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COMMISSION
CLERK

March 24, 2004

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 ITC^DeltaCom Communications, Inc., are an original and fifteen copies of ITC^DeltaCom Communications, Inc.'s Request for Confidential Classification for information provided in its Objections and Responses to Staff's Second Set of Interrogatories (15-34) and Second Request for Production of Documents (8-9) 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 Monica Row
for
Floyd R. Self

FRS/amb
Enclosures
cc: Parties of Record

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL 1
- OPC _____
- MMS _____
- SEC 1
- OTH _____

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This confidentiality request was filed by or for a "telco" for DN 02940-04. 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 02940-04)
DOCUMENT NUMBER-DATE
03905 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: Location Specific)
Review For DS1, DS3, and Dark Fiber Loops And) Filed: March 24, 2004
Route-Specific Review for DS1, DS3, And Dark)
Fiber Transport)
_____)

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 February 27, 2004, ITC^DeltaCom filed in the above-captioned proceeding its Objections and Responses to Staff's Second Set of Interrogatories (15-34) and Second Request for Production of Documents (8-9). ITC^DeltaCom's Responses to Interrogatories 28-30 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 28-30. 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 February 27, 2004.

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

(a) Responses to Interrogatories 28 and 29 identify confidential information regarding ITC^DeltaCom's transport routes, facilities, and collocation.

(b) Response to Interrogatory 30 identifies confidential transport information.

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. The information in the Responses to Interrogatories 28-30 contains market deployment data and other specific network information utilized by ITC^DeltaCom to conduct its business. ITC^DeltaCom has invested enormous amounts of time and money structuring and deploying its marketing strategies which will be wasted if this information is released to the public.

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:

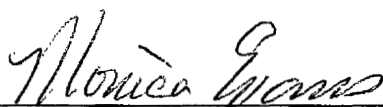

(a) Derives independent economic value, actual or potential, from not being generally known to, and not be readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(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 Responses to Interrogatories 28-30 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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and

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Attorneys for ITC^DeltaCom

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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