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March 24, 2004

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COMMISSION
CLERK

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 the Rebuttal Testimony of Marva Brown Johnson 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,

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Monica Evans

Floyd R. Self

FRS/amb
Enclosures
cc: Parties of Record

- AUS _____
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- OPC _____
- MMS _____
- SEC 1
- OTH _____

comp records

This confidentiality request was filed by or for a "telco" for DNO 01013-04. 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.

(1/22)
(for 01013-04)
DOCUMENT NUMBER-DATE
03901 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 DS1,)
DS3, and dark fiber transport) Filed: March 24, 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 a portion of certain testimony previously filed in this docket pursuant to a claim for confidentiality. In support of this request KMC hereby states:

1. On January 21, 2004, KMC filed in the above-captioned proceeding the Rebuttal Testimony of Marva Brown Johnson, which contained KMC's confidential information that is considered proprietary. The appropriate corresponding Claim for Confidential Treatment was filed, in accordance with Rule 25-22.006(5) and section 364.183(1), Florida Statutes.

2. KMC hereby files this Request for Confidential Classification, in accordance with Rule 25-22.006(4), Florida Administrative Code, for the below listed confidential exhibit to the rebuttal testimony of Marva Brown Johnson. 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 21, 2004.

3. The information for which confidential classification is requested reveals confidential and proprietary business information. Specifically, Exhibit MBJ-1 to Marva

Brown Johnson's rebuttal testimony contains confidential information regarding KMC's transport facilities.

4. This information contains specific proprietary information which KMC considers 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.

5. 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

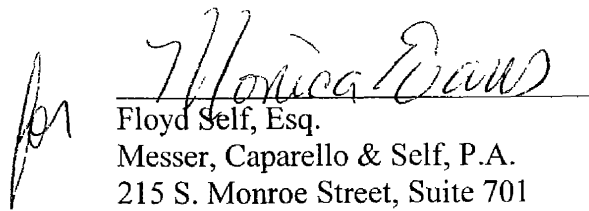
(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

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

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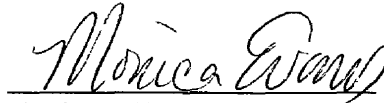
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