

**Eric Fryson**

090538-TP

**From:** Galloway, Cecilia (Cissy) [CGalloway@gunster.com]  
**Sent:** Wednesday, May 09, 2012 12:16 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lee Eng Tan; 'aklein@kleinlawpllc.com'; 'de.oroark@verizon.com'; 'janewhang@dwt.com'; 'Chris.bunce@birch.com'; 'Edward.Krachmer@windstream.com'; 'Eric.branfman@bingham.com'; 'rcurrier@granitenet.com'; Feil, Matthew; 'Carolyn.Ridley@twtelecom.com'; 'kris.shulman@xo.com'; 'marsha@reuphlaw.com'; 'Richard.brown@accesspointinc.com'; 'John.greive@lightyear.net'; 'mike@navtel.com'; 'John.messenger@paetec.com'; 'Philip.macres@bingham.com'; 'Greg.diamond@level3.com'; 'dbailey@bullseyetelecom.com'; 'azoracki@kleinlawpllc.com'; 'bettye.j.willis@windstream.com'; 'agold@acgoldlaw.com'; 'Susan.Masteron@CenturyLink.com'; 'Sherr, Adam'; 'pfoley@corp.earthlink.com'; 'rebecca.edmonston@verizon.com'; 'gene@penningtonlaw.com'; 'lhaag@ernestgroup.com'; 'asolar@flatel.net'; Jessica Miller; 'davidd@budgetprepay.com'  
**Subject:** RE: PSC Filing Dkt 090538-TP - Birch (BCI/AIN) Correction to Claim of Confidentiality filed May 8, 2012

**Attachments:** BIRCH Claim of Confid Correction 5-09.pdf

The attached is an electronic filing for the docket referenced below. If you have any questions, please contact Matt Feil at the number below. Thank you.

**Person Responsible for Filing:**

Matthew Feil  
 Gunster Law Firm  
 215 South Monroe Street, Suite 601  
 Tallahassee, FL 32301  
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 Main: 850-521-1980  
[mfeil@gunster.com](mailto:mfeil@gunster.com)

**Docket Name and Number:** 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.

**Filed on Behalf of:** Birch Communications, Inc. f/k/a Access Integrated Network, Inc. (BCI/AIN)

**Total Number of Pages:** 5

**Description of Documents:** Birch Communications Correction to Claim of Confidentiality Letter Filed May 8, 2012

DOCUMENT NUMBER

02966 MAY-9 2012

FPSC-COMMISSION CLERK

5/9/2012



**GUNSTER**

FLORIDA'S LAW FIRM FOR BUSINESS

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May 9, 2012

**VIA ELECTRONIC-FILING**

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

**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; PacTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.**

CORRECTION TO CLAIM OF CONFIDENTIALITY LETTER FILED MAY 8, 2012

Dear Ms. Cole:

Birch Communications, Inc. f/k/a Access Integrated Network, Inc. ("BCI/AIN" or "the Company") submitted a claim of confidentiality yesterday, May 8, for the following documents in the above-referenced docket:

- 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

In that claim, BCI/AIN inadvertently stated that "the Company claims, pursuant to §364.183(1), Florida Statutes, the contents of Confidential Attachment A are confidential and proprietary business information of" BCI/AIN.

The letter should have stated that Qwest claims (not BCI/AIN) that the contents of the referenced Attachment A are confidential and proprietary business information of Qwest. No

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Ms. Ann Cole, Commission Clerk  
May 9, 2012  
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other changes or corrections to the May 8 letter are being made and no action is required on the part of the Clerk's office.

A copy of this letter has been provided to parties in accordance with the attached certificate of service.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Feil". The signature is written in a cursive style with a large, stylized 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 9th day of May, 2012.

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 <a href="mailto:ltan@psc.state.fl.us">ltan@psc.state.fl.us</a>	Eric J. Branfman/Philip J. Macres Bingham Law Firm 2020 K Street, NW Washington, DC 20006 <a href="mailto:eric.branfman@bingham.com">eric.branfman@bingham.com</a> <a href="mailto:Philip.macres@bingham.com">Philip.macres@bingham.com</a>
Mr. Chris Bunce Birch Communications, Inc. 2300 Main Street, Suite 600 Kansas City, MO 64108-2415 <a href="mailto:Chris.bunce@birch.com">Chris.bunce@birch.com</a>	Mr. Greg Diamond Broadwing Communications, Inc. c/o Level 3 Communications 1025 Eldorado Boulevard Broomfield, CO 80021-8869 <a href="mailto:Greg.Diamond@level3.com">Greg.Diamond@level3.com</a>
Richard Brown Access Point, Inc. 1100 Crescent Green, Suite 109 Cary, NC 27511 <a href="mailto:Richard.brown@accesspointinc.com">Richard.brown@accesspointinc.com</a>	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 <a href="mailto:dbailey@bullseyetelecom.com">dbailey@bullseyetelecom.com</a>
Adam C. Gold, P.A. 1501 Sunset Drive, 2 <sup>nd</sup> Floor Coral Gables, FL 33143 <a href="mailto:agold@acgoldlaw.com">agold@acgoldlaw.com</a>	Paula W. Foley Earthlink Business 5 Wall Street Burlington, MA 01803 <a href="mailto:pfoley@corp.earthlink.com">pfoley@corp.earthlink.com</a>
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<p>Adam L. Sherr  Qwest Communications Company, LLC  1600 7th Avenue, Room 1506  Seattle, WA 98191  <a href="mailto:Adam.Sherr@centurylink.com">Adam.Sherr@centurylink.com</a></p>	<p>Susan S. Masterton, Esq.  CenturyLink QCC  315 S. Calhoun Street, Suite 500  Tallahassee, FL 32301  <a href="mailto:susan.masterton@centurylink.com">susan.masterton@centurylink.com</a></p>
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<p>Ms. Kristin U. Shulman  XO Communications  810 Jorie Blvd., Suite 200  Oak Brook, IL 60523  <a href="mailto:kris.shulman@xo.com">kris.shulman@xo.com</a></p>	<p>Laura King  Division of Regulatory Analysis  Florida Public Service Commission  2540 Shumard Oak Boulevard  Tallahassee, FL 32399  <a href="mailto:lking@psc.state.fl.us">lking@psc.state.fl.us</a></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)  <a href="mailto:de.oroark@verizon.com">de.oroark@verizon.com</a></p>	<p>Ms. Carolyn Ridley  tw telecom of florida l.p.  2078 Quail Run Drive  Bowling Green, KY 42104  <a href="mailto:Carolyn.Ridley@twtelecom.com">Carolyn.Ridley@twtelecom.com</a></p>
<p>Pennington Law Firm  Howard Adams  P.O. Box 10095  Tallahassee, FL 32302  <a href="mailto:gene@penningtonlaw.com">gene@penningtonlaw.com</a></p>	<p>Ms. Rebecca A. Edmonston  Verizon Access Transmission Services  106 East College Avenue, Suite 710  Tallahassee, FL 32301-7721  <a href="mailto:rebecca.edmonston@verizon.com">rebecca.edmonston@verizon.com</a></p>

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

By:   
Matthew Feil, Esq.