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March 24, 2004

VIA HAND DELIVERY

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

Re: Docket No.: 030852-TP

Dear Ms. Bayo:

Enclosed for filing on behalf of the Florida Competitive Carriers Association (FCCA) is the original and 15 copies of the following:

- ▶ Notice of Established Confidential Status of Certain Information in Testimony, Exhibits, Discovery Response, and Pleading of Florida Competitive Carriers Association and Request for Confirmation of Confidential Classification

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

Sincerely,




Joseph A. McGlothlin

Enclosures

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____
1 comp records

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FPSC-BUREAU OF RECORDS

This confidentiality request was filed by or for a "telco" for DN _____. 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.

(See 00598-04; 00916-04;
01667-04; 02822-04; 03082-04)

DOCUMENT NUMBER-DATE

McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A.

03924 MAR 24 3

FPSC-COMMISSION CLERK

RECEIVED FPSC
MAR 24 PM 4:26
COMMISSION
CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising
From Federal Communications Commission's
Triennial UNE review; Location-Specific
Review for DS1, DS3 and Dark Fiber Loops,
And Route-Specific Review for DS1, DS3 and
Dark Fiber Transport.

Docket No. 030852-TP

Filed: March 24, 2004

**NOTICE OF ESTABLISHED CONFIDENTIAL STATUS OF CERTAIN
INFORMATION IN TESTIMONY, EXHIBITS, DISCOVERY RESPONSE, AND
PLEADING OF FLORIDA COMPETITIVE CARRIERS ASSOCIATION
AND
REQUEST FOR CONFIRMATION OF CONFIDENTIAL CLASSIFICATION**

The Florida Competitive Carriers Association ("FCCA"), through its undersigned attorneys, and pursuant to discussion with Staff Counsel, hereby identifies certain testimony and exhibits of FCCA witness Gary Ball, discovery responses sponsored by Mr. Ball, and information in an FCCA pleading that has been classified as proprietary confidential business information and requests the Commission to confirm that its confidential status will continue. In support thereof, the FCCA states:

1. In November of 2003, the Commission Staff served data requests on all CLECs and all AAVs in Florida.
2. In Order No. PSC-04-0170-PCO-TP, issued on February 18, 2004, the Prehearing Officer determined the responses of CLECs and AAVs to Staff's data requests to be "proprietary confidential business information" within the meaning of Section 364.183(3), Florida Statutes. Within this Order, the Prehearing Officer expanded the scope of a prior Protective Order to encompass the responses to the data requests and required parties to maintain the confidentiality of the information throughout this proceeding.

3. In testimony and exhibits, FCCA witness Gary Ball included and relied upon ~~some of the information that was the subject of the findings and requirements of Order No. PSC-~~ 4-0170-PCO-TP. In addition, Mr. Ball included some of the information in responses to Staff's Second Set of Interrogatories. The information appears in the following locations within Mr. Ball's *confidential* testimony, exhibits, and answers to interrogatories (for a complete identification of the materials, FCCA incorporates by reference the confidential versions of the information that was submitted to the Clerk at the time FCCA filed its testimony and/or served responses to interrogatories):

Rebuttal Testimony

- Page 15, lines 11 through 16 and line 23;
- Page 16, lines 1 through 4;
- Page 20, lines 5 through 6;
- Page 21, lines 15 through 16;
- Page 23, lines 22 through 23; and
- Page 24, lines 1 through 6.

Exhibits to Surrebuttal Testimony

- GJB-4A, 4B, 4D, 4E, 4F, 5A, 5B, 5C, 5D, 5E, 5F, and 5G.

Response to Staff's Second Set of Interrogatories

- Response to Interrogatory No. 13 and Attachment 1, Pages 1 through 5.

4. The FCCA has treated the information drawn from the responses to Staff's data requests as confidential. As a result of the ruling in Order No. PSC-04-0170-PCO-TP, and for the reasons stated therein, the information should continue to be treated as confidential.

5. The FCCA also referred to certain confidential CLEC responses to discovery in its Motion to Strike portions of the testimony of BellSouth witness Padgett. In addition, within his testimony and exhibits, Mr. Ball referred to certain CLEC responses to interrogatories

propounded to them. FCCA is informed that these carriers have filed, or will file, requests for the confidential classification of these discovery responses. If the Commission grants the carriers' requests, the protection would of course attach to both the responses and to the information from the responses that appears in Mr. Ball's exhibits. The following references are to the points where Mr. Ball incorporates information from such discovery responses:

Rebuttal Testimony

- Page 15, line 23;
- Page 20, lines 5 through 6; and
- Page 24, lines 1 through 6.

Exhibits to Surrebuttal Testimony

- GJB-4A, 4B, 4D, 4E, and 4F.

Response to Staff's Second Set of Interrogatories

- Response to Interrogatory No. 13 and Attachment 1, Pages 1 through 5.

The FCCA's Motion to Strike BellSouth's Testimony

- Page 7.

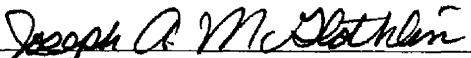
6. As was the case with information drawn from the CLECs' responses to Staff's data requests, with respect to each of the above references, the FCCA timely filed a Claim of Confidentiality and submitted the subject material to the Commission Clerk as confidential. For a complete identification of the material, the FCCA incorporates the confidential versions of the discovery response, pleading and testimony by reference.

7. As stated earlier, the Commission has ruled that the CLECs' responses to Staff's data requests constitutes proprietary confidential business information. The FCCA regards the confidentiality of the information identified herein that was obtained from the confidential

responses to Staff's data requests as already having been established. With respect to such information that FCCA included within testimony, exhibits, and pleadings, the purpose of this Notice is to facilitate the Commission Clerk's ability to identify those materials entitled to continued protection. To that end, the FCCA requests the Commission to confirm the confidential status of the materials identified herein.

8. Such protection should extend to the answers to discovery identified herein that, in response to requests of the sponsoring carriers, become classified as proprietary confidential business information.

WHEREFORE, in accordance with Commission Rule 25-22.006 and Order No. PSC-04-0170-PCO-TP, the Florida Competitive Carriers Association submits this Notice. The FCCA respectfully submits that the Clerk should continue to maintain the confidentiality of the information, identified above, that was obtained from responses to Staff's data requests. The FCCA requests the Commission to confirm the confidential status of such information contained in the FCCA testimony, exhibits, and pleading identified herein and in the confidential filings submitted earlier in this docket.


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Established Confidential Status of Certain Information in Testimony, Exhibits, Discovery Response, and Pleading of Florida Competitive Carriers Association and Request for Confirmation of Confidential Classification has been provided by (*) hand delivery, (**) email and U.S. Mail this 24th day of March 2004 to the following:

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