

March 15, 2013

HAND DELIVERY

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

claim of confidentiality
 notice of intent
 request for confidentiality
 filed by OPC

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COMMISSION
CLERK

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.; 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.**

Dear Ms Cole:

Enclosed, please find the original and 7 copies of tw telecom's (TWTC) Request for Confidential Classification of Revised Confidential Exhibit RDJ-1. Along with this Request, TWTC herewith submits one highlighted (Exhibit A) and two redacted (Exhibit B) copies of the subject confidential exhibit.

Thank you for your assistance with this filing. As always, please don't hesitate to contact me if you have any questions whatsoever.

Sincerely,

Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe St., Suite 601
Tallahassee, FL 32301
(850) 521-1706

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; Saturn Telecommunications, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Docket No. 090538-TP

Filed: March 15, 2013

**TWTC'S REQUEST FOR
CONFIDENTIAL CLASSIFICATION
OF REVISED EXHIBIT OF ROCHELLE D. JONES**

Comes now tw telecom of florida, l.p., ("TWTC" or "the Company"), by and through its undersigned counsel, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and hereby submits its Request for Confidential Classification for information contained in the prefiled rebuttal testimony and exhibits of Ms. Rochelle D. Jones, as more specifically identified herein. In support thereof, TWTC hereby states that:

1. On August 9, 2012, TWTC prefiled the rebuttal testimony and exhibits of Ms. Rochelle D. Jones. Pages 3, 8 and 10 of Ms. Jones prefiled rebuttal and prefiled Exhibit No. RDJ -1 included confidential, proprietary business information of TWTC, Qwest and/or AT&T. This August 9 filing was accompanied by a claim for confidential treatment in accordance with

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Rule 25-22.006.¹ The aforesaid confidential, proprietary business information includes information regarding the purchases and negotiations of unregulated services and this information has not otherwise been publicly disclosed. If disclosed, this information could harm the Company's competitive interests and its ability to contract for goods and services on favorable terms, which would ultimately have detrimental impacts on the Company and its business operations. At the August 23 hearing in this matter, Ms. Jones' prefiled rebuttal was inserted into the hearing as though read and RDJ-1 was entered as Hearing Exhibit No. 81. Thereafter, on November 9, 2012, TWTC filed a Request for Confidential Classification of that information, which remains pending at this time.

2. In recent days, TWTC has determined that certain erroneous information was inadvertently included RDJ-1 (Hearing Exhibit 81). In an abundance of caution and to ensure that the corrected information is available in the record, TWTC is now submitting the correct RDJ-1. The information contained in this revised exhibit is, however, the same type of information regarding purchases and negotiations of unregulated services for which TWTC requested confidentiality on November 9, 2012. As such, disclosure of information contained in this revised exhibit would also have detrimental impacts on the Company and its business operations.

3. The information for which TWTC seeks confidential classification is information that the Company treats as confidential, and that meets the definition of "proprietary confidential business information" as set forth in Section 364.183(3), Florida Statutes, which provides:

(3) The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm

¹ The confidential version of the testimony and exhibit filed on August 9 were assigned document no. 05454-12.

to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

4. Specifically, TWTC seeks confidential treatment of the following information on

Revised Exhibit RDJ-1:

Location & Page	Columns & Rows	Description	Reason
Revised Exhibit RDJ-1	All columns and all rows after the first row containing the following headings: "Year," "Qwest Total Spend," "AT&T Total Spend," "AT&T Spend in Satisfaction of Contract," "Required Spend pursuant to ATT contract," "Qwest Spend as Percentage of ATT Spend," "Qwest Spend as a percentage of ATT Contract Requirement" and 7 rows after "Explanation of Corrections/Revised	Dollars of unregulated services purchased from TWTC by AT&T and Qwest and relative percentages, including additional data necessary to correct prior error. Notes also include comparisons of information from original exhibit which is also deemed confidential by TWTC as set forth in the	The subject information reflects contractual data for unregulated services sold by TWTC and also therefore relates to the competitive interests of TWTC. Disclosure could harm TWTC's market position for unregulated services as customers and competitors could use the subject information to their advantage in the market for such services. Further the amounts and types of services purchased constitute "customer proprietary network information" pursuant to 47 USC 222 and therefore must be kept confidential under federal law.

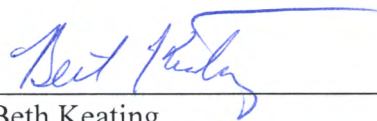
Location & Page	Columns & Rows	Description	Reason
	Information in italics” and “Notes:” headings.	November 2012 request for confidentiality.	

5. Also included with this Request as Exhibit A is a separate envelope labeled “Confidential” which contains one highlighted copy of Exhibit RDJ-1. This filing also includes two redacted copies of this information, included as Exhibit B.

6. TWTC asks that confidential classification be granted for a period of at least 18 months. Should the Commission no longer find that it needs to retain the information, TWTC respectfully requests that the confidential information be returned to the Company.

WHEREFORE, TWTC respectfully requests that the highlighted information contained in Revised Exhibit No. RDJ -1 be classified as “proprietary confidential business information,” and thus, exempt from Section 119.07, Florida Statutes.

RESPECTFULLY SUBMITTED this 15th day of March, 2013.



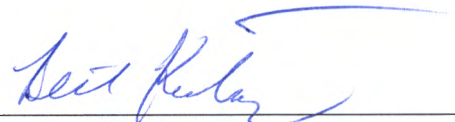
Beth Keating
 Gunster, Yoakley & Stewart, P.A.
 215 South Monroe St., Suite 601
 Tallahassee, FL 32301
 (850) 521-1706

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by U.S. Mail this 15th day of March, 2013.

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 ltan@psc.state.fl.us	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 dbailey@bullseyetelecom.com
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By: _____


Beth Keating, Esq.