

ORIGINAL

Matilda Sanders

From: Whitt, Chrystal [CC] [Chrystal.Whitt@mail.sprint.com]
Sent: Friday, June 03, 2005 3:27 PM
To: Filings@psc.state.fl.us
Subject: 041144-TP Sprint's Objection the Request for Confidential Treatment filed by KMC
Attachments: 041144 Sprint's objection.pdf

Filed on behalf of:

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Docket No. 041144-TP

Title of filing: Sprint's Objection the Request for Confidential Treatment filed by KMC

Filed on behalf of: Sprint

No. of pages: 5

Description: Sprint's Objection the Request for Confidential Treatment filed by KMC

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June 3, 2005

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 041144-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint-Florida, Incorporated is the original of Sprint's
Objection to the Request for Confidential Treatment filed by KMC on May 24, 2005.

Copies are being served on the parties in this docket pursuant to the attached certificate of
service.

Please acknowledge receipt of this filing by stamping and initialing a copy of this letter
and returning same to my assistant. If you have any questions, please do not hesitate to
call me at 850/599-1560.

Sincerely,

A handwritten signature in black ink that reads "Susan S. Masterton".

Susan S. Masterton

Enclosure

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FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 041144-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic and U.S. mail this 3rd day of June, 2005 to the following:

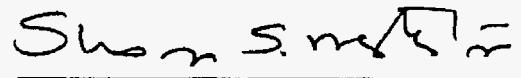
Division of Legal Services
Lee Fordham/ Beth Keating
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Nancy Pruitt/Ann Marsh
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

KMC Data LLC/KMC Telecom III LLC/KMC Telecom V, Inc.
Marva B. Johnson/Mike Duke
1755 North Brown Road
Lawrenceville, GA 30043-8119

Kelley Drye & Warren LLP
Chip Yorkgitis / Barbara Miller
1200 19th Street, N.W.,
Fifth Floor
Washington, DC 20036

Messer Law Firm
Floyd R. Self, Esq.
P.O. Box 1876
Tallahassee, FL 32302-1876



Susan S. Masterton

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

**SPRINT-FLORIDA, INCORPORATED'S OBJECTION TO THE REQUEST FOR
CONFIDENTIAL TREATMENT OF KMC TELECOM III LLC, KMC
TELECOM V, INC. AND KMC DATA LLC**

Sprint-Florida, Incorporated ("Sprint"), pursuant to Rule 25-22.006, F.A.C., hereby files its Objection to the Request for Confidential Treatment filed by KMC Telecom III LLC, KMC Telecom V, Inc. and KMC Data LLC (collectively, "KMC") on May 24, 2005. Specifically, KMC has requested that the Commission grant confidential classification to Document No. 04555-05, which includes (in part) Exhibit MJB-9, consisting of comments filed by a customer of KMC with the Federal Communications Commission. Sprint requests that KMC's request be denied and as grounds therefore, states:

- 1 KMC has requested confidential classification for Exhibit MJB-9 filed on May 10, 2005 as an exhibit to the Rebuttal Testimony of Marva Brown Johnson. KMC admits that these documents are public documents on file with the FCC. (See KMC Request at paragraph 5) However, KMC justifies its request for confidential classification on the basis that if the documents are made public in this proceeding, the identity of KMC's Customer X, which KMC asserts is protected under 19.07(r), F.S., will be revealed. (See KMC

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Request at paragraph 4) Section 119.07(f), F.S., exempts from the public records law records provided by a telecommunications company that contain the name, address and telephone number of subscribers. While 119.07(r), F.S., protects only the name, address and telephone number of a telecommunications company's subscriber, KMC asserts that it cannot redact the document because, since the record is a public record with the FCC, even if the name is redacted, anybody could go to the FCC website and match the redacted comments on file with the FPSC with the public comments on file with the FCC and identify Customer X. (See KMC Request at paragraph 5)

2. Section 364.183, F.S., sets forth a telecommunications company's authority to claim and the Commission's authority to grant confidential classification to information filed with the Commission. Rule 28-22.006, F.A.C., is the Commission rule implementing the statutory provision. The term "proprietary confidential business information" is defined in subsection (3) of section 384.183, F.S., to mean:

information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operation, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public (emphasis added)

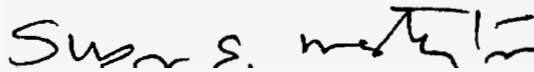
3. The information that is the subject to KMC request clearly does not meet the definition of "proprietary confidential business information" in the statute.

Rather, the FCC comments are public documents, which Sprint or any person can obtain via the FCC's website and which, as a party to the FCC docket in which the comments were filed, likely have already been served on Sprint as public documents in the context of the FCC proceeding.

4. Because the documents for which KMC requests confidential classification are public documents and because they can be and have been obtained by Sprint as public documents via other means than by service of those documents on Sprint subject to the protective agreement between the parties in this docket, it is clearly inappropriate for the Commission to grant confidential classification to the documents as KMC has requested. Therefore, Sprint asks that KMC's Request for Confidential Classification be denied.

WHEREFORE, Sprint requests that KMC's Request for confidential treatment of Exhibit MBJ-9 be denied and that such documents be treated as public documents for the purposes of this proceeding.

RESPECTFULLY submitted this 3rd day of June 2005.



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ATTORNEY FOR SPRINT