

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of XO Florida, Inc.
Against BellSouth Telecommunications,
Inc. for Refusal to Convert Circuits to
UNEs and for Expedited Processing

Docket No. 041114-TP
Filed: February 23, 2005

XO COMMUNICATIONS SERVICES, INC.'S
FIRST REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION

XO Communications Services, Inc. f/k/a XO Florida, Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this First Request for Specified Confidential Classification for BellSouth Telecommunications, Inc.'s responses to Staff's Second Request for Production of Documents (Nos. 33, 45, 50 and 55).

1. On January 12, 2005, the Commission Staff served its Second Request for Production of Documents on BellSouth, which BellSouth responded to on February 8, 2005. BellSouth's responses to production request numbers 33, 45, 50 and 55 contain confidential proprietary business information of XO. The information was provided to the Commission along with a Notice of Intent to Request Confidential Classification.¹

2. The pertinent portions of the responses to production request numbers 33, 50 and 55, addressed herein, contain information regarding XO's circuits, as well as customer information. XO considers this information to be confidential proprietary business information. The pertinent portions of the response to production request number 45 contain versions of draft documents that disclose the negotiations of the parties with respect to proposed amendments to the parties' interconnection agreement. Disclosure of the above information could severely harm XO's competitive interests in the marketplace. The information has not been made public. A more specific description of this information is contained in Attachment A.

3. Section 364.183, Florida Statutes, provides an exemption from the disclosure

¹ BellSouth's responses to production request numbers 36, 37, 41 and 45 contain BellSouth confidential information only. BellSouth's response to production request number 50 contains both XO and BellSouth confidential information. BellSouth's responses to production request numbers 33 and 50 contain XO confidential information only. This request encompasses only materials which XO claims are confidential.

DOCUMENT NUMBER-DATE

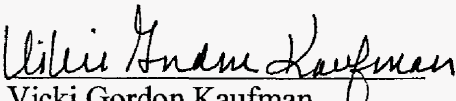
requirements of section 119.07, Florida Statutes, when disclosure of confidential business information would “impair the competitive business of the provider of the information.” Disclosure of the XO confidential information would harm its business operations by placing details of its operations and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

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

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

6. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents that XO claims are 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 that is not subject to public disclosure.


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ATTACHMENT A

DOCKET NO. 041114-TP

**XO COMMUNICATIONS SERVICES, INC'S
FIRST REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

Explanation of Proprietary Information

1. The copies contain **CONFIDENTIAL** XO information regarding XO's circuits and/or customer information. 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 copies contain **CONFIDENTIAL** XO information regarding negotiations between XO and BellSouth. This information is related to XO's ongoing business affairs and can be used by XO's competitors to harm its competitive interests. In addition, disclosure of the information could impair XO's ability to contract for goods or services on favorable terms. Section 364.183, Florida Statutes, allows for exemptions from the disclosure requirements of section 119.07, Florida Statutes, when disclosure would "impair the efforts of the company . . . to contract for goods or services on favorable terms" or 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.

BellSouth's Response to Staff's Second Request for Production, No. 33

<u>Bates Number</u>	<u>Line(s)</u>	<u>Reason</u>
STFF2POD001229-1230	All	1
STFF2POD001234-1259	All	1

BellSouth's Response to Staff's Second Request for Production, No. 45

<u>Bates Number</u>	<u>Line(s)</u>	<u>Reason</u>
STFF2POD001321-1392	All	2
STFF2POD001394-1414	All	2
STFF2POD001417-1423	All	2

BellSouth's Response to Staff's Second Request for Production, No. 50²

<u>File Name</u>	<u>Worksheet(s)</u>	<u>Lines</u>	<u>Reason</u>
4-18-02	All	All	1
04-30-02	All	All	1
4-30-02	All	All	1
05-10-02	All	All	1

² These documents were provided on a disk that BellSouth filed with the Commission. A hard copy was not provided to the Commission or to XO.

BellSouth's Response to Staff's Second Request for Production, No. 55

<u>Bates Number</u>	<u>Line(s)</u>	<u>Reason</u>
STFF2POD001430-1468	All	1

ATTACHMENT B

DOCKET NO. 041114-TP

**XO COMMUNICATIONS SERVICES, INC'S
FIRST REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

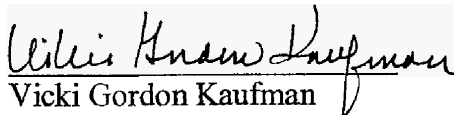
**REDACTED VERSIONS ARE NOT ATTACHED. THE
DOCUMENTS ARE CONFIDENTIAL IN THEIR ENTIRETY.**

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing XO Communications Services, Inc.'s First Request for Confidential Classification has been provided by hand delivery this 23rd day of February 2005, to the following:

Jason Rojas
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

James Meza
BellSouth Telecommunications, Inc.
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301


Vicki Gordon Kaufman