

STATE OF NEW HAMPSHIRE

Before the

PUBLIC UTILITIES COMMISSION

TIME WARNER ENTERTAINMENT
COMPANY, L.P. d/b/a Time Warner Cable

Petitioner,

v.

Docket No. DT 12-084

PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE

Respondent.

**TIME WARNER ENTERTAINMENT COMPANY, L.P.' S MOTION FOR
CONFIDENTIAL TREATMENT OF CERTAIN DISCOVERY DOCUMENTS**

Now comes Time Warner Entertainment Company, L.P. d/b/a Time Warner Cable (“TWC”), through its attorneys, and hereby moves pursuant to PUC 203.08 for confidential treatment of certain confidential documents that may be responsive to the first set of data requests of Public Service Company of New Hampshire and Unitil Energy Services, Inc. in connection with the Direct Testimony of Julie P. Laine (the “Confidential Documents”). In support of its Motion for Confidential Treatment, TWC states as follows.

There are three types of Confidential Documents at issue. First are internal summaries of promotional materials that TWC is producing today with redactions. A copy of these documents, with and without redactions, is attached hereto. Second are unaudited financial documents that TWC is gathering for production and plans to produce. Third is an investor presentation that TWC is still gathering for production and plans to produce.

These Confidential Documents are all entitled to confidential treatment under RSA 91-A:5, IV [Access to Governmental Records and Meetings; Exemptions] because they contain “confidential, commercial, or financial information.” These documents are private and have been guarded from public disclosure. They contain sensitive nonpublic information that could harm TWC competitively if disclosed. Further, no public interest would be advanced by the disclosure of these documents. *See Lamy v. N.H. Pub. Utils. Comm’n*, 152 N.H. 106, 111 (2005) (“The purpose of the [Right-to-Know Law] is to provide the utmost information to the public about what its government is up to. If disclosing the information does not serve this purpose, disclosure will not be warranted even though the public may nonetheless prefer, albeit for different reasons, that the information be released”) (citation and internal quotations omitted). Release of the Confidential Documents would not advance the public interest in learning more about its government but would harm TWC once the Confidential Documents found their way into the hands of TWC’s competitors.

Further, TWC recognizes that the pole-owning parties in this administrative proceeding may claim that these documents have some relevance to the issues before the PUC. Thus TWC is not seeking an order preventing the disclosure of the Confidential Documents to the pole-owning entities in this proceeding. But the attaching entities are advancing similar if not identical arguments in this case and have not sought discovery from each other. Not only is production to such entities unnecessary, provision of this highly sensitive information to other attaching entities could harm TWC competitively. Accordingly, Disclosure of the Confidential Documents to the pole-owning parties only in this proceeding will not pose a competitive threat to TWC whereas disclosure to the public poses the threat of competitive harm.

Accordingly, the Confidential Documents should be afforded confidential treatment and not be publicly disclosed. Furthermore, the pole-owning parties to this matter that are entitled to receive TWC's discovery materials should be ordered pursuant to PUC 203.08(j) to treat these documents as confidential and not to distribute them to anyone or use the documents for any purpose beyond this proceeding. Section 203.08(j) states:

When necessary to protect the confidentiality of material entitled to such protection under this section, the commission shall include in its protective order a direction that all parties receiving the material should treat it as confidential.

PUC 203.08(j).

Wherefore, TWC respectfully requests that the Commission:

A. Enter a protective order that TWC's Confidential Documents are entitled to confidential treatment; and

B. Enter a protective order directing that only the pole-owning parties are entitled to receive Confidential Documents in this matter and that they are to treat the Confidential Documents as confidential, meaning that they cannot distribute Confidential Documents to anyone or any other entity and that they cannot use Confidential Documents for any purpose other than in connection with this proceeding.

Respectfully submitted,

**TIME WARNER ENTERTAINMENT L.P.
d/b/a TIME WARNER CABLE**

By its attorneys,

Pierce Atwood LLP

Dated: August 17, 2012

By: 

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