

ORIGINAL

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COMMISSION
CLERK

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Vicki Gordon Kaufman
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April 29, 2005

VIA HAND DELIVERY

Ms. Blanca Bayo
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No. 041114-TP – CONFIDENTIAL MATERIALS ENCLOSED

Dear Ms. Bayo:

On behalf of XO Communications Services, Inc. (XO) enclosed for filing and distribution are the original and 15 copies of the following:

- XO's Second Request for Specified Confidential Classification.
- One copy of the CONFIDENTIAL information.

Please acknowledge receipt of the above on the extra copy of the filing and return

CMP 1 the stamped copy to me. Thank you for your assistance.

COM _____

CTR _____

ECR _____

BCL 1

DPC _____

MMS _____

RCA _____

SCR _____

SEC 1

JTH 1

Enclosures

Sincerely,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04194 APR 29 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of XO Florida, Inc. Against BellSouth Telecommunications, Inc. for refusal to Convert Circuits to UNEs and for Expedited Processing	Docket No.: 041114-TP Filed: April 29, 2005
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**XO COMMUNICATIONS SERVICES INC.'S SECOND REQUEST FOR
SPECIFIED CONFIDENTIAL CLASSIFICATION**

XO Communications Services Inc. f/k/a/ XO Florida, Inc. (XO), pursuant to Section 364.183(1), Florida Statutes and Rule 25-22.006, Florida Administrative Code, files this Second Request for Specified Confidential Classification for Exhibits Nos. 1, 2, 3, 4, 5, 6, 8, and 9 filed in conjunction with the Supplemental Direct Testimony of Shelley W. Padgett, filed on April 8, 2005.

1. On April 8, 2005, BellSouth Telecommunications, Inc. (BellSouth) filed the Supplemental Direct Testimony of Shelley W. Padgett. Attached to the testimony were Exhibit Nos. 1, 2, 3, 4, 5, 6, 8, and 9. BellSouth filled the exhibits with a Notice of Intent to Request Confidential Classification.

2. Exhibit Nos. 1, 2, 3, 4, 5, 6, 8, and 9 contain confidential proprietary business information belonging to XO.¹ Exhibit Nos. 1-6 contain specific detailed information on XO's circuits and the dates such circuits were active. XO considers and treats this information as confidential and proprietary. Exhibits Nos. 8-9 contain detailed financial information regarding calculations and monetary credits due to XO in this case. Disclosure of the above information could severely harm XO's competitive interests in the marketplace. The information has not been made public. Further, XO considers and

¹ Exhibit No. 7 is not confidential and therefore not included in this request.

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treats this information as confidential and proprietary. A more specific description of the exhibit information is contained in Attachment A.

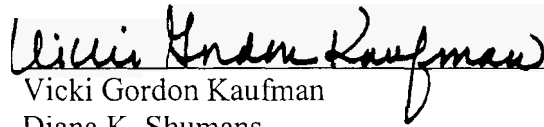
3. Section 364.183, Florida Statutes, provides an exemption from the disclosure requirements of Section 119.07, Florida Statutes, when disclosure of confidential business information would “impair the competitive business of the provider of the information.” Disclosure of the XO confidential information would harm its business operations by placing details of its operations and capabilities, as well as information on specific circuits, in the public domain. Further, disclosure of the confidential information would reveal sensitive financial information. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes.

4. XO treats the information for which confidential classification is sought as private and confidential.

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

A handwritten signature in black ink, reading "Vicki Gordon Kaufman", is written over a light gray rectangular background. A horizontal line extends from the end of the signature to the right.

Vicki Gordon Kaufman

Diana K. Shumans

Moyle Flanigan Katz Raymond & Sheehan, PA

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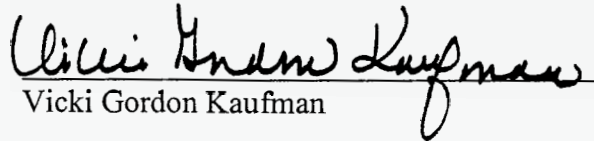
Attorneys for XO Communications Services, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing XO. Communications Services Inc.'s Second Request for Specified Confidential Classification was served on the following by hand delivery this 29th day of April, 2005:

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

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


Vicki Gordon Kaufman

ATTACHMENT A

DOCKET NO. 04114-TP

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

Explanation of Proprietary Information

1. The copies contain **CONFIDENTIAL** XO information regarding specific XO circuits. 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.
2. The copies contain **CONFIDENTIAL** XO information regarding calculations and monetary credits due to XO in this case. This information is related to XO's business affairs and could cause harm to XO's competitive interests. In addition, disclosure of the information could impair XO's ability to contract for goods and services on favorable terms. Section 364.183, Florida Statutes, allows for exemptions from the disclosure requirements of Section 119.07, Florida Statutes, when disclosure would "impair the efforts of the company...to contract for goods or services on favorable terms" or 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.

Exhibit SWP-1 to Supplemental Direct Testimony of Shelley W. Padgett

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1-9	All	1

Exhibit SWP-2 to Supplemental Direct Testimony of Shelley W. Padgett

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1-2	All	1

Exhibit SWP-3 to Supplemental Direct Testimony of Shelley W. Padgett

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1-7	All	1

Exhibit SWP-4 to Supplemental Direct Testimony of Shelley W. Padgett

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	All	1

Exhibit SWP-5 to Supplemental Direct Testimony of Shelley W. Padgett

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1-3	All	1

Exhibit SWP-6 to Supplemental Direct Testimony of Shelley W. Padgett

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	All	1

Exhibit SWP-8 to Supplemental Direct Testimony of Shelley W. Padgett

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	All	2

Exhibit SWP-9 to Supplemental Direct Testimony of Shelley W. Padgett

<u>Page Nos.</u>	<u>Line(s)</u>	<u>Reason</u>
1	All	2

ATTACHMENT B

DOCKET NO. 041114-TP

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

**REDACTED VERSIONS ARE NOT ATTACHED. THE
DOCUMENTS ARE CONFIDENTIAL IN THEIR ENTIRETY.**