

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of a Commission Inquiry into)	
the Possibility of Impairment without)	Case No. TO-2004-0207
Unbundled Local Circuit Switching When)	
Serving the Mass Market.)	

**GROUNDS FOR CLASSIFICATION OF CERTAIN PORTIONS
 OF THE PHASE III REBUTTAL TESTIMONY GARY J. BALL AS HIGHLY
 CONFIDENTIAL**

Come Now Brooks Fiber Communications of Missouri, Inc., MCI WorldCom Communications, Inc., MCImetro Access, Transmission Services, LLC, and Intermedia Communications, Inc., (hereinafter MCI) pursuant to Commission Protective Order and state the Grounds for Classification of Certain Portions of the Phase III Rebuttal Testimony of their witness Gary J. Ball as Highly Confidential as follows: the information classified as Highly Confidential in Mr. Ball's Phase III Rebuttal Testimony was either so classified by SBC in its direct testimony or is MCI information that concerns market specific information relating to services offered in competition with others. The MCI information is also information concerning trade secrets and confidential and private technical, financial and business information that would alternatively be considered proprietary under the terms of the protective order.

WHEREFORE, Brooks Fiber Communications of Missouri, Inc., MCI WorldCom Communications, Inc., MCImetro Access, Transmission Services, LLC, and Intermedia Communications, Inc. hereby respectfully request that the Commission continue to treat the classified information contained in Gary J. Ball's Phase III Rebuttal Testimony in this proceeding as Highly Confidential under the Protective Order.

Respectfully submitted,

Curtis, Oetting, Heinz,
Garrett & O'Keefe, P.C.

/s/ Carl J. Lumley

Carl J. Lumley, #32869

Leland B. Curtis, #20550

130 S. Bemiston, Suite 200

Clayton, MO 63105

(314) 725-8788

(314) 725-8789 (FAX)

clumley@cohgs.com

lcurtis@cohgs.com

Attorneys for Brooks Fiber Communications of Missouri,
Inc. Intermedia Communications, Inc., MCI metro Access
Transmission Services, LLC, and MCI WorldCom
Communications, Inc

Certificate of Service

A true and correct copy of the foregoing was served as required by Commission Order in this case on this 2nd day of March, 2004 by e-mail transmission.

/s/ Carl J. Lumley