LAW OFFICES Messer, Caparello & Self A Professional Association

> Post Office Box 1876 Tallahassee, Florida 32302-1876 Internet: www.lawfla.com

November 28, 2005

#### **BY HAND DELIVERY**

Ms. Blanca Bayó, Director Commission Clerk and Administrative Services Room 110, Easley Building Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850

> Re: Docket No. 041269-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC are an original and 15 copies of Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC 's Request for Specified Confidential Classification in the above referenced docket.

Please acknowledge receipt of this document by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

Norman H. Horton, Jr.

NHH/amb Enclosures

DOCUMENT NUMBER-DA

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to DOCKET NO. 041269-TP consider amendments to interconnection agreements resulting from changes in law, by Filed: November 28, 2005 BellSouth Telecommunications, Inc.

### **XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, LLC** AND XSPEDIUS MANAGEMENT CO. OF JACKSONVILLE, LLC'S **REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC ("Xspedius") pursuant to Rule 25-22.006, Florida Administrative Code, files this Request for Specified Confidential Classification.

1. On October 17, 2005, Xspedius responded to BellSouth Telecommunications, Inc.'s ("BellSouth") First Request for Admissions. The request contains information that is confidential, proprietary business information concerning wire center locations and arrangements.

2. Because the Request contained a list of wire center locations which is information that is confidential and proprietary, BellSouth filed a Claim of Confidentiality pursuant to Rule 25-22.006, Florida Administrative Code. Xspedius responded to the Request subject to the claim of confidentiality.

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 information on the attached Request would harm the competitive interests of Xspedius by placing details of its business operations, specifically wire centers, in the public

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domain. Accordingly, the information should be exempt from the public disclosure requirements of section 119.07, Florida Statutes. Xspedius considers and treats this information as confidential and proprietary. A more specific description of the exhibit information is contained in Attachment A.

WHEREFORE, based on the foregoing, Xspedius 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.

Respectfully submitted this 28<sup>th</sup> day of November, 2005.

Norman H. Horton, Jr. MESSER, CAPARELLO & SELF, P.A. 215 South Monroe Street, Suite 701 Tallahassee, FL 32302 (850) 222-0720 (p) (850) 224-4351 (f)

Attorneys for Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC

# ATTACHMENT "A"

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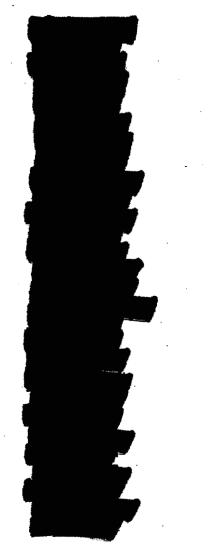
## **DOCKET NO. 041269-TP**

Document and <u>Page No.</u>	<u>Lines</u>	Reason
BellSouth's Request for Admissions, Page 1, Request 1	All	The copies contain <b>CONFIDENTIAL</b> information regarding the location of wire centers and arrangements for Xspedius. This information is related to the ongoing business affairs and operations of Xspedius and can be used by competitors to harm 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 providers 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.

# **Requests for Admission**

1. Admit that you have fiber-based collocation arrangements at the following

BellSouth wire centers:



#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by electronic mail and U. S. Mail this 28<sup>th</sup> day of November, 2005.

Adam Teitzman, Esq. Office of General Counsel, Room 370 Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Mr. Michael Barrett Competitive Markets and Enforcement Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

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rmáll Norman H. Horton, Jr.