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February 21, 2005

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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. 040130-TP - Deposition Transcript of Hamilton Russell taken December 15, 2004 in Raleigh, North Carolina

Dear Ms. Bayó:

New South Communications, Corp., NuVox Communications, Inc., KMC Telecom, Inc. and Xspedius Communications, Inc., ("Joint Petitioners") pursuant to Section 364.183(1), Florida Statutes, hereby claim that certain information provided in pages 172 through 176 and pages 196 through 200 of the Deposition Transcript of Hamilton Russell taken December 15, 2004 in Raleigh, North Carolina, contain confidential and proprietary business information that should be held exempt from public disclosure. Pursuant to Rule 25-22.006(5), Florida Administrative Code, in the attached envelope is a copy of the Exhibits with the confidential portions highlighted.

CMP 1 Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

COM \_\_\_\_\_

CTR \_\_\_\_\_ Thank you for your assistance with this filing.

ECR \_\_\_\_\_

GCL 1

OPC \_\_\_\_\_

MMS \_\_\_\_\_

RCA \_\_\_\_\_ NHH/amb

SCR \_\_\_\_\_ Enclosure

SEC 1 cc: Parties of Record

OTH 1 comp records

Sincerely,

*Norman H. Horton, Jr.*  
Norman H. Horton, Jr.

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*Claim*  
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