

ORIGINAL

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June 1, 2005

VIA HAND DELIVERY
CONFIDENTIAL MATERIALS ENCLOSED

Ms. Blanca Bayo
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED FPSC
JUN - 1 PM 3:21
COMMISSION
CLERK

Re: Docket No. 041114-TP

Dear Ms. Bayo:

On behalf of XO Communications Services, Inc. (XO) enclosed for filing are the original and one copy each of the following:

- XO's Seventh Request for Specified Confidential Classification with one (1) copy of the CONFIDENTIAL information attached to the original.

This material contains proprietary confidential business information of XO within the meaning of Section 364.183(1), Florida Statutes. To that end, the confidential information in the public copy of the attachments has been redacted.

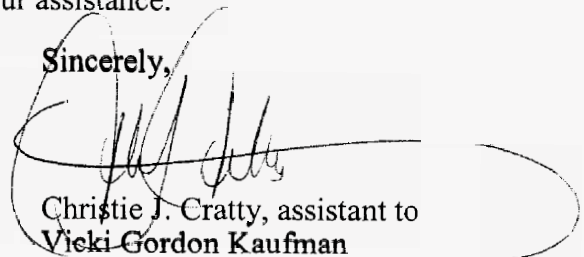
Please acknowledge receipt of the above by stamping the extra copy of each and returning the stamped copies to me. Thank you for your assistance.

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- COM _____
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- RCA _____
- SCR _____
- SEC 1
- OTH 1 copy

Enclosures

cc: Jason Rojas (w/redacted enclosures)
James Meza/Andrew Shore (w/enclosures)
Dana Shaffer (w/enclosures)

Sincerely,



Christie J. Cratty, assistant to
Vicki Gordon Kaufman

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05317 JUN-1 05

FPSC-COMMISSION CLERK

ORIGINAL

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: June 1, 2005

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

XO Communication Services Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Seventh Request for Specified Confidential Classification for BellSouth's Response to Staff's Fifth Set of Interrogatories, No. 60.

1. On May 11, 2005, BellSouth Telecommunications, Inc. (BellSouth) filed its Corrected Response to Staff's Fifth Set of Interrogatories (Nos. 59-61). The information was provided to the Commission along with a Notice of Intent to Request Confidential Classification.

2. BellSouth's Corrected Response to Staff's 5th Interrogatories, No. 60 ("Response") contains confidential proprietary information belonging to XO. The Response contains information on XO's circuits. 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 details of its operations and capabilities in the public domain. Accordingly, the information should be shielded from disclosure and exempt from the public disclosure requirements of section 119.07, Florida Statutes. A more specific description of the exhibit information is contained in Attachment A.

DOCUMENT NUMBER-DATE

05317 JUN-1 05

FLORIDA PUBLIC SERVICE COMMISSION

4. The Commission has ruled twice in this docket that circuit information is proprietary and confidential in accordance with Section 362.183 (3) Florida Statutes, and disclosure of this information would cause harm to the requesting party's competitive interests. (See Order No. PSC-05-TP0511-CFO, BellSouth's Responses to Staff's Second Request for Production of Documents, No. 33; BellSouth's Responses to Staff's Third Request for Production of Documents, No. 59; see also Order No. PSC-05-0466-CFO-TP). The circuit information contained in BellSouth's Corrected Response to Staff's Fifth Set Interrogatories, No. 60 is the same type of circuit information the Commission has previously found confidential. Disclosure would cause harm to XO's competitive interests.

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 document that XO claims 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 that is not subject to public disclosure.



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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 Seventh Request For Confidential Classification was served on the following by hand delivery this 1st day of June , 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
SEVENTH REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

Explanation of Proprietary Information

1. The copies contain **CONFIDENTIAL** XO information regarding specific XO 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.

BellSouth's Corrected Response to Staff's Fifth Interrogatories No. 60

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	28	1

ATTACHMENT B

BELLSOUTH'S CORRECTED REDACTED RESPONSE

- REQUEST: For purposes of the following requests, please refer to page 5, lines 11 through 17 of the supplemental rebuttal of BellSouth witness Padgett.
- a. Do all of the circuits that are identified in Exhibits GC-3 and GC-4 appear in Exhibits SWP-1, SWP-2 or SWP-3?
 - b. If the response to (a) is negative, for those circuits identified in GC-3 and GC-4, but that do not appear in Exhibits SWP-1, SWP-2 nor SWP-3, do they appear in Exhibits SWP-4, SWP-5 or SWP-6?
 - c. If the response to (b) is affirmative, please identify those circuits that appear in SWP-4, SWP-5 or SWP-6 and also appear in GC-3 or GC-4. For each circuit identified, please state in which exhibits, GC-3 or GC-4, and SWP-4, SWP-5 or SWP-6, it does appear.
 - d. If the response to (b) is negative, please identify the circuits that do not appear in SWP-1 through SWP-6. For each circuit identified, please state in which exhibits, GC-3 or GC-4, it does appear, and in which exhibits, SWP-1 through SWP-6, BellSouth believes it should appear.
 - e. If any circuits are left outstanding after responding to (b) through (d), please reconcile Exhibits GC-3 and GC-4 with SWP-1 through SWP-6.

- RESPONSE: a. No.
- b. Yes.
- c. Circuit Number [REDACTED] appears in Exhibit SWP-5.
- d. NA
- e. NA

RESPONSE PROVIDED BY: Shelley Padgett

ATTACHMENT B

BellSouth Telecommunications, Inc.
Florida Public Service Commission
Docket No. 041114-TP
Staff's 5th Interrogatories
April 29, 2005
Item No. 60
Page 1 of 1

BELLSOUTH'S CORRECTED REDACTED RESPONSE

REQUEST: For purposes of the following requests, please refer to page 5, lines 11 through 17 of the supplemental rebuttal of BellSouth witness Padgett.

- a. Do all of the circuits that are identified in Exhibits GC-3 and GC-4 appear in Exhibits SWP-1, SWP-2 or SWP-3?
- b. If the response to (a) is negative, for those circuits identified in GC-3 and GC-4, but that do not appear in Exhibits SWP-1, SWP-2 nor SWP-3, do they appear in Exhibits SWP-4, SWP-5 or SWP-6?
- c. If the response to (b) is affirmative, please identify those circuits that appear in SWP-4, SWP-5 or SWP-6 and also appear in GC-3 or GC-4. For each circuit identified, please state in which exhibits, GC-3 or GC-4, and SWP-4, SWP-5 or SWP-6, it does appear.
- d. If the response to (b) is negative, please identify the circuits that do not appear in SWP-1 through SWP-6. For each circuit identified, please state in which exhibits, GC-3 or GC-4, it does appear, and in which exhibits, SWP-1 through SWP-6, BellSouth believes it should appear.
- e. If any circuits are left outstanding after responding to (b) through (d), please reconcile Exhibits GC-3 and GC-4 with SWP-1 through SWP-6.

- RESPONSE:
- a. No.
 - b. Yes.
 - c. Circuit Number [REDACTED] appears in Exhibit SWP-5.
 - d. NA
 - e. NA

RESPONSE PROVIDED BY: Shelley Padgett