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ATTORNEYS

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September 6, 2005

VIA HAND DELIVERY

Hon. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

SEP 6 2005
PSC

Re: Joint Petition for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended; Docket No. PSC 2004-00044

Dear Ms. O'Donnell:

Enclosed for confidential filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission"), pursuant to 807 KAR 5:001, Section 7, is one original (containing the confidential information highlighted in yellow) and ten (10) redacted copies (not containing the confidential information) of the Joint Petitioners' Petition for Confidential Treatment.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk
Enclosure

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

In the Matter of:)
)
Joint Petition for Arbitration of NewSouth)
Communications Corp., NuVox Communications,)
Inc., KMC Telecom V, Inc., KMC Telecom III)
LLC, and Xspedius Communications, LLC on)
Behalf of Its Operating Subsidiaries Xspedius)
Management Co. Switched Services, LLC)
Xspedius Management Co. of Lexington, LLC and)
Xspedius Management Co. of Louisville, LLC)

Case No. 2004-00044

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PETITION FOR CONFIDENTIAL TREATMENT

NewSouth Communications Corp., Nuvox Communications, Inc., and Xspedius Communications, LLC, on behalf of its operating subsidiaries Xspedius Management Co. Switched Services LLC, Xspedius Management Co. of Lexington, LLC and Xspedius Management Co. of Louisville, LLC (collectively the "Joint Petitioners"), hereby move the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for confidential treatment of the attached Customer Service Agreement for Network Services ("Customer Service Agreement") highlighted in yellow. In support of their motion, Joint Petitioners state as follows.

1. The Customer Service Agreement is exempt from public disclosure pursuant to KRS 61.878(c)(1). This statute provides that "records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records" shall remain confidential unless otherwise ordered by a court of competent jurisdiction.

2. The Joint Petitioners note that the telecommunications market is a competitive industry and that they have active competitors.

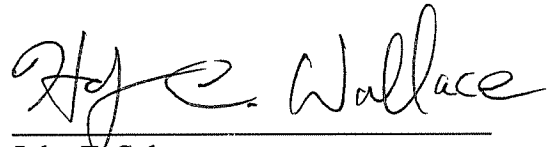
3. The public disclosure of the Customer Service Agreement would permit an unfair advantage to Joint Petitioners' competitors by identifying one of NewSouth Communications Corp./NuVox Communications, Inc.'s most important customers as well as the specific terms of the Customer Service Agreement with that customer.

4. With the identity of the customer and the Customer Service Agreement, Joint Petitioners' competitors would have inside information regarding one of NewSouth/NuVox's customers which would enable the Joint Petitioners' competitors to target this customer in an effort to entice it to switch from NewSouth/NuVox to one of the competitors. This information would give Joint Petitioners' competitors a distinct competitive advantage due to the inability of Joint Petitioners (specifically, NewSouth/NuVox) to likewise determine the identity of their competitors' customers.

5. Moreover, revelation of the terms of the Customer Service Agreement would provide the Joint Petitioners' competitors an unfair commercial advantage because they would know the specific terms that NewSouth/NuVox negotiated with a customer, whereas the Joint Petitioners are not able to likewise determine the specific terms of contracts negotiated by their competitors.

WHEREFORE, pursuant to 807 KAR 5:001, §7, Joint Petitioners request the Commission issue an Order directing that the attached Customer Service Agreement be afforded confidential treatment.

Respectfully submitted,



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**COUNSEL TO THE JOINT
PETITIONERS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 6th day of September, 2005, a true and correct copy of the foregoing has been forwarded via first class U.S. Mail to the following.

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