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May 24, 2005

**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. 041144-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC is an original and fifteen copies of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC's Request for Confidential Treatment 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,

  
Floyd R. Self

FRS/amb  
Enclosures  
cc: Parties of Record

DOCUMENT NUMBER-DATE  
05056 MAY 24 05

**BEFORE THE PUBLIC SERVICE COMMISSION**

Complaint of Sprint-Florida, Incorporated )  
Against KMC Telecom III, LLC )  
KMC Telecom V, Inc. and KMC Data LLC ) Docket No. 041144-TP  
for failure to pay intrastate access charges ) Filed: May 24, 2005  
pursuant to its interconnection agreement and )  
Sprints tariffs and for violation of )  
Section 364.16(3)(a), Florida Statutes. )  
\_\_\_\_\_ )

**KMC TELECOM III, LLC, KMC TELECOM V, INC.  
AND KMC DATA LLC'S REQUEST FOR CONFIDENTIAL TREATMENT**

KMC Telecom III, LLC, KMC Telecom V, Inc. and KMC Data LLC (collectively "KMC"), pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, request confidential treatment of certain data previously filed in this docket pursuant to a claim for confidentiality. In support of this request, KMC hereby states:

1. On May 10, 2005, KMC filed in the above-captioned proceeding the Rebuttal Testimony of Marva Brown Johnson on behalf of KMC (the "Johnson Testimony"), which included several attached exhibits one of which was identified as Confidential Exhibit \_\_\_\_\_ (MBJ-9) (hereinafter "MBJ-9"). When KMC filed MBJ-9, it filed the appropriate corresponding Claim for Confidential Treatment, in accordance with Rule 25.22.006(5), Florida Administrative Code, and Section 364.183(1), Florida Statutes, regarding the Johnson Testimony.

2. KMC hereby files this Request for Confidential Treatment, in accordance with Rule 25-22.006(4), Florida Administrative Code, for the entire MBJ-9. 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 on May 10, 2005.

3. The information for which confidential treatment in MBJ-9 to the Johnson Testimony is requested reveals the identity of KMC's Customer X, an enhanced service provider

supporting voice over Internet Protocol services which is the party KMC asserts is responsible for the traffic that is at issue in Sprint's Complaint in this docket.

4. The identity of "Customer X" is confidential and protected from disclosure under Section 119.07(r), Florida Statutes, which states:

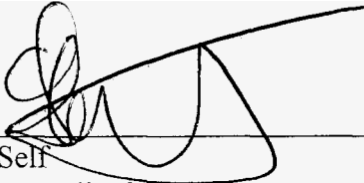
All records supplied by a telecommunications company, as defined by s. 364.02, to a state or local governmental agency which contain the name, address, telephone number or subscribers are confidential and exempt from the provisions of subsection (1) and s.24(a), Art. I of the State Constitution.

5. The information for which confidential treatment is requested in the MBJ-9 consists of letters from Customer X in various FCC proceedings which demonstrate and substantiate Customer X as an enhanced services provider that is permitted to purchase local loops from KMC and not toll facilities subject to access charges. KMC requests that each of the letters be held confidential in their entirety notwithstanding the fact that these documents are public records at the FCC. KMC's rationale for seeking confidentiality for all of these letters is that the mere act of redacting the Customer X name, address and such identifying information would not maintain the confidential identity of Customer X as anyone could then go to the FCC public record and easily locate the letters by docket, date, or other contents information and hence learn Customer X's identity. KMC believes that it has an obligation under Section 119.07(r) to not undertake any action that would directly or indirectly result in KMC revealing the identity of Customer X.

6. Because this correspondence reveals the identity of Customer X, it is protected by Section 119.07(r), Florida Statutes. Accordingly, the Commission should grant the request for confidential treatment and find in the information contained in the MBJ-9 is confidential and exempt from section 119.071(1), pursuant to section 364.183(3)(a).

WHEREFORE, based on the foregoing, KMC 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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Attorneys for KMC Telecom III LLC,  
KMC Telecom V, Inc., and KMC Data LLC

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served upon the following parties by hand delivery (\*) and/or U.S. Mail this 24<sup>th</sup> day of May, 2005.

Beth Keating, Esq.\*  
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Ms. Nancy Pruitt\*  
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