referenced above, and the corresponding confidential exhibits, provide specific information on

MCI's assessment of the Florida market. MCI considers such information to be trade secrets and proprietary, confidential business information which, if disclosed, would be of benefit to competitors and cause harm to MCI and its customers. Such information provides MCI an economic benefit, and is not known or readily ascertainable to other persons. Such information is economically valuable to MCI and its competitors, and MCI treats such information as confidential and maintains many processes and procedures to maintain its secrecy.

6. A trade secret is defined in section 688.002(4), Florida Statutes, the Uniform Secrets Act, to mean:

[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process that:


- (a) Derives independent economic value, actual or potential, from not being generally known to, and not be readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The information at issue fits plainly in this definition as set forth above. Accordingly, the Commission should grant the request for confidential classification and find confidential and proprietary aspects of Bryant's rebuttal testimony to be confidential and exempt from section 119.071(1), pursuant to section 364.183(3)(a).

WHEREFORE, based on the foregoing, MCI respectfully requests that, pursuant to Section 364.183, Florida Statutes, the Commission enter an Order declaring the

information described above to be confidential, proprietary business information that is not subject to public disclosure.

Respectfully submitted,

  
for Monica M. Evans

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Hand Delivery (\*) and/or U.S. Mail on this 19<sup>th</sup> day of March, 2004.

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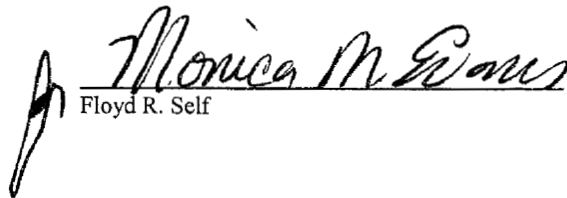
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