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March 19, 2004

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COMMISSION  
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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 KMC Telecom III, LLC are an original and fifteen copies of KMC Telecom III, LLC's Request for Confidential Classification for information contained in its Responses to BellSouth's First Set of Interrogatories and First Request for Production of Documents 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,



Floyd R. Self

This confidentiality request was filed by or for a "telco" for DN 11697-03. 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 11697-03)  
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Enclosures  
cc: Parties of Record
- 1 cont records*

**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  
\_\_\_\_\_)

**KMC TELECOM III, LLC'S  
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

KMC Telecom III, LLC (hereinafter "KMC"), 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 KMC hereby states:

1. On November 19, 2003, KMC filed in the above-captioned proceeding its Responses to BellSouth Telecommunications, Inc's First Set of Interrogatories (1-84) and First Request for Production of Documents (1-21). KMC's Responses included Confidential Attachments A, B, C and D, all of which contained confidential information that is considered proprietary. When KMC 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, regarding Confidential Attachments A, B, C and D.

2. KMC hereby files this Request for Confidential Classification, in accordance with Rule 25-22.006(4), Florida Administrative Code, for Confidential Exhibits A, B, C and D. 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 November 19, 2003.

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

(a) Confidential Attachment A identifies the switches used by KMC to provide qualifying service anywhere in Florida, and includes the CLLI code, street address of the location and manufacturer of the switch;

(b) Confidential Attachment B identifies the name, address and CLLI code of each ILEC wire center area in which KMC provides qualifying service to any end use customers in Florida utilizing any of the switches identified in Confidential Attachment A;

(c) Confidential Attachment C identifies the name, address and CLLI code of each ILEC wire center area in which KMC provides qualifying service to any end use customers in Florida using an ILEC's switch, either on an unbundled or resale basis, along with the total number of voice-grade equivalent lines it is providing to end user customers in that wire center area;

(d) Confidential Attachment D identifies equipment KMC requires to provide service to a customer with a DS1 rather than multiple DSOs, as well as the cost.

5. The information contained in these Confidential Attachments provides insight into KMC's customers and its market share of customers. The information also contains specific proprietary information on where, and to whom, it provides qualifying service. KMC 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 KMC and its customers. Such information provides KMC an economic benefit, and is not known or readily ascertainable to other persons. Such

information is economically valuable to KMC and its competitors, and KMC 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, devise, method, technique, or process that:

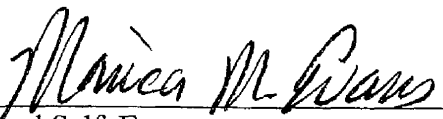
(a) Derives independent economic value, actual or potential, from not being generally known to, and not be readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(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. Accordingly, the Commission should grant the request for confidential treatment and find in the information contained in Confidential Attachments A, B, C, and D to be confidential and exempt from section 119.071(1), pursuant to section 364.183(3)(a) and (e).

WHEREFORE, based on the foregoing, KMC 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*   
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Attorneys for KMC Telecom III, LLC

## 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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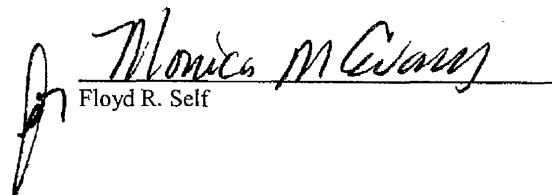
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