

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

DT 14-102

**Northern New England Telephone Operations LLC d/b/a FairPoint Communications - NNE  
Complaint Against FairPoint Communications, Inc.  
Rate Increase Dispute**

**MOTION FOR CONFIDENTIAL TREATMENT AND REQUEST FOR PROTECTIVE  
ORDER**

Pursuant to RSA 91-A:5, IV and N.H. Code of Admin. Rules §§ Puc 201.04 and 203.08, Northern New England Telephone Operations LLC d/b/a FairPoint Communications - NNE (“FairPoint” herein) hereby moves for confidential treatment and requests a protective order to prevent the public and certain parties from having access to the confidential, commercial and proprietary information included in FairPoint’s Responses to Oral Record Requests received on May 7, 2014, and responded to contemporaneously with this Motion on May 21, 2014. In support of this Motion, FairPoint states as follows:

1. The information for which FairPoint seeks confidential treatment consists of Exhibits 7 and 7A (“Confidential Exhibits”). These exhibits contain internal processes, procedures, and analyses, which are proprietary, confidential and/or commercial information owned and used by FairPoint and its employees only. This information should be treated as highly confidential and commercially sensitive.

2. The Confidential Exhibits are only known to limited individuals with a commercial concern and are not disclosed to non-FairPoint employees in the ordinary course of business. Such methods and procedures, analysis, policy documentation, or other internal documentation, is not known to the general public and is accordingly protected due to its confidential and commercial

nature. Rarely should an organization be required to release such confidential information other than on an absolute need to know basis and at a minimum under a non-disclosure agreement with contractual and judicial or quasi-judicial remedies being available. Internal documents such as these are held by most, if not all organizations, as highly sensitive. FairPoint takes measures to prevent dissemination, access, knowledge or use in the ordinary course of business. Furthermore, the Confidential Exhibits contain information related to the internal workings, thought processes, and procedures of FairPoint and that of its employees. Based on all the factors contained herein, the Confidential Exhibits should be exempt from public disclosure pursuant to RSA 91-A:5, IV and limited to the New Hampshire Public Utilities Commission (the "Commission" herein) and Commission Staff for review under a corresponding protective order.

3. The Confidential Exhibits derive economic value from not being generally known to and not being readily ascertainable by other persons who can obtain a business advantage from its disclosure and use. Because the telecommunications industry is highly competitive, this only bolsters FairPoint's position and belief that disclosure of this information would materially impact its business and ability to protect its highly sensitive information. Unrestricted availability of this information would provide competitors and unnecessary third parties with insight into the operations of FairPoint when such information is expressly exempt from public access by statute. In particular, New Hampshire Legal Assistance (NHLA) has only limited status as an intervenor and if granted access to such sensitive information this would appear to provide NHLA with seemingly unfettered full party access.

4. Due to the sensitive nature of the Confidential Exhibits, it is appropriate for the Commission to limit access to them. The Confidential Exhibits should solely be used by the Commission in exercising its governmental functions in considering the decision in this docket

and Staff as needed. There is no legitimate purpose or public interest to be served in disclosing the Confidential Exhibits to the public or any party except Staff. Moreover, confidential treatment of this information will not adversely affect any interested party as it is material to the Commission's decision making but not to the ability for either party to present its case, which has already occurred. FairPoint's interest in protecting its sensitive proprietary, confidential and commercial information from disclosure in accordance with this Motion far outweighs the interests of the public or other parties having access to such information.

WHEREFORE, FairPoint respectfully requests that the Commission grant a protective order allowing the Confidential Exhibits to be free from public access and limited to use and disclosure by Staff and the Commission only with a protective order setting out such limitations and ensuring that such Confidential Exhibits be afforded the same confidential treatment that the Commission and Staff would afford its own confidential information not subject to public access or party access. If this Motion is denied with respect to any other party or parties (other than Staff), FairPoint respectfully requests that the Commission require in the alternative that a duly executed protective agreement be required addressing proper use and disclosure prior to the release of the Confidential Exhibits, which FairPoint can provide upon request.

Respectfully submitted,

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

By Its Attorney,  
Sean M. Galvin

Dated: May 21, 2014

By:



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**CERTIFICATE OF SERVICE**

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

Dated: May 21, 2014

By: Sean M. Galvin  
Sean M. Galvin