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August 3, 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 ("KMC") are an original and fifteen copies of KMC'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,

  
for Floyd R. Self

FRS/amb  
Enclosures  
cc: Parties of Record

DOCUMENT NUMBER-DATE

07513 AUG-3 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: August 3, 2005
pursuant to its interconnection agreement and	)	
Sprints tariffs and for violation of	)	
Section 364.16(3)(a), Florida Statutes.	)	
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**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 25-2.006, 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 July 11, 2005, KMC filed in the above-captioned proceeding the Deposition Transcript of Paul J. Calabro.
2. When KMC filed the deposition transcript, 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.
3. KMC hereby files this Request for Confidential Treatment, in accordance with Rule 25-22.006(4), Florida Administrative Code, for the confidential portions of the deposition of Paul J. Calabro. Copies of the confidential information, and the public and redacted copies thereof, required by Rule 25-22.006(4) are not being filed at this time as they were filed with the Commission with the Claim for Confidential Treatment.

4. KMC requests confidential treatment of the information identified in paragraph 1 for the following reason: the confidential information reveals the identity of the former employer and client of Paul J. Calabro, who is unrelated to this litigation. Such information constitutes proprietary confidential business information.

5. Proprietary confidential business information is confidential and protected from disclosure under Section 364.183, Florida Statutes, which states, in pertinent part:

(1) . . . Upon request of the company or other person, any records received by the commission which are claimed by the company or other person to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. . . .

(2) . . . Upon a showing by a company or other person and a finding by the commission that discovery will require the disclosure of proprietary confidential business information, the commission shall issue an appropriate protective order designating the manner for handling such information during the course of the proceeding and for protecting such information from disclosure outside the proceeding. Such proprietary confidential business information shall be exempt from s. 119.07(1). . . .

6. Proprietary confidential business information utilized in the course of a Commission proceeding are confidential and protected from disclosure under Section 350.121, Florida Statutes, which states, in pertinent part:

If the commission undertakes an inquiry, any records, documents . . . or other business material . . . obtained by the commission incident to the inquiry are considered confidential and exempt from s. 119.07(1) while the inquiry is pending. If at the conclusion of an inquiry the commission undertakes a formal proceeding, any matter determined by the commission . . . to be trade secrets or proprietary confidential business information coming into its possession pursuant to such inquiry shall be considered confidential and exempt from s. 119.07(1).

7. The Commission should grant the request for confidential treatment and find the information contained in the deposition transcript of Paul J. Calabro to be

confidential and exempt from Section 119.07(1), Florida Statutes, pursuant to Sections 119.07(6)(r), 364.183(1) and (2), and 350.121(3)(a), Florida Statutes.

WHEREFORE, based on the foregoing, KMC respectfully requests that the Commission enter an Order declaring the information described above to be proprietary confidential business information that is not subject to public disclosure.

Respectfully submitted,

  
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and

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KMC Telecom V, Inc. and KMC Data LLC

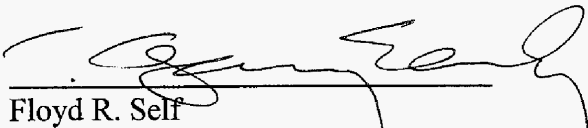
## CERTIFICATE OF SERVICE

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 3<sup>rd</sup> day of August, 2005.

Beth Keating, Esq.\*  
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