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March 24, 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. 030852-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 provided in its Response to BellSouth Telecommunications, Inc.'s First Set of Interrogatories (Nos. 1-13) 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.

RECEIVED & FILED

Sincerely yours,

sh

FPSC-BUREAU OF RECORDS

Floyd R. Self

Floyd R. Self

FRS/amb
Enclosures
cc: Parties of Record
AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____
cont records

This confidentiality request was filed by or for a "telco" for DN *00609-04*. 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.

(for 00609-04)
DOCUMENT NUMBER-DATE
03896 MAR 24 04

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission) Docket No. 030852-TP
triennial UNE review: For DS1, DS3, and Dark)
Fiber Loops and Route-Specific Review for) Filed: March 24, 2004
DS1, DS3, and Dark Fiber Transport)
_____)

**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 January 14, 2004, KMC filed in the above-captioned proceeding its Response to BellSouth Telecommunications, Inc.'s First Set of Interrogatories (Nos. 1-13). KMC's Response included a Confidential Response to Interrogatory 12, 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 Response to Interrogatory 12.

2. KMC hereby files this Request for Confidential Classification, in accordance with Rule 25-22.006(4), Florida Administrative Code, for Confidential Response to Interrogatory 12. 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 14, 2004.

DOCUMENT NUMBER-DATE

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3. The information for which confidential classification is requested reveals confidential and proprietary business information. Specifically, the Confidential Response to Interrogatory 12 includes a list of KMC's self-provisioned retail loop information, including customer addresses, CLLI codes, reporting company names, who owns the facility and to what extent, whether BellSouth provides dark fiber on an IRU basis, capacity in-service and total capacity deployed.

5. The information contained in Confidential Response to Interrogatory 12 provides detailed information about all of KMC's self-provisioned retail loops in Florida, including its customer's addresses. 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:

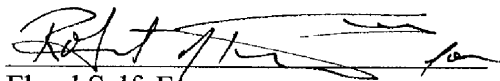
(a) Derives independent economic value, actual or potential, from not being generally known to, and not be readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(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 Response to Interrogatory 12 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,



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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 (*), electronic mail, and/or U. S. Mail this 24th day of March, 2004.

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