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August 16, 2000

Via Overnight Delivery

Division of Records and Reporting
State of Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

000000-PU

**Re: Responses to 2000 ALEC Data Request
and Request for Confidential Classification**

Dear Sir or Madam:

Winstar Wireless, Inc. ("Winstar"), hereby files its responses to the Florida Public Service Commission's ("Commission") 2000 ALEC data request, issued by the Division of Telecommunications. Winstar files these responses under cover of a Request for Confidential Classification pursuant to Commission Rule 25-22.006(3)(a)(1) and (4)(a)-(e), FL Admin. Code. Enclosed please find two copies of a redacted version of Winstar's data responses, and enclosed in a sealed envelope marked "Confidential," two copies of Winstar's responses with the information for which Winstar seeks confidential classification.¹ This Request follows the Notice of Intent to Request Confidential Classification that Winstar filed on August 17, 2000.

Pursuant to Rule 25-22.006(4)(c), Winstar seeks confidential classification of its responses to the 2000 ALEC data requests indicated below. As a preliminary matter, in accordance with Commission Rule 25-22.006(4)(d) and (e), Winstar assures the Commission that the material in question contains bona fide proprietary confidential business information that is intended to be and is treated by Winstar as private and has not been otherwise disclosed.

Question 1.e -- Number of Customers:

As a new competitive entrant into the Florida telecommunications market, Winstar has grave concerns about disclosing to the incumbent local exchange carrier ("ILEC") and LEC competitors its most sensitive "proprietary confidential business information," as that term is used in Sections 364.183(3), 366.093(3) and 367.156(3), F.S. (collectively, "Florida Statutes"). Under subsection (e) of the Florida Statutes, the

¹ This information is underlined and shaded.

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FPSC-BUREAU OF REC

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 10043-00. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

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number of customers that Winstar serves in Florida constitutes "information relating to competitive interests, the disclosure of which would impair the competitive business" of Winstar because this data is: (i) owned and controlled by Winstar; (ii) is treated as private because its disclosure would harm Winstar's business operations; and (iii) has not otherwise been disclosed.

Specifically, Winstar is in the process of constructing its nationwide facilities-based local exchange network, including within Florida. Generating and maintaining the subscriber data in question is an internal corporate function of Winstar. Winstar maintains confidentiality of this data for purposes of structuring and implementing its confidential business plans governing its future penetration and service offerings in Florida. Thus, possession of this information would provide Winstar's competitors with insights into Winstar's proprietary corporate plans that they otherwise could not obtain. Access to Winstar's internal subscriber data would provide Winstar's competitors an unfair commercial advantage by enabling them, for example, to target their special promotional offerings or to discriminatorily price their offerings specifically to thwart Winstar's efforts in Florida.

Winstar seeks only to compete on a level playing field with the incumbent and other LECs in Florida. In this vein, Winstar makes no claims to the internal, corporate subscriber data of its competitors to the extent such information is not already public. However, if the Commission requires Winstar to divulge this data, then Winstar would respectfully request that its competitors be held to similar obligations.

Questions 3.b, 3.f, 6 and 7.e – Access Lines Served and NXX Codes:

For largely the same reasons described above in Question 1.e with respect to Winstar's internal subscriber data, Winstar respectfully requests confidential classification of its number of access lines served listed by city and NXX codes assigned in Florida. Possession of this information would provide Winstar's competitors with commercially sensitive and proprietary information that could be used to impede Winstar's future efforts regarding its penetration and service offerings in Florida. For example, Winstar's competitors could use this information to target their special promotional offerings to hinder Winstar's ability to extend its penetration in Florida based on the geographic location of its NXX codes and the number of lines served in each city.

Question 12 -- Package Offerings

Winstar also seeks confidential classification of certain information related to its packaged offering of local and long distance services. Winstar's promotional and packaged offerings are described to potential customers on a case-by-case basis, and sometimes differ among customers depending on a particular customer's preferences. Specific information describing Winstar's packaged offerings might provide competitors

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with the framework of confidential service agreements executed between Winstar and its various customers, the disclosure of which could harm such customers in addition to Winstar. In addition to the reasons stated above with respect to Question 1.e, competitors' access to information describing Winstar's offerings to its business customers possibly could enable them to target their promotional offerings in order to hinder Winstar's business plans governing its future penetration and service offerings in Florida.

Please date-stamp the enclosed additional copy of this Request and the associated data responses and return them in the postage-paid, self-addressed envelope. If you have any questions regarding this Request or the data responses, please do not hesitate to contact the undersigned at (202) 367-7654.

Sincerely,



Kimberley Bradley
Senior Director, Regulatory Affairs

cc: Walter D'Haeseleer, Director, Division of Telecommunications