

ORIGINAL

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June 7, 2005

VIA HAND DELIVERY
CONFIDENTIAL MATERIALS ENCLOSED

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

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 Eighth 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.

CMP
COM _____
CTR _____
ECR _____
GCL
OPC _____ Enclosures
MMS _____ ee: Jason Rojas (w/redacted enclosures)
RCA _____ James Meza/Andrew Shore (w/enclosures)
SCR _____ Dana Shaffer (w/enclosures)
SEC
OTH *com records*

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

Sincerely,
[Signature]
Christie J. Cratty, assistant to
Vicki Gordon Kaufman

RECEIVED D-FPSC
JUN -7 PM 2:28
COMMISSION CLERK

DOCUMENT NUMBER-DATE
05482 JUN-7 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 7, 2005

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

XO Communication Services Inc. (XO), pursuant to Rule 25-22.006, Florida Administrative Code, files this Eighth Request for Specified Confidential Classification for BellSouth's Corrected Response to XO's Second Request for Admissions, No.7.

1. On May 17, 2005, BellSouth Telecommunications, Inc. (BellSouth) filed its Corrected Response to XO's Second Request for Admissions. The information in Response No. 7 was provided to the Commission along with a Notice of Intent to Request Confidential Classification.

2. BellSouth's Corrected Response to XO's Second Request for Admissions, No.7 ("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

05482 JUN-7 '05

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 Response to XO's Second Request for Admissions, No. 7 is the same type of circuit information the Commission has previously found confidential. Disclosure would cause harm to XO's competitive interests.

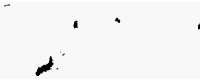
5. Appended hereto as Attachment B are two copies of the requested documents with the confidential information redacted.

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 Eighth Request For Confidential Classification was served on the following by hand delivery this 7th 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
EIGHTH 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 XO's Second Request for Admissions, No. 7

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	15,18	1

ATTACHMENT B

BellSouth Telecommunication, Inc.
Florida Public Service Commission
Docket No. 041114-TP
XO's 2nd Request for Admissions
April 29, 2005
Item No. 7
Page 1 of 1

BELLSOUTH'S CORRECTED REDACTED RESPONSE

REQUEST: Admit that the XO circuits which BellSouth claims are ineligible for conversion, which appear on GC-1 and GC-4, are circuits that subtend a SmartRing or LightGate service.

RESPONSE: GC-1 does not contain circuit identifiers. Assuming that this is a scrivener's error and it was intended to read "GC-3", it is denied.

Circuit ID	Issue	Relevant Dates
[REDACTED]	does not have a loop element associated with it	March 2002
[REDACTED]	Commingled EEL terminating to a collocation arrangement	May 2003

Admitted with respect to GC-4.

ATTACHMENT B

BellSouth Telecommunication, Inc.
Florida Public Service Commission
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Page 1 of 1

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[REDACTED]	Commingled EEL terminating to a collocation arrangement	May 2003

Admitted with respect to GC-4.