



CenturyLink™

June 14, 2012

VIA HAND DELIVERY

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

RECEIVED-PPSC
12 JUN 14 PM 4:25
COMMISSION
CLERK

Re: Docket No. 090538-TP - Amended Complaint of QWEST COMMUNICATIONS COMPANY, LLC, Against MCIMETRO ACCESS TRANSMISSION SERVICES, LLC (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 for filing in the above referenced docket matter is the original and seven (7) copies of:

CenturyLink QCC's Requests for Confidential Classification for the confidential information contained in the Direct Testimony and Exhibits of Dennis L. Weisman, Derek Canfield and William R. Easton.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same.

Copies are being served upon the parties in this docket pursuant to the attached certificate of service.

Sincerely,

Susan S. Masterton
Susan S. Masterton

Weisman - 03889-12

Canfield - 03892-12

Easton - 03895-12

Enclosures

SUSAN S. MASTERTON
Senior Corporate Counsel

315 S. Calhoun St., Suite 500
Tallahassee, FL 32031

Tel: (850) 599-1560

Fax: (850) 224-0794

susan.masterton@centurylink.com

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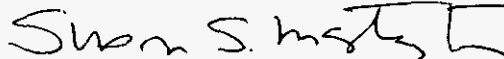
PPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 090538-TP**

I hereby certify that a true and correct copy of the foregoing has been served upon the following via Overnight Delivery on this 14th day of June, 2012.

<p>Florida Public Service Commission Theresa Tan Office of General Counsel 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850</p>	<p>Division of Regulatory Analysis Jessica Miller Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399</p>
<p>Birch Communications, Inc. Chris Bunce 2300 Main Street, Suite 600 Kansas City, MO 64108-2415</p>	<p>Bingham Law Firm Eric J. Branfman/Philip J. Macres 2020 K Street, N.W. Washington, DC 20006</p>
<p>Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511</p>	<p>Broadwing Communications, LLC Greg Diamond c/o Level 3 Communications 1025 Eldorado Blvd. Broomfield, CO 80021-8869</p>
<p>BullsEye Telecom, Inc. David Bailey 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527</p>	<p>Broadwing Communications, LLC Rutledge Law Firm Marsha E. Rule 119 S Monroe Suite 202 Tallahassee, FL 32302-0551</p>
<p>Granite Telecommunications, LLC 100 Newport Avenue Extension Quincy, MA 02171-1734</p>	<p>Flatel, Inc. c/o Adriana Solar Executive Center, Suite 100 2300 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-3307</p>
<p>Navigator Telecommunications, LLC David Stotelmeyer 8525 Riverwood Park Drive North Little Rock, AR 72113</p>	<p>Paula W. Foley One Communication--Earthlink 5 Wall Street Burlington, MA 01803</p>
<p>Klein Law Group Andrew M. Klein/Allen C. Zoracki 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036</p>	<p>PaeTec Communications, Inc. John B. Messenger, Vice President and One PaeTec Plaza 600 Willowbrook Office Park Fairport, NY 14450-4233</p>

<p>Verizon Access Transmission Services Rebecca A. Edmonston 106 East College Avenue, Suite 710 Tallahassee, FL 32301-7721</p>	<p>Budget Prepay, Inc. Alan G. Gold 1501 Sunset Drive 2nd Floor Coral Gables, FL 33143</p>
<p>Verizon Florida LLC Dulaney L. O’Roark III Six Concourse Parkway, NE, Suite 800 Atlanta, GA 30328</p>	<p>Gunster, Yoakley & Stewart, P.A. Matthew J. Feil 215 South Monroe Street, Suite 601 Tallahassee, FL 32301</p>
<p>Ms. Bettye Willis Windstream 1201 Peachtree Street, Suite 610 Atlanta, GA 30309</p>	<p>TW Telecom of Florida L.P. Carolyn Ridley 2078 Quail Run Drive Bowling Green, KY 42104</p>
	<p>Windstream NuVox, Inc. Ed Krachmer 4001 Rodney Parham Road MS: 1170-BIFO3-53A Little Rock, AR 7221 2</p>


Susan S. Masterton
Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.; Lightyear Network Solutions, LLC; 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.

DOCKET NO. 090538-TP

FILED: June 14, 2012

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

For DN 03790-12, which is in locked storage. You must be authorized to view this DN.-CLK

REQUEST FOR CONFIDENTIAL CLASSIFICATION (WEISMAN)

Qwest Communications Company, LLC d/b/a CenturyLink ("QCC") by and through its undersigned counsel and in accordance with Rule 25-22.006, Florida Administrative Code, hereby requests that the Florida Public Service Commission ("Commission") enter an order protecting from public disclosure the a portion of the Direct Testimony of Dennis L. Weisman enumerated in Attachment "A" to this Request.¹ As grounds for this Request, QCC states:

1. On June 14, 2012, QCC submitted the direct testimony and exhibits of Dennis L. Weisman. A portion of Mr. Weisman's Direct Testimony contains proprietary confidential business information which is the subject of this request.

2. Most of the information for which QCC seeks confidential classification is information pertaining to the CLEC Respondents in this case. Much of the information was obtained by

COM _____
APA _____
ECR _____
GCL 5 _____
RAD 1 _____
SRC _____
ADM _____
OPC _____
CLK 1 _____

¹QCC is also submitting today separate Requests for Confidential Classification for the Direct Testimony and Exhibits of William R. Easton and the Direct Testimony and Exhibits of Derek Canfield.

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FLORIDA PUBLIC SERVICE COMMISSION

responses to subpoenas served on various IXCs and issued by the Commission in this case at QCC's request.² The IXCs provided this information to QCC under the terms of Non-disclosure Agreements (NDAs) between the IXCs and QCC and designated the information they provided as either "Confidential" or "Lawyers Only Confidential." The classification of information into these categories has no bearing on the status of the information as filed with the Commission. In accordance with section 364.183, F.S., and Rule 25-22.006, F.A.C., the information file with the Commission is either "public" or "confidential and exempt" from s. 119.07, F.S. As such, for the purposes of this Request and Attachment A, the term "confidential" encompasses both of these inter-party classifications.

3. Some of the information for which QCC seeks confidential classification is information that was provided to QCC by the respondent CLECs in their responses to discovery. The CLECs provided their responses under the terms of a Nondisclosure Agreement (NDA) entered among QCC and several Respondent CLECs and designated the information as either "Confidential" or "Lawyers Only Confidential" in accordance with the Agreement's terms. Again, these distinctions are relevant only as to how the information is handled by the parties, not to the classification of the information on file with the Commission.

4. Some of the information for which QCC claims confidential classification is QCC proprietary business information as defined in section 364.183, F.S.

5. Attachment A contains a list of the documents or portions of documents for which QCC claims confidential classification, as well as a description of the information and the justification for classifying the document as confidential under section 364.183, F.S.

² See, Subpoenas Duces Tecum without Deposition issued by the Commission on January 21, 2010 to AT&T, Sprint and MCI.

6. Two redacted copies of the confidential information are provided with this Request, as required by Rule 25-22.006, F.A.C. Many of the documents are agreements between IXCs and CLECs which have been deemed confidential by those parties in their entirety. The redacted copies of these documents consist of single pages marked redacted that are placeholders for the confidential documents.

7. Under separate cover, QCC is also filing on this same day a single copy of the confidential information as required by Rule 25-22.006, F.A.C. The confidential information is highlighted in those documents where only a portion of the information is confidential. Those documents which are confidential in their entirety are printed on yellow paper in lieu of highlighting (which would be impractical for these documents). In addition, all of the documents which contain confidential information include a stamp marking them as Confidential (or, in some cases, "Lawyers Only Confidential" for the purposes of the exchange of information among the parties).

8. Section 364.183(3), F.S., 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 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 information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

9. The QCC information is proprietary confidential business information related to the competitive interests of QCC the disclosure of which would impair the competitive business of the QCC as contemplated in s. 364.183(3)(e). Further, the information, as prepared and produced by QCC, is trade secret information, as described in s. 364.183(3)(a). The information related to the CLECs' respondents, which has been designated as confidential by the producing parties, would appear to fall under s. 364.183(d), which protects proprietary confidential business information in the form of contractual data and/or under s. 364.183(e), which protects competitively sensitive proprietary confidential business information. QCC is bound by the terms of the parties' NDA to protect the confidentiality of this information both in QCC's possession and in QCC's use of the information in this proceeding. Allowing parties to exchange proprietary confidential business information subject to protection under voluntarily executed NDAs facilitates the discovery process.

10. The information that is designated as QCC-produced information is intended to be, and is, treated as confidential by QCC and, to the undersigned counsels' knowledge, has not been otherwise publicly disclosed.

11. For the information that has been designated by the producing IXCs and CLECs as confidential, QCC can confirm that while that information has been in QCC's possession it has been treated as confidential and protected by QCC. However, QCC does not have personal knowledge of, and therefore cannot represent that, such information has been treated as confidential in the possession of the producing parties.

12. Because of the way the information was designated by the producing IXC or CLEC there are some inconsistencies in the information that has been requested to be protected for various CLECs. For most CLECs the existence of the agreement between the CLEC and a specific IXC,

as well as the effective dates of the agreement, are public information, while the rates and terms of the agreement are confidential. However, a few CLECs have requested also to maintain confidentiality for the existence of the agreement with a particular IXC and/or the effective dates of the agreement, in addition to the rates and agreement terms. While QCC honors these CLECs' designations in this filing, QCC suggests that in the interests of administrative efficiency as this case proceeds before the Commission it may make sense for similar information for the various CLECs to be treated similarly as it relates to the confidential designations of their information.

WHEREFORE, QCC respectfully requests that the Commission enter an order protecting the documents enumerated in Attachment A as proprietary confidential business information that is not subject to public disclosure in accordance with section 364.183, F.S. and Rule 25-22.006, F.A.C.

Respectfully submitted this 14th day of June, 2012.



Susan S. Masterton
CenturyLink QCC
315 S. Calhoun Street, Suite 500
Tallahassee, FL 32301
850-599-1560
850-224-0794 (fax)
Susan.Masterton@centurylink.com

Adam L. Sherr
CenturyLink QCC
1600 7th Avenue, Room 1506
Seattle, Washington 98191
206-398-2507
206-343-4040 (fax)
Adam.Sherr@centurylink.com

ATTORNEYS FOR QWEST COMMUNICATIONS
COMPANY, LLC D/B/A CENTURYLINK QCC

WEISMAN ATTACHMENT "A"

SPECIFIC JUSTIFICATION FOR CONFIDENTIAL CLASSIFICATION

Location of Confidential Information	Description of Confidential Information	Specific Justification
Weisman Direct Testimony, highlighted information on page 20, lines 15-19	This information discusses information related to the MCI-ATT switch access agreement that was provided by MCI to QCC in response to discovery in Colorado and designated confidential under the terms of the parties' NDA. (See also, Exhibit WRE-29B)	QCC is requesting confidentiality for this information because it has been provided in accordance with the terms of the NDA between QCC and MCI and designated as confidential by MCI. Generally, as claimed by the MCI, the information would appear to fall under s. 364.183(d), which protects proprietary confidential business information in the form of contractual data, or 364.183(e), F.S. which protects competitively sensitive proprietary confidential business information. Further, allowing parties to exchange proprietary confidential business information subject to protection under voluntarily executed NDAs facilitates the discovery process.