

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 16-872

CONSOLIDATED COMMUNICATIONS HOLDINGS, INC.

and

FAIRPOINT COMMUNICATIONS, INC.

MOTION FOR PROTECTIVE ORDER
AND CONFIDENTIAL TREATMENT

NOW COMES Consolidated Communications Holdings, Inc. (“Consolidated”), by and through its undersigned attorneys, and, pursuant to RSA 91-A:5, IV and N.H. Admin. Rule Puc 203.08(b), respectfully moves the New Hampshire Public Utilities Commission (“the Commission”) to issue a protective order which accords confidential treatment to certain information described below and submitted herewith. In support of this Motion, Consolidated states as follows:

1. On December 29, 2016, Consolidated and FairPoint Communications, Inc. (“FairPoint”) filed a Joint Petition (“the Petition”) in the above-captioned docket requesting findings from the Commission under RSA 374:30, II relative to a Merger Transaction involving the transfer of FairPoint’s assets to Consolidated.
2. In Order No. 26,022 issued May 31, 2017 in the above-captioned docket, the Commission approved a Revised Settlement Agreement which, *inter alia*, requires Consolidated to submit its Synergies Plan (*i.e.*, its plan to achieve targeted merger efficiencies) to the

Commission and Labor Intervenors no later than three (3) months from the date of the close of the Merger Transaction. Revised Settlement Agreement (May 25, 2017), Section II. D. ¶ 17.

3. The above-referenced Merger Transaction closing occurred on July 3, 2017. *See* Letter from Consolidated's Vice President-Regulatory & Policy, Michael Shultz, to Executive Director Debra A. Howland dated July 13, 2017. Therefore, in accordance with the Revised Settlement Agreement, Consolidated is providing its Synergies Plan to the Commission and Labor Intervenors contemporaneously with the filing of the instant Motion.

4. For the reasons discussed below, Consolidated seeks to protect its Synergies Plan from public disclosure.

5. The Synergies Plan contains financial and staffing information which is competitively-sensitive confidential and commercial information that Consolidated does not routinely disclose to anyone outside of its corporate organization or its authorized representatives. As such, the information is entitled to be protected from public disclosure under RSA 91-A:5, IV.

6. In determining whether confidential, commercial or financial information within the meaning of RSA 91-A:5, IV is exempt from public disclosure, the Commission employs a "three-step balancing test for determining whether certain documents meet this designation." *Vivint Solar, Inc.*, DE 15-303, Order No. 25, 859 (Jan. 15, 2016), p. 22. The Commission first determines whether the information in question involves a privacy interest. *Id.*, p. 23. If a privacy interest is implicated, the Commission considers whether the public has an interest in disclosure of the information. *Id.* If so, then the Commission balances the public's interest in disclosure against the moving party's privacy interests "to determine whether disclosure is warranted." *Id.*

7. Consolidated's Synergies Plan meets the above-stated test. The Synergies Plan contains private, competitively-sensitive personnel and commercial information which Consolidated safeguards and does not publicly disclose. Consolidated is engaged in an intensely competitive industry over which the Commission has relatively limited regulatory authority. Disclosure of this information would be an invasion of Consolidated's privacy and would be competitively harmful to Consolidated if its competitors were able to obtain access to it. Moreover, given that there is only one intervenor in this docket, there is little if any, public interest associated with obtaining this competitively sensitive information. Even assuming, *arguendo*, a public interest in disclosure exists, that interest is outweighed by Consolidated's interests in maintaining the confidentiality of the information. Accordingly, disclosure is not warranted.

8. Consolidated requests that the Commission issue an order protecting the above-described information from public disclosure and prohibiting copying, duplication, dissemination or disclosure of it in any form. Consolidated requests that the protective order also extend to any discovery, testimony, argument or briefing in this docket relative to the confidential information.

9. In accordance with N.H. Admin. R. Puc 201.04 (b) and (c), redacted and unredacted versions of the Synergies Plan are submitted herewith.

WHEREFORE, Consolidated respectfully requests that this honorable Commission:

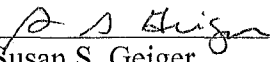
A. Issue an appropriate order that exempts from public disclosure and otherwise protects the confidentiality of the unredacted information referenced above and filed herewith; and

B. Grant such additional relief as it deems appropriate.

Respectfully submitted,
Consolidated Communications Holdings, Inc.

By its attorneys,
Orr & Reno, P.A.

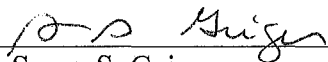
Date: October 3, 2017



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Certificate of Service

I hereby certify that on this 3rd day of October, 2017 a copy of the foregoing Motion was served electronically to persons on the Service List in this docket



Susan S. Geiger

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