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December 12, 2002

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Ms. Blanca Bayó, Director  
Division of the Commission Clerk  
& Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 020119 – Petition for Expedited Review and Cancellation Of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs and For an Investigation Of BellSouth's Promotional Pricing And Marketing Practices by Florida Digital Network, Inc.

Re: Docket No. 020578 – Petition of the Florida Competitive Carriers Association for Expedited Review and Cancellation of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs.

Dear Ms. Bayó,

Please find enclosed for filing in the above dockets an original and seven (7) copies of Florida Digital Network, Inc.'s Request for Specified Confidential Classification.

If you have any questions regarding this letter or the one attached, please call me at 407-835-0460.

Sincerely,

Matthew Feil  
Florida Digital Network  
General Counsel

This confidentiality request was filed by or for a "telco" for DN 13620-02. No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.

(x-ref 12955-02)

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390 North Orange Ave. Suite 2000 - Orlando, Florida 32801

407.835.0300 - Fax 407.835.0309 - www.fdn.com

001119  
FPSC-COMMISSION CLERK

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Expedited Review }  
and Cancellation of BellSouth }  
Telecommunications, Inc.'s Key Customer }  
Promotional Tariffs and For an }  
Investigation Of BellSouth's Promotional }  
Pricing And Marketing Practices by }  
Florida Digital Network, Inc. }  
\_\_\_\_\_ }

Docket No. 020119-TP

In Re: Petition for Expedited Review }  
and Cancellation of BellSouth }  
Telecommunications, Inc.'s Key Customer }  
Promotional Tariffs by the Florida }  
Competitive Carrier's Association }  
\_\_\_\_\_ }

Docket No. 020578-TP

### **FLORIDA DIGITAL NETWORK, INC.'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION**

Florida Digital Network, Inc., ("FDN") pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes, files its Request for Specified Confidential Information as follows:

1. On November 25, 2002 BellSouth Telecommunications, Inc., ("BellSouth") served and filed with the Commission its prefiled rebuttal testimony in the above dockets. Exhibits JAR-5 and JAR-6 to the prefiled rebuttal testimony of BellSouth witness John A. Ruscilli contain the nonpublic, proprietary confidential business information of FDN. This information, if released, would allow FDN's competitors to have ready access to nonpublic data that will do substantial competitive harm to FDN. With its prefiled

rebuttal testimony, BellSouth filed a Notice of Intent to Request Specified Confidential Classification to protect the confidentiality of Exhibits JAR-5 and JAR-6 pending filing and disposition of the instant Request. Exhibits JAR-5 and JAR-6 have been assigned one document number by the Commission: **Document No. 12955-02.**

2. FDN hereby files this Request for Specified Confidential Classification because the information contained in Document No. 12955-02 contains market deployment data and customer information utilized by FDN to conduct business in Florida and release of such information would cause substantial competitive harm to FDN. The information contained in the referenced Document No. 12955-02 is confidential and proprietary under Florida Statutes, Section 364.183.

3. Attachment A hereto contains an explanation of the proprietary information along with a list that identifies the location of information designated as confidential and proprietary.

4. Attachment B hereto is two redacted versions for public disclosure.

5. Attachment C hereto is a sealed envelope containing one copy of the documents that are confidential and proprietary.

6. The information contained in Document No. 12955-02 contains market deployment data and customer information utilized by FDN to conduct its business. FDN has expended millions of dollars in infrastructure to support market deployment and its business. A significant portion of this investment will be wasted if Document No. 12955-02 is released to the public and competitors are thereby permitted to target the markets FDN has targeted in the same or similar manner as FDN. Therefore, such information should be classified as confidential business information and proprietary information

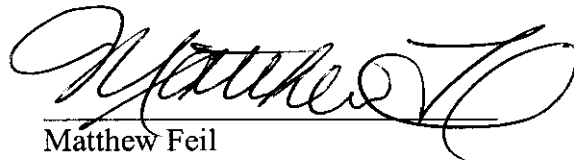
pursuant to Section 364.183(3)(e). Further, such information has been kept as a trade secret under Section 364.183(3)(a).

7. FDN has treated and intends to continue to treat the information for which confidential classification is sought as private, and this information has not been generally disclosed.

8. The original of this Request has been mailed to the Division of Records for the Commission and a copy was served on the parties.

WHEREFORE, based on the foregoing, FDN respectfully requests that the Commission enter an order declaring the information described hereinabove be confidential, proprietary business information that is not subject to public disclosure.

RESPECTFULLY SUBMITTED, this 12<sup>th</sup> day of December, 2002.



Matthew Feil  
Florida Digital Network  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
(407) 835-0460

## **ATTACHMENT A**

**Florida Digital Network, Inc.  
FPSC Docket No. 020119-TP/020578-TP  
Request for Confidential Classification  
December 12, 2002**

### **REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH PREFILED REBUTTAL EXHIBITS JAR-5 AND JAR-6, FILED NOVEMBER 25, 2002, IN FPSC DOCKETS NOS. 020119-TP AND 020578-TP.**

#### **Reasons for Claim for Proprietary Information Status**

1. This information contains proprietary investment, market deployment, customer location information and competitive interest information. This information is valuable, is used by FDN in conducting its business, and FDN strives to keep it secret. Therefore, such information relates to competitive interests of FDN, the discloser of which would impair the competitive business of FDN. See Section 364.183(3)(e), Florida Statutes.
2. This information contains information that FDN strives to keep secret because it is elemental to FDN's business and status in the competitive market place. Therefore, such information is a trade secret. See Section 364.183(3)(a), Florida Statutes.

#### **Exhibit JAR-5**

#### **Reason**

##### **2002 Report Response**

Item 1b, page 1	1, 2
Item 4, pages 4-10	1, 2
Item 6c, pages 10-15	1, 2
Item 6f, NGDLC LSOs, page 16	1, 2
Item 9b, pages 17-24	1, 2
Item 14, page 26	1, 2
Item 20, page 27	1, 2
Item 21, page 27	1, 2

**ATTACHMENT A (CONT.)**

**Exhibit JAR-5 (cont.)**

**Reason**

**2001 Report Response**

Item 1e, page 1	1, 2
Item 6, pages 4-14	1, 2
Item 7e, pages 15-16	1, 2

**Exhibit JAR-6**

**Reason**

Pages 2 – 3 (all material)	1, 2
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**ATTACHMENT B**

**Florida Digital Network, Inc.  
FPSC Docket No. 020119-TP/020578-TP  
Request for Confidential Classification  
December 12, 2002**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH  
PREFILED REBUTTAL EXHIBITS JAR-5 AND JAR-6, FILED NOVEMBER 25,  
2002, IN FPSC DOCKETS NOS. 020119-TP AND 020578-TP.**

**TWO REDACTED COPIES**

**ATTACHMENT C**

**Florida Digital Network, Inc.  
FPSC Docket No. 020119-TP/020578-TP  
Request for Confidential Classification  
December 12, 2002**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELL SOUTH  
PREFILED REBUTTAL EXHIBITS JAR-5 AND JAR-6, FILED NOVEMBER 25,  
2002, IN FPSC DOCKETS NOS. 020119-TP AND 020578-TP.**

**ONE HIGHLIGHTED COPY (IN ENVELOPE)**



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (\*) who have been sent a copy via overnight mail, this 12 day of December, 2002.

BellSouth Telecommunications, Inc.\*  
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C/O Ms. Nancy H. Sims  
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A handwritten signature in black ink, appearing to read "Matthew Feil". The signature is fluid and cursive, with the first name "Matthew" written in a larger, more prominent script than the last name "Feil".

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