

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

IR 18-062

Investigation of Utility Poles and Attachments
Storm Damage and Response Issues

MOTION FOR PROTECTIVE ORDER
AND CONFIDENTIAL TREATMENT

NOW COMES Comcast Cable Communications Management, LLC, Comcast of Maine/New Hampshire, Inc., Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC and Comcast of New Hampshire, Inc. (collectively, “Comcast”), by and through its undersigned attorneys, and pursuant to RSA 91-A:5, IV and N.H. Admin. Rule Puc 201.04(a)(6), 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, Comcast states as follows:

1. On April 12, 2018, the Commission issued an Order of Notice in the above-referenced proceeding which, *inter alia*, directed Commission Staff (“Staff”) to conduct an investigation involving the physical condition and safe operation and maintenance of utility poles and attached facilities. Said Order of Notice also directed Staff to conduct a public stakeholder technical session on May 17, 2018.

2. On April 24, 2018, Staff propounded its first set of data requests in the above-captioned docket which Comcast answered in writing on May 14, 2018. Comcast’s responses

included Exhibits A, B and C which contain information (*i.e.*, telephone numbers) Comcast does not publicly disseminate. Because Comcast desires to maintain the confidentiality of this information, Comcast provided confidential and redacted versions of Exhibits A, B and C to Staff pursuant to N.H. Admin. 203.08 (d) which does not require the immediate filing of a motion for confidential treatment.

3. At the May 17, 2018 technical session in this docket, Staff Attorney Wiesner indicated that this docket is not an adjudicative proceeding, and therefore the Commission's Rules Part Puc 203 do not apply. He further instructed parties seeking confidential treatment of documents provided to Staff in response to discovery requests to file a motion for protective order regarding those documents. The instant motion is filed in accordance with that instruction.

4. In accordance with N.H. Admin. R. Puc 201.04 (b) and (c), redacted and unredacted versions of Exhibits A, B and C are submitted herewith.

5. Comcast seeks to maintain the confidentiality of the telephone numbers contained in Exhibits A, B and C. As Exhibit C indicates, the telephone numbers are not for public dissemination and are not provided to the general public. The telephone numbers are not "customer-facing", meaning that they are not provided to Comcast's customers. Instead, those telephone numbers are reserved for network emergencies and municipal/fire/utility escalations. Persons calling those telephone numbers will reach Comcast's network operations center, called the Excellence Operations Center (XOC). The XOC handles calls from technical operations personnel regarding network emergencies, and calls from municipalities, fire departments and other utilities, not customers or members of the general public. In these circumstances, it would be confusing and potentially harmful to both the general public and Comcast if these telephone

numbers were made publicly available. Accordingly, the telephone numbers are 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. The confidential telephone numbers in Exhibits A, B and C meet the above-stated test. The information is private commercial information which Comcast safeguards and does not disclose to the general public. Comcast has an interest in maintaining the privacy of this information, and disclosure of this information would be harmful to Comcast if the general public were to obtain access to it. Moreover, given that this is an investigatory docket, there is little if any, public interest associated with obtaining this sensitive information. Even assuming, *arguendo*, a public interest in disclosure exists, that interest is outweighed by Comcast’s interests in maintaining the confidentiality of the information. Accordingly, disclosure is not warranted.

8. Comcast 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. Comcast requests that the protective order also extend to any

discovery, testimony, argument or briefing in this docket relative to the confidential information.

9. WHEREFORE, Comcast respectfully requests that this honorable Commission:

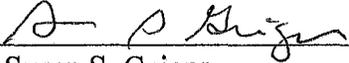
A. Issue an appropriate order that exempts from public disclosure and otherwise protects the confidentiality of the unredacted information referenced above and filed herewith; and

B. Grant such additional relief as it deems appropriate.

Respectfully submitted,

Comcast Cable Communications Management, LLC,
Comcast of Maine/New Hampshire, Inc., Comcast of
Connecticut/Georgia/Massachusetts/New
Hampshire/New York/North
Carolina/Virginia/Vermont, LLC and Comcast of
New Hampshire, Inc. (collectively, "Comcast")

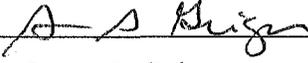
By its Attorneys,
ORR & RENO, P.A.

By: 
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Dated: May 30, 2018

Certificate of Service

I hereby certify that a copy of the foregoing Appearance has on this 30th day of May, 2018 been either sent by electronic mail to persons listed on the Service List in the above-captioned docket.



Susan S. Geiger

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