

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by e.spire Communications, Inc. )  
and American Communication Services of )  
Tampa, Inc. and American Communication )  
Services of Jacksonville, Inc. for Arbitration )  
of an Interconnection Agreement with BellSouth )  
Telecommunications, Inc. pursuant to Section )  
252(b) of the Telecommunications Act of 1996 )

Docket No. 981745-TP  
Filed: November 25, 1998

**NOTICE CLAIMING CONFIDENTIAL TREATMENT OF AGREEMENT**

Comes now American Communications Services, Inc. - Jacksonville, Inc., d/b/a e.spire™ Communications, Inc. ("e.spire"), pursuant to section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, and files this Notice Claiming Confidential Treatment. As basis e.spire would show:

1. On November 25, 1998, e.spire filed a Petition for Arbitration with BellSouth Telecommunications, Inc. ("BellSouth") pursuant to section 252(b) of the Telecommunications Act of 1996 ("Act"). Within the Petition is reference to Attachment A which is a draft of the Interconnection Agreement ("Draft Agreement") with BellSouth. e.spire considers this draft to be proprietary and confidential pursuant to section 364.183, Florida Statutes.

2. The Draft Agreement is a working document which has not yet been executed by the parties. The Draft Agreement contains provisions which are reflective of positions taken by the respective parties during negotiations and represent the business concerns and positions of the parties. The Draft Agreement represents the results of considerable time and effort by e.spire and serves as the basis for continuing dialogue and negotiation with BellSouth.

3. e.spire considers the Draft Agreement as a confidential document as it contains information which if made public would impair continued efforts to enter into an agreement with

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

DOCUMENT NUMBER-DATE

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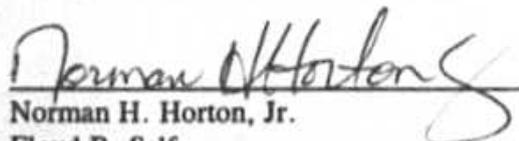
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BellSouth on favorable terms. Furthermore, disclosure of the Draft Agreement at this time would provide current and potential competitors of e.spire with valuable competitive information and e.spire would be disadvantaged by disclosure of this draft. Not only would e.spire be harmed by the disclosure, but competitors would be able to avail themselves of the negotiations at the expense of e.spire and receive a windfall because of the efforts of e.spire. Furthermore, the negotiations between the parties which have produced the Draft Agreement have been and are considered confidential and the Draft Agreement is simply an extension of that process.

4. Because the terms of the Draft Agreement are so interrelated to the negotiations, e.spire considers the entire document to be confidential at the present. Public disclosure of any of the Draft Agreement could impair ongoing negotiations and harm e.spire's efforts to compete. Consequently, it would not be practical to provide a redacted version of the Draft Agreement which is several hundred pages in length. e.spire recognizes that when executed the Draft Agreement would be filed with the Commission and would become public.

5. A copy of the Draft Agreement is attached with this Notice and is being filed with the Commission as a confidential document.

Respectfully submitted



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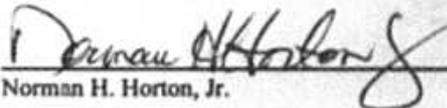
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of e.spire Communications, Inc.'s Notice Claiming Confidential Treatment of Agreement have been served upon the following parties by Hand Delivery (\*) and/or U. S. Mail this 25th day of November, 1998.

Beth Keating, Esq.\*  
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