

Dulaney L. O'Roark III
Vice President-General Counsel, Southeast Region
Legal Department



Six Concourse Parkway
Suite 600
Atlanta, Georgia 30328

Phone 770-284-5498
Fax 770-284-5488
de.oroark@verizon.com

October 5, 2006 – **VIA ELECTRONIC MAIL**

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 060479-TP
Verizon Florida Inc.'s Petition for Resolution of Its Dispute with XO
Communications Services, Inc.

Dear Ms. Bayo:

Enclosed is Verizon Florida Inc.'s Request for Confidential Classification and Motion for Protective Order for filing in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 770-284-5498.

Sincerely,

s/ Dulaney L. O'Roark III

Dulaney L. O'Roark III

tas

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were sent via U.S. mail on October 5,
2006 to:

Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Gegi Leeger
Director-Regulatory Contracts
XO Communications, Inc.
11111 Sunset Hills Road
Reston, VA 20190-5339

Karen M. Potkul
VP-Regulatory
XO Communications, Inc.
1601 Trapelo Road, Suite 397
Waltham, MA 02451

s/ Dulaney L. O'Roark III

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Verizon Florida Inc.'s Petition for)	Docket No. 060479-TP
Resolution of Its Dispute with)	Filed: October 5, 2006
XO Communications Services, Inc.)	
_____)	

VERIZON FLORIDA INC.'S REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER

Under Commission Rule 25-22.006, F.A.C., Verizon Florida Inc. ("Verizon") seeks confidential classification and a protective order for information contained in its Petition for Dispute Resolution with XO Communications Services, Inc. ("XO"), filed on June 28, 2006, and in the exhibits filed with that Petition. Most of the confidential information at issue concerns the type, quantity, and location of facilities XO has obtained from Verizon. This information about XO's operations is not publicly available, and Verizon understands that XO considers it to be confidential. Also included in Exhibit 18 to the Petition is certain information that is confidential to Verizon, because it shows the number of business lines and fiber-based collocators at certain wire centers, thus revealing the volumes and types of services Verizon is selling in particular geographic areas.

All of the information for which Verizon seeks confidential treatment falls within Florida Statutes section 364.183(3), which defines "proprietary confidential business information" as:

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 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.

Florida Statutes section 364.183(3)(a) expressly provide that “trade secrets” fall within the definition of “proprietary confidential business information.” Florida Statutes section 364.183(3)(e), further provides that “proprietary confidential business information” includes “information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.”

If competitors were able to acquire the confidential information at issue, they could more easily develop entry and marketing strategies to ensure success in competing with XO and/or Verizon. This would afford them an unfair advantage while severely jeopardizing the competitive position of the company whose confidential information is disclosed. In a competitive business, any knowledge obtained about a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. This unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunications consumer. Accordingly, Verizon respectfully requests that the Commission classify the identified information as confidential and enter an appropriate protective order.

While a ruling on this request is pending, Verizon understands that the information at issue is exempt from Florida Statutes section 119.07(1) and Staff will accord it the stringent protection from disclosure required by Rule 25-22.006(3)(d).

The highlighted confidential information, together with one redacted copy, was filed with the Commission on June 28, 2006 as part of Verizon’s Notice of Intent to Seek Confidential Classification. A specific justification of the confidentiality of the information at issue is attached hereto as Exhibit 1.

Respectfully submitted on October 5, 2006.

By: s/ Dulaney L. O'Roark III
Dulaney L. O'Roark III
6 Concourse Parkway, Suite 600
Atlanta, Georgia 30328
Phone: (770) 284-5498
Fax: (770) 284-5488
Email: de.oroark@verizon.com

Attorney for Verizon Florida Inc.

EXHIBIT 1

DOCUMENT	LINE(S)/COLUMN(S)	REASON
Petition, pages 1, 8, 9, and 11 Exhibit 5 Exhibit 10 Exhibit 11 Exhibit 12 Exhibit 13 Exhibit 14 Exhibit 15 Exhibit 16	All highlighted text showing how many and what kind of facilities XO takes from Verizon, and out of which wire centers	All of this information is competitively sensitive, confidential and proprietary business information of XO. To Verizon's knowledge, it has been confidentially maintained by XO, and Verizon is not authorized to disclose it. Disclosure of this information about the nature and extent of XO's operations in particular locations could give XO's competitors an unfair advantage in developing their own competitive strategies.
Exhibit 18	All highlighted text showing the number of fiber-based collocators and business lines in specific Verizon wire centers	All of this information is competitively sensitive, confidential and proprietary business information of Verizon, and Verizon maintains it as confidential. Disclosure of this information about the number of fiber-based collocators and business lines in specific wire centers would give carriers who review it an unfair competitive advantage because it reveals the types and volumes of wholesale services Verizon is selling in particular areas. This detailed information about particular locations could give reviewing carriers an unfair advantage in developing their own entry and marketing strategies.