

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION
DT 14-102

Complaint of William G. Whalen Against FairPoint Communications, Inc.

EMERGENCY MOTION FOR STAY

Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE (“FairPoint”), hereby moves the New Hampshire Public Utilities Commission (the “Commission”) to stay, on an emergency basis, Order No. 25,679 dated June 26, 2014 so as to toll the period of time in which FairPoint must file un-redacted copies of certain attachments. In support of this Motion, FairPoint states as follows:

On June 26, 2014, the Commission issued its Order No. 25,679, ruling on the complaint in this proceeding. Among other determinations, the Commission denied FairPoint’s request for confidential treatment of Attachments 1 and 2 to Exhibit 9 of the exhibits in the record, while still holding that “FairPoint has a legitimate privacy interest” in those attachments.¹ Consequently, the Commission ordered FairPoint to file un-redacted copies of these attachments on or before July 3, 2014.

Commission Rule Puc 203.08(i) provides that:

If the commission denies a motion for confidential treatment or modifies a previously issued protective order so that information previously held confidential is no longer entitled to such treatment, the information shall not be disclosed until all rights to request rehearing and to appeal have been exhausted or waived.
(emphasis supplied)

¹ Order 25,679 at 15.

FairPoint plans to seek a rehearing of the decision regarding confidential treatment within the 30 days prescribed by RSA 541:3. Accordingly, consistent with the Commission's rules, FairPoint respectfully requests an emergency stay of Ordering Clause Four of Order No. 25,679 during which it may withhold the filing of the un-redacted attachments until it has exhausted or waived its rights to further rehearing/appeal in this matter. Unless FairPoint is granted this relief, it will be forced to reveal confidential and commercially sensitive information before it has had a chance to exercise its rights at law to review of the Commission's decision. Once this information is made public, it cannot be retracted, and thus FairPoint would suffer irreparable harm by the unlawful violation of its legitimate privacy interest before it has availed itself of the legal remedies to which it is entitled. The Commission has the power to grant such a stay pending a party's appeal of an order, and has done so in the past.²

² See *e.g.*, Granite State Elec. Co., 64 NH PUC 390 (1979)(granting stay until decision rendered by New Hampshire Supreme Court); Statewide Electric Utility Restructuring Plan, 82 NH PUC 280 (1997) (granting stay of implementation of order pending rehearing pursuant to RSA 541:3).

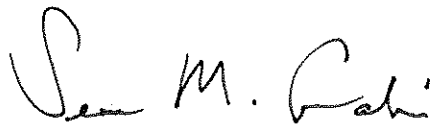
CONCLUSION

For the reasons described herein, FairPoint respectfully requests that the Commission grant an emergency stay of its Ordering Clause Four of Order No. 25,679 during which FairPoint may withhold the filing of the un-redacted attachments until it has exhausted or waived its rights to further rehearing/appeal in this matter.

Respectfully submitted,

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

By Its Attorney,



Dated: July 2, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2014 an original and the requisite number of copies of the foregoing Motion were hand delivered to the Commission and e-mailed to all service list parties.

FairPoint Communications – NNE

By: 
Sean M. Galvin