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General Counsel, Southern Region  
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COMMISSION  
CLERK

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September 26, 2012 – VIA OVERNIGHT MAIL

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

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

For DN 06501-12, which  
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authorized to view this DN.-CLK

Re: Docket No. 090538-TP  
Amended Complaint of Qwest Communications Company, LLC, Against  
MCI metro Access Transmission Services LLC d/b/a Verizon Access  
Transmission Services; XO Communications Services, Inc.; tw telecom of florida,  
l.p.; Granite Telecommunications, LLC; Cox Florida Telcom, L.P.; 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

Dear Ms. Cole:

Please find enclosed an original and 15 copies of a Request for Confidential  
Classification in connection with Verizon Access Transmission Services' responses to  
Qwest Communications Company, LLC's second set of interrogatories and second  
request for production of documents. Service has been made as indicated on the  
Certificate of Service. If there are any questions regarding this filing, please call me at  
678-259-1657.

Sincerely,

Dulaney L. O'Roark III

Enclosures

COM \_\_\_\_\_  
AFD \_\_\_\_\_  
APA \_\_\_\_\_  
ECO \_\_\_\_\_  
ENG \_\_\_\_\_  
GCL 12  
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CLK 1

DOCUMENT NUMBER-DATE

06500 SEP 27 02

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: 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; Cox Florida Telcom, L.P.; 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: September 27, 2012

**VERIZON ACCESS TRANSMISSION SERVICES' REQUEST FOR  
CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER**

Pursuant to Commission Rule 25-22.006, F.A.C., Verizon Access Transmission Services ("Verizon") seeks confidential classification and a protective order for certain information contained in its responses to Qwest Communications Company, LLC's second set of interrogatories and second request for production of documents.

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:

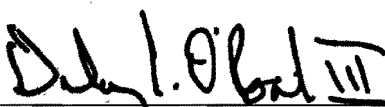
[i]nformation, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, 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 provides that "trade secrets" fall within the definition of "proprietary confidential business information." Florida Statutes section 364.183(3)(e) provides further 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."

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).

A highlighted copy of the confidential information is attached as Exhibit A. Two redacted copies of the confidential information are attached as Exhibit B. A detailed justification of the confidentiality of the information at issue is attached as Exhibit C.

Respectfully submitted on September 27, 2012.

By:   
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Attorney for Verizon Access  
Transmission Services

**REDACTED**

front payment that AT&T made to MCI 'in connection with' and as a condition of entering into the *2004 Contracts*."

- a. Had AT&T previously withheld payment to MCI for switched access services? If so, fully describe the nature of the dispute between AT&T and MCI that led to AT&T withholding payment from MCI.
- b. What was the total amount withheld by AT&T in conjunction with the dispute identified in response to subpart a.?
- c. Of the total amount withheld by AT&T in conjunction with the dispute identified in response to subpart a., how much did AT&T remit as part of its "substantial up-front payment," as Mr. Reynolds describes.
- d. If the "substantial up-front payment" did not relate to AT&T's previous withholding payment to MCI for switched access services, fully explain the nature of AT&T's payment.

Response:

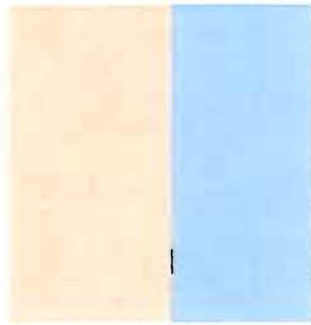
- a. Yes. AT&T did not agree with the rates that it had been billed by MCImetro for switched access service in circumstances where MCImetro was providing switched access service via UNE-P arrangements.
- b. Verizon Access objects to this request because it would be unduly burdensome and unduly expensive and time consuming to provide a complete and accurate response. The billing dispute began more than a decade ago and spanned multiple years; accordingly, it would be burdensome, if not impossible, to research nationwide billing records and determine the "total amount withheld" by AT&T over the course of the dispute. Verizon Access also objects to this request to the extent it seeks confidential financial information. Subject to and without waiving its objections, Verizon Access responds by stating that, in January 2004, when AT&T and WorldCom were negotiating a settlement agreement during the WorldCom bankruptcy proceeding, the amount of AT&T's dispute related to switched access over UNE-P was approximately [BEGIN CONFIDENTIAL] XXXXXXXX [END CONFIDENTIAL].
- c. None. As part of the comprehensive settlement of all outstanding disputes and claims during the WorldCom bankruptcy, both AT&T and WorldCom "released, remised and forever discharged" all of their outstanding "claims, demands, obligations, actions, causes of action, or damages," including all amounts related to the UNE-P dispute. See Motion Seeking Approval of the Settlement Agreement at ¶¶ 8 (b)-(e) (attached as Exhibit PHR-1 to the Direct Testimony of Peter H. Reynolds, at pp. 4-6). That is, the parties mutually agreed to offset and "write off" all of the amounts each claimed it was owed or

COM \_\_\_\_\_  
 AFD \_\_\_\_\_  
 APA \_\_\_\_\_  
 ECO \_\_\_\_\_  
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 GCI \_\_\_\_\_  
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 TEL \_\_\_\_\_  
 CLK \_\_\_\_\_

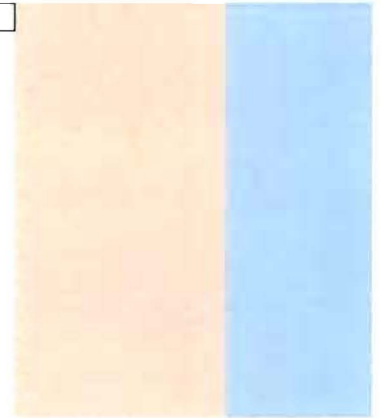
MCI

Summary of Pre and Post Petition Accounts with AT&T  
For Settlement Discussion Purposes Only - Subject to F.R.E. 408

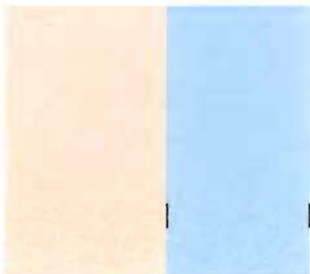
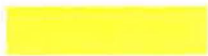
AT&T Owes To MCI

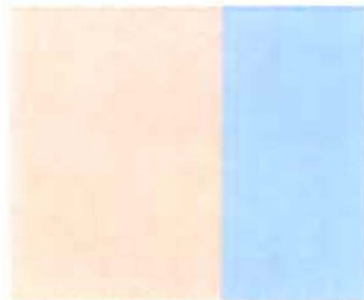
MCI Owes To AT&T

**AT&T Owes To MCI**



**MCI Owes To AT&T**



**EXHIBIT C**

<b>CONFIDENTIAL INFORMATION</b>	<b>LINE(S)/COLUMN(S)</b>	<b>REASON</b>
Response to Interrogatory 16(b)	All highlighted text	Contains highly confidential information about the dollar amount associated with switched access billing disputes at the time they were settled and resolved during the WorldCom bankruptcy proceeding.
Attachment A in response to Document Request No. 10	Entire document	Contains highly confidential information about a variety of billing and other disputes, only some of which dealt with switched access, that were addressed and settled during the WorldCom bankruptcy proceeding.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail(\*) and/or U.S. mail(\*\*) on September 27, 2012 to:

Theresa Tan, Staff Counsel(\*)  
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