

**BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

**DT 07-011**

**VERIZON NEW ENGLAND, INC., BELL ATLANTIC COMMUNICATIONS, INC., NYNEX LONG DISTANCE CO., VERIZON SELECT SERVICES, INC., AND FAIRPOINT COMMUNICATIONS, INC.**

**Transfer of Assets to FairPoint Communications, Inc.**

**OFFICE OF CONSUMER ADVOCATE'S MOTION FOR  
A DETERMINATION OF CONFIDENTIALITY AND  
CONFIDENTIAL TREATMENT**

The Office of Consumer Advocate (the "OCA") hereby requests a determination by the Commission of the extent of confidentiality of certain documents and for confidential treatment of these documents pending the Commission's decision.

1. As discussed in a separate motion filed by the OCA today, FairPoint provided the OCA with memoranda concerning the confidential treatment of its responses to discovery.<sup>1</sup> Verizon also provided the OCA with written guidance on this issue.<sup>2</sup>

2. In its memoranda, FairPoint specifically requested that the OCA not disclose them to any party in this docket. Although Verizon did not make a similar request, out of an abundance of caution, the OCA is treating Verizon's list similarly.

3. The documents in question are attached to this motion. They are filed to support and aid the Commission's decision on the OCA's Motion for Prehearing Conference with Hearings Examiner and Expedited Decision.

4. Puc 203.08 pertains to requests for confidential treatment.

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<sup>1</sup> See Attachment A, FairPoint's July 24, 2007 Memorandum "Docket DT 07-011; Levels of Confidentiality (Revised), and Attachment B, FairPoint's July 24, 2007 Memorandum "Docket DT 07-011; Levels of Confidentiality for DRs (Revised).

<sup>2</sup> See Attachment C, Verizon's Memorandum, "Verizon's Proprietary Responses."

5. Aside from identifying the documents, the rule requires the movant to specifically reference “the statutory or common law support for confidentiality,” Puc 203.08 (b)(2), and to provide “[a] detailed statement of the harm that would result from disclosure and any other facts relevant to the request for confidential treatment.” Puc 203.08 (b)(3).

6. Although the OCA is bringing the issue of the confidentiality of these documents to the Commission, the request that they be treated confidentially does not originate from the OCA. The OCA does not know of a legal reason that these documents should be confidential or of any harm that would result from their disclosure.

7. On these questions, the OCA defers to the Commission, FairPoint and, to the extent that it seeks the same relief, Verizon.

#### **IV. Relief Requested**

Wherefore, the OCA respectfully requests that the Commission provide the following relief:

- A. Determine the extent to which the attached FairPoint and Verizon memoranda on confidentiality are confidential;
- B. Maintain the confidentiality of the documents pending the decision; and
- C. Grant such other relief as justice requires.

Respectfully submitted,



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CERTIFICATE OF SERVICE

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

August 24, 2007



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Meredith A. Hatfield