

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 11-061

Northern New England Telephone Operations LLC d/b/a
FairPoint Communications - NNE
Petition for Approval of Simplified Metrics Plan and Wholesale Performance Plan

MOTION FOR CONFIDENTIAL TREATMENT

Pursuant to RSA 91-A:5, IV and N.H. Admin. Rules Puc 203.08, Northern New England Telephone Operations LLC d/b/a FairPoint Communications - NNE ("FairPoint") hereby moves for a protective order to prevent public disclosure of the confidential and proprietary information included in the Final Audit Report of FairPoint's Performance Assurance Plan dated December 12, 2012 ("Audit Report"). In support of this Motion, FairPoint states as follows:

1. The information for which FairPoint seeks confidential treatment consists of very limited portions of the Audit Report contained within 2 pages of the report.¹ This information should be treated as proprietary and confidential information of FairPoint and the respective carriers to which it relates ("Confidential Information").

2. The Confidential Information pertains to the provision of competitive services and sets out financial information related to those services that is not public knowledge or published elsewhere and for which FairPoint has taken measures to prevent dissemination in the ordinary course of business. *See* RSA 91-A:5,IV. In particular, it contains information related to commercial agreements between FairPoint and third party carriers, referred to as "Wholesale Package" in the Audit Report. Not only is the existence, terms, and parties to each individual agree-

¹ Specifically found on pages 22 and 137 of the Audit Report. Confidential and Redacted copies of these pages are submitted with this Motion.

ment confidential on its face, each agreement relates to the pricing and terms of inputs to some of the third party carrier's services. As such, it constitutes confidential, commercial and financial information exempt from public disclosure pursuant to RSA 91-A:5, IV.

4. The Confidential Information derives, in part, economic value from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure and use. Because the telecommunications industry is highly competitive, FairPoint believes that disclosure of this information would impede full and fair competition. Unrestricted availability of this information would provide competitors with insight into the operations of FairPoint and the subject carriers that is otherwise unavailable.

5. Due to the sensitive nature of the Confidential Information, it is appropriate for the Commission to limit access to it. The Confidential Information should solely be used by the Commission in exercising its governmental functions in considering FairPoint's petition. There is no legitimate purpose or public interest to be served in disclosing the Confidential Information to any person other than the appropriate staff of the Commission. Moreover, confidential treatment of this information will not adversely affect any interested party.

WHEREFORE, FairPoint respectfully requests that the Commission grant a Protective Order allowing the Confidential Information to be treated as confidential.

Respectfully submitted,

NORTHERN NEW ENGLAND TELEPHONE
OPERATIONS LLC D/B/A
FAIRPOINT COMMUNICATIONS-NNE

By Its Attorneys,
DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: January 3, 2013

By: 

Harry N. Malone
111 Amherst Street
Manchester, NH 03101
(603) 695-8532
hmalone@devinemillimet.com

CERTIFICATE OF SERVICE

I hereby certify that a PDF copy of the foregoing Motion was forwarded this day to the parties by electronic mail.²

Dated: January 3, 2013

By: 

Harry N. Malone, Esq.

² FairPoint did not submit a redacted copy of the Audit Report to the Service List in this Docket as the Commission's Secretarial Letter of December 21, 2014, indicates that the Audit Report will not be released to the public prior to January 4, 2013. Pursuant to the Secretarial Letter and Puc. 203.08(a)-(b), FairPoint has provided one paper copy of a proposed public version of the Audit Report and a public version and confidential version of the Audit Report on a disk.