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STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: December 21, 2012

AT (OFFICE): NHPUC

FROM: Leszek Stachow, Analyst 

SUBJECT: DT 11-061, NORTHERN NEW ENGLAND TELEPHONE
OPERATIONS LLC d/b/a/FAIRPOINT COMMUNICATIONS NNE

TO: Commission
Debra Howland, Executive Director

On Dec 19, 2012, Staff and FairPoint Communications NNE, received from the Liberty Consulting Group a copy of the final audit report that had been required under Commission Order 25,221, dated May 6, 2011.

Liberty alerted staff to the fact that the final report may contain certain information confidential or proprietary to FairPoint. According to Liberty, most of the information it received from FairPoint during the audit was prefaced with the statement "The information below is considered proprietary and confidential and is being provided by FairPoint pursuant to the terms of the Protective Agreement, dated October 5, 2011."

Prior to completion of the audit report, Liberty provided the report to FairPoint for comment. Staff, having reviewed the report, is unable to determine if parts of the document are confidential or not. On December 19, Staff informed FairPoint that it intended to file the audit report in Docket No. DT 11-061, for public release, on December 20. At that time, FairPoint raised no concern about confidentiality. However, in the abundance of caution, Staff believes it prudent to allow FairPoint an opportunity to review the document once again and determine whether it contains confidential information.

Staff therefore recommends that FairPoint be required to identify by Dec 28, 2012, whether any part of the audit report contains confidential information, and if so, that it be required to file a motion for confidential treatment pursuant to Puc 203.08 and a public version of the report with confidential information obscured, by Friday, December 28, 2012.