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May 8, 2012

VIA HAND DELIVERY

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

- claim of confidentiality
- notice of intent
- request for confidentiality
- filed by OPC

For DN 02949-17, which is in locked storage. You must be authorized to view this DN.-CLK

RECEIVED-FPSC
12 MAY -8 PM 4:19
COMMISSION CLERK

Re: Docket No. 090538-TP - Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Dear Ms. Cole:

Birch Communications, Inc. f/k/a Access Integrated Network, Inc. ("BCI/AIN" or "the Company") files the following documents in the above-referenced docket:

1. Confidential Attachment A: a sealed envelope marked "CONFIDENTIAL," containing BCI/AIN's Interrogatory No. 5 and Document Request No. 4 to Qwest Communications Company, LLC ("Qwest") with confidential portions highlighted; and
2. Public Attachment B: a redacted version of the information found in Confidential Attachment A.

BCI/AIN states that, pursuant to §364.183(1), Florida Statutes, the Company claims that the contents of Attachment A are confidential and proprietary business information of the Company and should be kept confidential and exempt from public disclosure. A copy of this letter has been provided to parties in accordance with the attached certificate of service.

COM	_____
APA	_____
ECR	_____
GCI	<u>5</u>
RAD	<u>1</u>
SRC	_____
ADM	_____
OPC	_____
CLK	<u>1</u>

DOCUMENT NUMBER DATE
02948 MAY-8 2012

Ms. Ann Cole, Commission Clerk

May 8, 2012

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Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me. Thank you for your assistance with this filing and please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Feil". The signature is written in a cursive style with a large, looping initial "M".

Matthew Feil

Enclosure

MJF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 8th day of May, 2012.

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 ltan@psc.state.fl.us	Eric J. Branfman/Philip J. Macres Bingham Law Firm 2020 K Street, NW Washington, DC 20006 eric.branfman@bingham.com Philip.macres@bingham.com
Mr. Chris Bunce Birch Communications, Inc. 2300 Main Street, Suite 600 Kansas City, MO 64108-2415 Chris.bunce@birch.com	Mr. Greg Diamond Broadwing Communications, Inc. c/o Level 3 Communications 1025 Eldorado Boulevard Broomfield, CO 80021-8869 Greg.Diamond@level3.com
Richard Brown Access Point, Inc. 1100 Crescent Green, Suite 109 Cary, NC 27511 Richard.brown@accesspointinc.com	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 dbailey@bullseyetelecom.com
Adam C. Gold, P.A. 1501 Sunset Drive, 2 nd Floor Coral Gables, FL 33143 agold@acgoldlaw.com	Paula W. Foley Earthlink Business 5 Wall Street Burlington, MA 01803 pfoley@corp.earthlink.com
Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511 lhaag@ernestgroup.com	Flatel, Inc. c/o Adriana Solar Executive Center, Suite 100 2300 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-3307 asolar@flatel.net
Granite Telecommunications, LLC 100 Newport Avenue Extension Quincy, MA 02171-1734 rcurrier@granitenet.com	Andrew M. Klein/Allen C. Zoracki Klein Law Group 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036 AKlein@kleinlawPLLC.com azoracki@kleinlawpllc.com

<p>John Greive Lightyear Network Solutions, LLC 1901 Eastpoint Parkway Louisville, KY 40223-4145 john.greive@lightyear.net</p>	<p>Michael McAlister Navigator Telecommunications, LLC P.O. Box 13860 North Little Rock, AR 72113-0860 mike@navtel.com</p>
<p>Adam L. Sherr Qwest Communications Company, LLC 1600 7th Avenue, Room 1506 Seattle, WA 98191 Adam.Sherr@centurylink.com</p>	<p>Susan S. Masterton, Esq. CenturyLink QCC 315 S. Calhoun Street, Suite 500 Tallahassee, FL 32301 susan.masterton@centurylink.com</p>
<p>Budget PrePay, Inc. Lakisha Taylor 1325 Barksdale Blvd., Suite 200 Bossier City, LA 71111-4600 davidd@budgetprepay.com</p>	<p>Marsha Rule Rutledge Law Firm Post Office Box 551 Tallahassee, FL 32302 marsha@reuphlaw.com</p>
<p>Ms. Kristin U. Shulman XO Communications 810 Jorie Blvd., Suite 200 Oak Brook, IL 60523 kris.shulman@xo.com</p>	<p>Laura King Division of Regulatory Analysis Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 lking@psc.state.fl.us</p>
<p>Dulaney L. O'Roark III Verizon Florida, LLC 5055 North Point Parkway Alpharetta, GA 30022 678-259-1657 (phone) 678-259-5326 (fax) de.oroark@verizon.com</p>	<p>Ms. Carolyn Ridley tw telecom of florida l.p. 2078 Quail Run Drive Bowling Green, KY 42104 Carolyn.Ridley@twtelecom.com</p>
<p>Pennington Law Firm Howard Adams P.O. Box 10095 Tallahassee, FL 32302 gene@penningtonlaw.com</p>	<p>Ms. Rebecca A. Edmonston Verizon Access Transmission Services 106 East College Avenue, Suite 710 Tallahassee, FL 32301-7721 rebecca.edmonston@verizon.com</p>

Ed Krachmer Windstream NuVox, Inc. 4001 Rodney Parham Road MS: 1170-B1F03-53A Little Rock, AR 72212 Edward.Krachmer@windstream.com	James White Windstream NuVox, Inc. 4651 Salisbury Road, Suite 151 Jacksonville, FL 32256-6187 Bettye.j.willis@windstream.com
Jane J. Whang Davis Wright Tremaine, LLP 505 Montgomery Street, Suite 800 San Francisco, CA 94111-6533 janewhang@dwt.com	Ms. Bettye Willis 13560 Morris Rd., Suite 2500 Milton, GA 30004 Bettye.j.willis@windstream.com

By: 
Matthew Feil, Esq.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Amended Complaint of Qwest }
Communications Company, LLC against }
MCImetro Access Transmission Services }
(d/b/a Verizon Access Transmission Services); } Docket No. 090538-TP
XO Communications Services, Inc.; }
tw telecom of florida, l.p.; Granite Tele- } Dated: May 8, 2012
communications, LLC; Broadwing }
Communications, LLC; Access Point, Inc.; }
Birch Communications, Inc.; Budget }
Prepay, Inc.; Bullseye Telecom, Inc.; }
DeltaCom, Inc.; Ernest Communi- }
cations, Inc.; Flatel, Inc.; Lightyear Network }
Solutions, LLC; Navigator Telecommunications, }
LLC; PaeTec Communications, Inc.; }
STS Telecom, LLC; US LEC of Florida, LLC; }
Windstream Nuvox, Inc.; and John }
Does 1 through 50, for unlawful discrimination. }

CONFIDENTIAL

BIRCH COMMUNICATIONS, INC.'S
f/k/a ACCESS INTEGRATED NETWORK, INC. (BCI/AIN)
SECOND SET OF DISCOVERY
TO QWEST COMMUNICATIONS COMPANY, LLC

INTERROGATORY NO. 5 AND DOCUMENT REQUEST NO. 4

such data when last in your possession, custody or control, state the date and manner of its disposition and identify its last known custodian.

24. Unless stated otherwise, these Requests cover the period January 1, 1998 through the present.

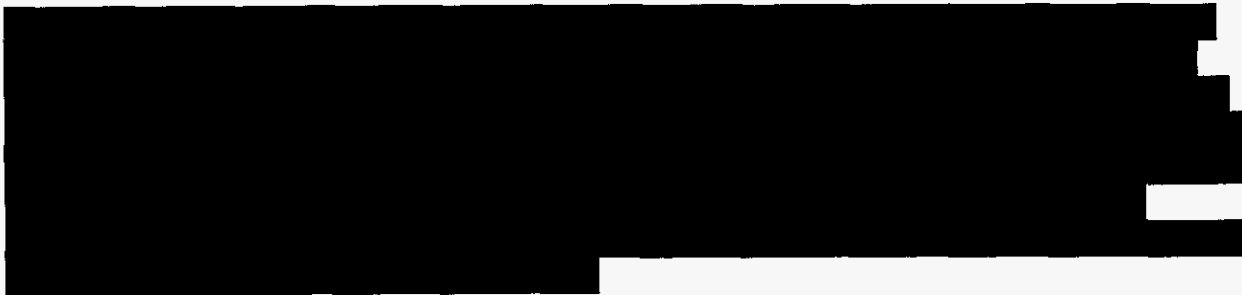
25. If any document responsive to these Requests is considered to contain confidential or protected information, please furnish this information subject to the appropriate protective agreement in this case.

REDACTED

INTERROGATORIES

5. Refer to Qwest's confidential supplemental response to Birch Communications, Inc.'s Interrogatory No. 1.

[BEGIN CONFIDENTIAL INFORMATION]



[END CONFIDENTIAL INFORMATION]

REQUESTS FOR THE PRODUCTION OF DOCUMENTS

4. Refer to Qwest's confidential supplemental response to Birch Communications, Inc.'s Interrogatory No. 1.

[BEGIN CONFIDENTIAL INFORMATION]

[REDACTED]

[END CONFIDENTIAL INFORMATION]

Respectfully submitted this 8th day of
May 2012

By:



Matthew Feil
Gunster, Yoakley & Stewart, P.A.
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Tallahassee, FL 32301
mfeil@gunster.com
(850) 521-1708