

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Petition of Comcast Phone of New Hampshire, LLC d/b/a)
Comcast Digital Phone for Arbitration of Rates, Terms)
and Conditions of Interconnection with Kearsarge)
Telephone Company d/b/a TDS Telecom, Merrimack)
County Telephone Company d/b/a TDS Telecom and)
Wilton Telephone Company, Inc. d/b/a TDS Telecom)
Pursuant to the Communications Act of 1934, as)
Amended.)

DT 08-0162

**MOTION FOR PROTECTION FROM PUBLIC DISCLOSURE AND
CONFIDENTIAL TREATMENT**

1. Pursuant to RSA 91-A:5(IV), Comcast Phone of New Hampshire, LLC (“Comcast Phone”) seeks an Order for Protection from Public Disclosure and Confidential Treatment of its Response to Data Request TDS 1-11(viii) in the First Set of Data Requests from Merrimack County Telephone Company, Wilton Telephone Company, Inc., and Kearsarge Telephone Company (collectively “TDS”) in the above-captioned proceeding.
2. In TDS’ Data Request TDS 1-11(viii), TDS asked “how many telephone numbers each Comcast Company has provided to its Wholesale Service customers that are in use by end user customers in the state of New Hampshire.”
3. Comcast Phone’s Response to Data Request TDS 1-11(viii) reveals customer penetration information for a particular time frame that is confidential competitive and proprietary commercial and strategic information that qualifies for protective treatment under the exemptions set out in RSA 91-A:5(IV).

4. The customer penetration numbers responsive to Data Request TDS 1-11(viii) are inherently confidential because they pertain to Comcast Phone's provision of its competitive services and confidential, research and commercial information, including customer, geographic, market and product-specific data, that is not general public knowledge. Disclosure of this information will harm Comcast Phone by granting its competitors access to confidential market penetration information that is competitively sensitive. *See Order No. 24,666, Northern Utilities, Inc. 2006 Long-Range Integrated Resource Plan, DG 06-098, Prehearing Conference Order at p. 5-6 (September 12, 2006) (granting a petition for confidential treatment of negotiated prices for gas supply because the utility's interest in non-disclosure outweighed the public's interest in obtaining access to the information). See also Union Leader Corp. v. NH Housing Finance Authority, 142 N.H. 540 (1997) (expressing standards for when records are exempt as confidential).*
5. Comcast Phone requests that the Commission allow it to refrain from producing this information to any competitors and potential competitors, including TDS, and for the information to be protected from becoming part of the public record in the docket.
6. Comcast Phone requests that the Commission grant confidential treatment for the unredacted Response containing the confidential proprietary information that Comcast Phone will provide to Staff and the Office of Consumer Advocate only.
7. Comcast Phone has provided the Commission with seven (7) copies of the unredacted Response in accordance with PUC 203:08 (f) and requests that the

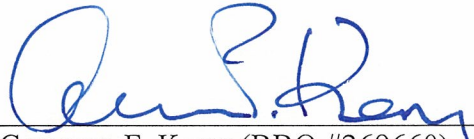
Commission mark each copy as confidential and maintain it within the Commission offices in a secure location pending the Commission's ruling on the Motion for Protection in accordance with PUC 203:08 (g).

8. For the foregoing reasons, Comcast Phone's Motion for Protection from Public Disclosure and Confidential Treatment should be granted.

Respectfully submitted,

COMCAST PHONE OF
NEW HAMPSHIRE, LLC

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