

Monte

PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A.
ATTORNEYS AT LAW

BARBARA D. AUGER
SAMUEL P. BELL, III
DOUGLAS S. BELL
ROBERT CINTRON, JR.
KEVIN X. CROWLEY
MARK K. DELEGAL
MARC W. DUNBAR
PETER M. DUNBAR
MARTHA J. EDENFIELD
CAROL A. FORTHMAN
WILLIAM H. HUGHES, III

EDGAR M. MOORE
E. MURRAY MOORE, JR.
BRIAN A. NEWMAN
JOHN C. PELHAM
CARL R. PENNINGTON, JR., P.A.
C. EDWIN RUDE, JR.
GARY A. SHIPMAN
CYNTHIA S. TUNNICLIFF
WILLIAM E. WHITNEY
BEN H. WILKINSON
CATHI C. WILKINSON

OF COUNSEL
R. STUART HUFF, P.A.
Coral Gables, Florida
CHRISTOPHER W. KANAGA
(Admitted in Massachusetts & Colorado Only)
BARBARA J. STAROS

SPECIAL CONSULTANTS
RANDY MILLER

*NOT A MEMBER OF THE FLORIDA BAR

215 SOUTH MONROE STREET
2ND FLOOR
TALLAHASSEE, FLORIDA 32301

(850) 222-3533
FAX (850) 222-2126
E-Mail:

REPLY TO:
P.O. BOX 10095
TALLAHASSEE, FL 32302-2095

May 14, 1998 **CONFIDENTIAL**

Ms. Blanco Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

via Hand Delivery

~~980000-PW~~
960786-TL

Re: April 13, 1998 correspondence

Dear Ms. Bayo:

In response to Walter D'Haeseleer's correspondence (copy enclosed) I am submitting the following information.

PLEASE BE ADVISED THAT under Florida Statutes, §364.18 and applicable commission rules, Time Warner AxS of Florida d/b/a Time Warner Communications ("Time Warner") hereby gives notice of its intent to seek confidential classification of this information provided to the Commission in response to the attached correspondence dated April 13, 1998. this notice exempts this material from §119.07(1) of the Florida Statutes and §24(a), Art. 1 of the State Constitution and protects this material from public disclosure. Highlighted, unredacted copies of this confidential material have been attached as Exhibit A to the original of this letter.

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
LIN _____
OPC _____
RCH _____

Further, Digital Media Partners has an application to withdraw its ALEC certificate and does not have any customers therefore, the survey is not applicable to Digital Media Partners.

Specifically, Time Warner is requesting confidential treatment of the number of UNES and business subscribers. This information is deemed by Time Warner to be proprietary information, as that term is defined in §364.183(3)(e), Florida Statutes.

1. BellSouth does not currently provide Time Warner access to UNES.

DOCUMENT NUMBER-DATE

85432 MAY 15 88

FPSC-RECORDS/REPORTING

This document has been placed in confidential storage pending advice from OPR staff on further handling.