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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Request for approval of amendment to Interconnection, unbundling, resale, and Collocation agreement between BellSouth Telecommunications and XO Communication Services

Docket No. 050813-BQ COMMISSION CLERK

Filed: November 10, 2005

XO COMMUNICATIONS SERVICES, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION

XO Communications Services, Inc. (XO), pursuant to Section 364.183(1), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification.

1. On October 14, 2005, BellSouth Telecommunications, Inc.(BellSouth) filed an Amendment to Interconnection, Unbundling, Resale and Collocation Agreement (Amendment) with XO in the above-captioned docket.

2. On October 20, 2005, BellSouth requested that the Commission replace the Amendment with a new version which would protect XO's confidential circuit information, contained in an appendix, from public disclosure. On the same day, BellSouth filed a notice of intent to request confidential classification pursuant to rule 25-22.006(3)(a), for Appendix 1, Attachment 2 Exhibit D of the Amendment which contains confidential proprietary business

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information regarding XO specific circuits.

3. The information contained in Appendix 1, Attachment 2 Exhibit D contains information regarding specific XO circuits. This confidential circuit information is not a part of the substantive terms of the interconnection agreement but rather lists specific XO circuits. This XO circuit information is not in the public domain and XO considers and maintains this circuit information as confidential.

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DOCUMENT NUMBER-DATE

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4. 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 confidential XO circuit information in Appendix 1 Attachment 2 Exhibit D would harm XO’s competitive interests by placing details of XO’s specific circuits in the public domain. The Commission has previously kept such circuit information confidential. See, Order Nos. PSC-05-0466 CFO-TP, PSC-05-0466(A) CFO-TP. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes. Further, this information is considered and is treated by XO as confidential and proprietary. A more specific description of the exhibit information is contained in Attachment A to this request.

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

6. Appended hereto as Attachment C is a sealed envelope containing one copy of the documents that XO claims are 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.

s/ Vicki Gordon Kaufman  
Vicki Gordon Kaufman  
Moyle Flanigan Katz Raymond & Sheehan, PA  
118 North Gadsden Street  
Tallahassee, Florida 32301  
850.681.3828  
850.681.8788 fax  
vkaufman@moylelaw.com

Dana Shaffer  
Regulatory Counsel  
XO Communications Services, Inc.  
105 Molloy Street, Suite 300  
Nashville, TN 37201-2315  
615.777.7700  
615.850.0343 fax  
[dana.shaffer@xo.com](mailto:dana.shaffer@xo.com)

Attorneys for XO Communications Services, Inc.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing XO Communications Services, Inc.'s Request for Specified Confidential Classification was served on the following by electronic and US Mail delivery this 10<sup>th</sup> day of November 2005:

Victor McKay  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Andrew Shore  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301

s/Vicki Gordon Kaufman

Vicki Gordon Kaufman

**ATTACHMENT A**

**DOCKET NO. 050813-EO**

**XO COMMUNICATIONS SERVICES, INC.'S  
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

**Explanation of Proprietary Information**

1. The copies contain **CONFIDENTIAL** XO information regarding specific XO circuits that is not in the public domain. 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.

**Amendment to the Agreement Between XO and BellSouth**

**Appendix 1 Attachment 2 Exhibit D**

<b><u>Page Nos.</u></b>	<b><u>Line(s)</u></b>	<b><u>Reason</u></b>
5-16	All	1

**ATTACHMENT B**

**DOCKET NO. 050813-EO**

**XO COMMUNICATIONS SERVICES, INC.'S  
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

**Amendment to the Agreement Between XO and BellSouth**

**Appendix 1 Attachment 2 Exhibit D has been redacted in its entirety**

**ATTACHMENT B**

**DOCKET NO. 050813-EO**

**XO COMMUNICATIONS SERVICES, INC.'S  
REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

**Amendment to the Agreement Between XO and BellSouth**

**Appendix 1 Attachment 2 Exhibit D has been redacted in its entirety**