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ORIGINAL

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 ITC^DeltaCom Communications, Inc. are an original and fifteen copies of ITC^DeltaCom Communications, Inc.'s Request for Confidential Classification for information provided in Response to Staff's First Set of Interrogatories and First Request for Production of Documents 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,

*Monica M. Evans*

*for* Floyd R. Self

FRS/amb  
Enclosures  
cc: Parties of Record

This confidentiality request was filed by or for a "telco" for DN 13174-03. 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.

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*(for 13174-03)*  
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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  
\_\_\_\_\_ )

**ITC^DELTA COM COMMUNICATIONS, INC.'S**  
**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine and BTI Corporation (hereinafter "ITC^DeltaCom"), 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 ITC^DeltaCom hereby states:

1. On December 18, 2003, ITC^DeltaCom filed in the above-captioned proceeding its Responses to Staff's First Set of Interrogatories (1-7) and Responses to Staff's First Request for Production (1-8). ITC^DeltaCom's Responses to Interrogatories 2 and 4 and its Response to Request for Production 1 contained confidential information that is considered proprietary. When ITC^DeltaCom filed its Response, 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. ITC^DeltaCom hereby files this Request for Confidential Classification, in accordance with Rule 25-22.006(4), Florida Administrative Code, for its Responses to Interrogatories 2 and 4 and its Response to Request for Production 1. 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 December 18, 2003.

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

(a) Highly confidential customer information, including customer names and location, and reports provided to BellSouth regarding problems with hot cuts;

(b) The number of hot cuts performed on ITC^DeltaCom's behalf in 2001, 2002, and 2003.

4. ITC^DeltaCom considers the above information to be trade secrets and information relating to competitive interests which, if disclosed, would be of benefit to competitors and cause harm to ITC^DeltaCom and its customers. Such information provides ITC^DeltaCom an economic benefit, and is not known or readily ascertainable to other persons. Such information is economically valuable to ITC^DeltaCom and its competitors, and ITC^DeltaCom treats such information as confidential and maintains many processes and procedures to maintain its secrecy.

5. One of ITC^DeltaCom's most valuable assets is its customer base. Any public disclosure of this customer base, for instance disclosure of the number of or identity of customers, would be unfair, competitively adverse, and extremely damaging to ITC^DeltaCom.

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, devise, 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. Additionally, disclosure of this information will impair the competitive business of ITC^DeltaCom. Therefore, the Commission should grant the request for confidential classification and find the information contained in its Responses to Interrogatories 2 and 4 and its Response to Request for Production 1 to be confidential and exempt from section 119.071(1), pursuant to section 364.183(3)(a) and (e).

WHEREFORE, based on the foregoing, ITC^DeltaCom 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,

  
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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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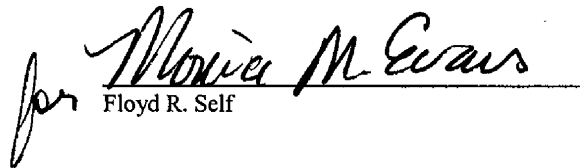
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