

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: May 12, 2005

**XO COMMUNICATION SERVICES INC.'S FOURTH REQUEST  
FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

XO Communication Services Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Fourth Request for Specified Confidential Classification for Revised Exhibits Nos. 8, 9, 10, and Exhibit No. 11<sup>1</sup>, included with the Supplemental Rebuttal Testimony of Shelley W. Padgett.

1. On April 21, 2005, BellSouth Telecommunications, Inc. filed the Supplemental Rebuttal Testimony and Exhibits of Shelley W. Padgett. The information was provided to the Commission along with a Notice of Intent to Request Confidential Classification filed by BellSouth.

2. Revised Exhibit Nos. 8, 9, 10, and Exhibit No. 11 attached to Ms. Padgett's Supplemental Rebuttal Testimony contain confidential proprietary information belonging to XO. The exhibits contain financial information on circuits currently in dispute between BellSouth and XO. XO considers this information to be confidential proprietary business information.

3. 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

<sup>1</sup> Xo requested confidential classification for Ms. Padgett's Supplemental Direct Exhibits, labeled as SWP 8 and SWP 9 on April 29, 2005. This request is for the revised versions of SWP 8 and SWP 9, filed with Ms. Padgett's Supplemental Rebuttal Testimony. The exhibit labeled Revised SWP 10 is not a revision of a Padgett Exhibit previously filed. SWP 10 was filed for the first time with Ms. Padgett's Supplemental Rebuttal Testimony.

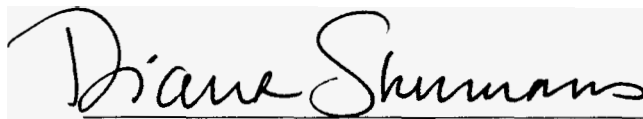
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details of its financial operations in the public domain. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes. Further, XO considers and treats this information as confidential and proprietary. A more specific description of the exhibit information is contained in Attachment A.

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

5. 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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Vicki Gordon Kaufman  
Diana K. Shumans  
Moyle Flanigan Katz Raymond & Sheehan, PA  
118 North Gadsden Street  
Tallahassee, Florida 32301  
850.681.3828 (phone)  
850.681.8788 (fax)  
vkaufman@moylelaw.com

Attorneys for XO Communications Services, Inc.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing XO Communication Services, Inc.'s Fourth Request for Confidential Classification was served on the following by hand delivery this 12<sup>th</sup> day of May, 2005.

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

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

  
Vicki Gordon Kaufman

**ATTACHMENT A**

**DOCKET NO. 04114-TP**

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

**Explanation of Proprietary Information**

1. The copies contain **CONFIDENTIAL** XO information regarding calculations and monetary credits due to XO in this case. This information is related to XO's business affairs and could cause harm to XO's competitive interests. In addition, disclosure of the information could impair XO's ability to contract for goods and 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.

**Revised Exhibit SWP-8 to Supplemental Rebuttal Testimony of Shelley W. Padgett**

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	All	1

**Revised Exhibit SWP-9 to Supplemental Rebuttal Testimony of Shelley W. Padgett**

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	All	1

**Revised Exhibit SWP-10 to Supplemental Rebuttal Testimony of Shelley W. Padgett**

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	All	1

**Exhibit SWP-11 to Supplemental Rebuttal Testimony of Shelley W. Padgett**

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	All	1

**ATTACHMENT B**

**DOCKET NO. 041114-TP**

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

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