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March 24, 2004

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

RECEIVED - FPSC
CLERK
MAR 24, PM 4:27
COMMISSION

Re: Docket No.: 030852-TP

Dear Ms. Bayo:

On behalf of XO Florida, Inc. (XO), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order Regarding Hearing Exhibit Nos. 16 and 18.

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

Sincerely,

Timothy J. Perry

AUS _____
CAF _____
CMP _____ TJP
COM _____ Enclosures
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____ *conf records*

RECEIVED & FILED
Jh
FPSC-BUREAU OF RECORDS

This confidentiality request was filed by or for a "telco" for DN ~~03928-04~~ 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.

(See 12360-03; 12690-03; 02788-04; 03607-03)

DOCUMENT NUMBER-DATE

McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A. 03927 MAR 24 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising
From Federal Communications Commission's
Triennial UNE review: Location-Specific
Review for DS1, DS3 and Dark Fiber Loops,
And Route-Specific Review for DS1, DS3 and
Dark Fiber Transport.

Docket No. 030852-TP

Filed: March 24, 2004

**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER
REGARDING HEARING EXHIBIT NOS. 16 AND 18**

XO Florida, Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification and Motion for Protective Order Regarding Hearing Exhibit Nos. 16 and 18.

1. On March 3, 2004, the Commission held its hearing in this docket. During the hearing, confidential XO information was moved into the record as part of Exhibit Nos. 16 and 18.

2. The pertinent portions of Exhibit No. 16 relate to confidential portions of XO's response to Staff's TRO Data Request and XO's Supplemental Response to Staff's TRO Data Request previously filed with Staff under cover of confidentiality on December 3, 2003 and December 9, 2003, respectively. The confidential information provided in XO's response to Staff's TRO Data Request, filed December 3, 2003, contains information regarding XO's transport facilities. XO's Supplemental Response to Staff's TRO Data Request, filed December 9th, contains information regarding the number, type and location of XO's switches, the number of access lines per switch, and the areas where XO provides service. XO considers the above information to be confidential proprietary business information. Disclosure of this information could severely harm XO's competitive interests in the marketplace. The information has not

DOCUMENT NUMBER-DATE

03927 MAR 24 04

FPSC-COMMISSION CLERK

been made public. A more specific description of this information is contained in Attachment A.

3. The pertinent portions of Exhibit No. 18 relate to XO's response to Staff's Supplemental TRO Data Request filed February 25, 2004.¹ XO's response contains information regarding XO's transport facilities, the geographic areas that it is capable of providing transport service, and how it provides such service. XO considers this information to be confidential proprietary business information. This information has not been made public. Disclosure of this information could severely harm XO's competitive interests in the marketplace. A more specific description of this information is contained in Attachment A.

4. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would "impair the competitive business of the provider of the information." Disclosure of the XO confidential information would harm its business operations by placing details of its operations and capabilities in the public domain. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes.

5. XO treats the information for which confidential classification is sought as private and confidential.


6. Appended hereto as Attachment B are two copies of the requested documents with the confidential information redacted.

7. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents including the material which is confidential and proprietary.

WHEREFORE, based on the foregoing, XO moves the Commission to enter an order declaring the information described above to be confidential, proprietary business information

¹ A request for confidential classification for this information was filed on March 17, 2004.

that is not subject to public disclosure.



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ATTACHMENT A

**XO FLORIDA, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL
CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER
REGARDING HEARING EXHIBIT NOS. 16 AND 18**

DOCKET NO. 030852-TP

Explanation of Proprietary Information

1. The document contains **CONFIDENTIAL** XO information regarding XO's transport facilities, including the location of XO's facilities, the arrangement type, transport type and the number of transport circuits. This information is related to XO's ongoing business affairs and can be used by XO's competitors to harm its competitive interests. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24(a), Art. 1 of the State Constitution.

2. The document contains **CONFIDENTIAL** XO information regarding the number, type and location of XO's switches, the number of access lines per switch, and the areas where XO provides service. This information is related to XO's ongoing business affairs and can be used by XO's competitors to harm its competitive interests. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24(a), Art. 1 of the State Constitution.

3. The document contains **CONFIDENTIAL** XO information regarding XO's transport facilities, the geographic areas that it is capable of providing transport service, and how it provides such service. This information is related to XO's ongoing business affairs and can be used by XO's competitors to harm its competitive interests. Section 364.183, Florida Statutes, allows for an exemption from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the competitive business of the provider of the information." Therefore, the information should be shielded from disclosure pursuant to section 119.07, Florida Statutes and section 24(a), Art. 1 of the State Constitution.

XO's Response to Staff's TRO Data Request included in Exhibit No. 16:

Confidential Chart Labeled "transport_XO Florida Inc_FL – Confidential – 12-3-03"

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1 of 1	5-33	1

XO's Supplemental Response to Staff's TRO Data Request included in Exhibit Nos. 16:

Document Titled, "Florida Switch Questions"

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1	1-23	2

2	1-7	2
3	1-3	2
4	1-4	2
5	1-4	2
6	1-4	2
7	1-2	2
8	1-2	2
9	1-2	2
10	1-2	2
11	1	2
12	1	2

XO's Response to Staff's Supplemental TRO Data Request included in Exhibit No. 18

<u>Page Number</u>	<u>Line(s)</u>	<u>Reason</u>
1	1-8	3
2	1-12	3
3	1-11	3
4	1-3	3

ATTACHMENT B

Florida Switch Questions CONFIDENTIAL INFORMATION / SUBJECT TO PROTECTIVE AGREEMENT

1. Please provide the 11-digit COMMON LANGUAGE® Location Identifier (CLIID) of each switch used to provide qualifying service¹¹ anywhere in the state of Florida that is owned by your company. If you lease, rent or otherwise obtain switching capacity on a switch that you do not own (other than from an incumbent Local Exchange Carrier), provide the same information regarding all such switches.

1
2
3
4



2. For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines that switch is equipped to provide. If you lease, rent or otherwise obtain capacity on someone else's switch, provide the DS-0/voice grade equivalent access lines associated with the capacity you have obtained.

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3. For every switch identified in response to Question 1, provide the number of DS-0/voice grade equivalent access lines current in use and state the date for which such information is provided.

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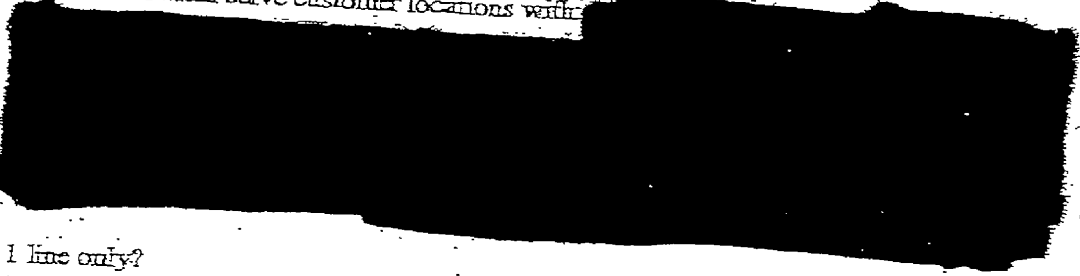
4. State whether each switch identified in response to Question 1 serves residential customers.

16



17 5. Does this switch serve customer locations with:

18
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- a. 1 line only?
- b. 2 or fewer lines?

CONFIDENTIAL INFORMATION / SUBJECT TO PROTECTIVE AGREEMENT

- c. 3 or fewer lines?
- d. 4 or fewer lines?
- e. 5 or fewer lines?
- f. 6 or fewer lines?
- g. 7 or fewer lines?
- h. 8 or fewer lines?
- i. 9 or fewer lines?
- j. 10 or fewer lines?

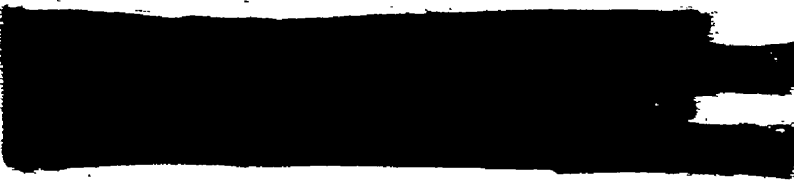
6. For each grouping of customer locations identified in Question 5 (locations with 1 line, 1 locations with 2 or fewer lines, etc.), provide:

2

- a. The individual customer locations. Initially, it will be sufficient to provide these locations by wire center service area. If that information is not readily available, then the information should be provided by actual customer address. To explain further, this question asks you to provide, initially by wire center service area, the number of customer locations you serve that have one line, two lines or fewer, three lines or fewer, etc. If you cannot provide the information by wire center service area, then provide this information by actual customer location, i.e. Customer A is located at 1234 Broadway, Miami, Florida, and has one line, and so forth.
- b. The number of lines at each location that are used to provide voice service, and the number of lines that are used to provide data service, identified separately. If each line is used to provide both voice and data, so indicate.
- c. If you know that the specific customer location is served by lines provided by another CLBC, or by an ILEC, provide the number of DSO/voice grade equivalent lines provided at each customer location by other CLBCs or ILECs.

7. Provide the street address (e.g., 123 Main Street), the city (e.g., Miami), and the state (e.g., FL) where every switch identified in response to Question 1 is located.

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CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE AGREEMENT

8. Do you offer to provide or do you provide switching to other carriers for their use in serving customers? If yes, state: (a) the carriers to whom you provide switching; (b) the types of service, if known, that are provided by the carriers to whom you provide switching; (c) whether you will provide switching to any requesting carrier; (d) identify each wire center district (by eight digit CLLI code) in which wholesale switching is available.

1

2

9. State whether you have any plans to terminate your service in any area in Florida that is currently served by the switches identified in response to Question 1. If you do, identify the areas where you intend to terminate service (and by areas we mean geographic areas, not individual customers).

3

III A "qualifying service" is a telecommunications service that competes with a telecommunications service that has been traditionally the exclusive or primary domain of incumbent LECs, including, but not limited to, local exchange service, such as plain old telephone service, and access services, such as digital subscriber line services and high-capacity circuits. 47 C.F.R. § 51.5.

[REDACTED]

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

*** PROPRIETARY AND CONFIDENTIAL ***

[REDACTED]

1
2
3
4

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

1
2

[REDACTED]

[REDACTED]

1 [REDACTED]
2 [REDACTED]

1
2

[REDACTED]

[REDACTED]

1
2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

XO FLORIDA, INC.'S RESPONSE TO STAFF'S SUPPLEMENTAL DATA
REQUEST REGARDING IMPLEMENTATION OF REQUIREMENTS ARISING
FROM FEDERAL COMMUNICATION COMMISSION'S TRIENNIAL
UNBUNDLED NETWORK ELEMENT REVIEW - HIGH-CAPACITY LOOPS
AND TRANSPORT (DOCKET NO. 030852-TP)

1. Provide the following information even if you do not agree that your facilities qualify under the TRO's self-provisioning trigger for dedicated transport. Provide the following information for each and every route in Attachment, **BellSouth Supplemental Exhibit SWP-8**, where BellSouth may have identified you as a self-provider of DS3 and/or dark fiber transport.

(a) Identify whether or not you have either deployed your own DS3 , DS1 or dark fiber facilities, or have deployed DS3 facilities by attaching your own optronics to activate dark fiber transmission facilities obtained under a long-term indefeasible right of use.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]

(b) Identify each and every capacity level (DS1, DS3 and OCn) in which you are operationally ready to provide transport along each route, and how many DS3 and OCn facilities along each route are carrying traffic.

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

2. Provide the following information even if you do not agree that your facilities qualify under the TRO's self-provisioning trigger for dedicated transport. Provide the following information for each and every route in Attachments, **Verizon Exhibits F.1 and F.2**, in which Verizon may have identified you as a self-provider of DS3 and/or dark fiber transport.

(a) Identify whether or not you have either deployed your own DS3 , DS1 or dark fiber facilities, or have deployed DS3 facilities by attaching your own optronics to activate dark fiber transmission facilities obtained under a long-term indefeasible right of use.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]

(b) Identify each and every capacity level (DS1, DS3 and OCn) in which you are operationally ready to provide transport along each route, and how many DS3 and OCn facilities along each route are carrying traffic.

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

3. Provide the following information even if you do not agree that your facilities qualify under the TRO's wholesale facilities trigger for dedicated transport. Provide the following information for each and every route identified in Attachment, **BellSouth Supplemental Exhibit SWP-8**, where BellSouth may have identified you as offering wholesale DS1, DS3 and/or dark fiber dedicated transport.

(a) Identify each route on which you have deployed your own DS1 facilities, or are using dark fiber facilities that you have obtained on an unbundled, leased, or purchased basis if you have attached your own optronics to activate the fiber, and offer a DS1 route over these facilities on a widely available wholesale basis to other carriers desiring to serve customers on that route.

9 [REDACTED]
10 [REDACTED]

(b) Identify each route on which you have deployed your own DS3 facilities, or are using dark fiber facilities that you have obtained on an unbundled, leased, or purchased basis if you have attached your own optronics to activate the fiber, and offer a DS3 route over these facilities on a widely available wholesale basis to other carriers desiring to serve customers on that route.

11 [REDACTED]
12 [REDACTED]

(c) Identify each route on which you have deployed your own dark fiber facilities, or obtained dark fiber facilities from an entity other than the ILEC, and are operationally ready to lease or sell such facilities for the provision of fiber-based transport along the particular route.

1 [REDACTED]
2 [REDACTED]

(d) Provide the number of dark fiber facilities that are available along each route.

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

4. Provide the following information even if you do not agree that your facilities qualify under the TRO's wholesale facilities trigger for dedicated transport. Provide the following information for each and every route identified in Attachments, **Verizon Exhibits F.3 and F.4**, in which Verizon may have identified you as offering wholesale DS1, DS3 and/or dark fiber dedicated transport.

(a) Identify each route on which you have deployed your own DS1 facilities, or are using dark fiber facilities that you have obtained on an unbundled, leased, or purchased basis if you have attached your own optronics to activate the fiber, and offer a DS1 route over these facilities on a widely available wholesale basis to other carriers desiring to serve customers on that route.

6 [REDACTED]
7 [REDACTED]

(b) Identify each route on which you have deployed your own DS3 facilities, or are using dark fiber facilities that you have obtained on an unbundled, leased, or purchased basis if you have attached your own optronics to activate the fiber, and offer a DS3 route over these facilities on a widely available wholesale basis to other carriers desiring to serve customers on that route.

8 [REDACTED]
9 [REDACTED]

(c) Identify each route on which you have deployed your own dark fiber facilities, or obtained dark fiber facilities from an entity other than the ILEC, and are operationally ready to lease or sell such facilities for the provision of fiber-based transport along the particular route.

10 [REDACTED]
11 [REDACTED]

(d) Provide the number of dark fiber facilities that are available along each route.

2

5. Provide all transport routes in the BellSouth and Verizon territories in which you filed a notice to terminate service. Identify whether you channelized and offered wholesale DS1, DS3 and dark fiber transport along each route. (Refer to **BellSouth Supplemental Exhibit SWP-8 and Verizon Exhibits F.1-F.4**, as applicable to your company.)

3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing XO Florida, Inc.'s Request for Specified Confidential Classification and Motion for Protective Order Regarding Hearing Exhibit Nos. 16 and 18 has been provided by (*) hand delivery, (**) email and U.S. Mail this 24th day of March 2004 to the following:

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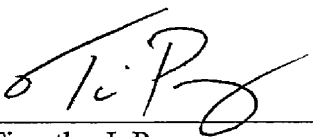
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