

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Verizon New England Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company, Verizon Select Services Inc. and FairPoint Communications, Inc.

Docket No. DT 07-011

**VERIZON NEW ENGLAND INC. ET AL.'S OBJECTION TO OFFICE OF CONSUMER
ADVOCATE'S MOTION FOR A DETERMINATION OF CONFIDENTIALITY AND
CONFIDENTIAL TREATMENT**

Verizon New England Inc., Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Verizon Select Services Inc. ("Verizon") submit this objection to the Office of Consumer Advocate's ("OCA") Motion for a Determination of Confidentiality and Confidential Treatment (the "Motion"). In support hereof, Verizon states as follows:

1. OCA requests that the Commission make a determination about the confidentiality of certain documents produced to OCA by Verizon during discovery in this docket. OCA claims that Verizon, in producing the documents, did not comply with the requirements of the Commission rules governing confidential treatment. OCA's Motion is unnecessary and should be denied because Verizon met its obligations in its designation of information as confidential.

2. As described by OCA, Verizon produced a number of data responses that contained proprietary and competitively sensitive information. Verizon represented that each response contained information that was proprietary and competitively sensitive and would be produced pursuant to RSA 378:43 and an appropriate protective agreement. RSA 378:43 exempts from public disclosure information produced by telephone utilities in Commission

proceedings if the utility represents that the information pertains to the provision of competitive services or contains confidential commercial information.

3. While the Commission's procedural rules establish a process for requesting confidential treatment of certain information, *see* Puc 203.08(b), this rule does not apply to information that is confidential pursuant to RSA 378:43. Puc 203.08(n) states that "[t]his rule shall not apply to materials submitted to the commission pursuant to RSA 378:43, except that, when reasonably necessary to protect the confidentiality of such materials, the commission shall issue a protective order requiring other parties receiving the material to maintain its confidentiality."

4. Because Verizon asserted a claim of confidentiality under RSA 378:43 in each data response, Verizon met its legal obligation and was not required to take any further actions, as suggested by OCA. Further, OCA has not alleged that Verizon did not meet the requirements of RSA 378:43 or that the information did not fall within the scope of the protection afforded by RSA 378:43. Rather, OCA alleges that Verizon did not meet the requirements of a PUC rule that does not apply in the first instance. The Commission should deny OCA's Motion because it misapplies the law.

5. Further, Verizon was not required to provide any memorandum to OCA further identifying its proprietary responses but did so in the spirit of cooperation and in response to a request from OCA for such a listing. There is no need for the Commission to make any determination about the memorandum identifying the confidential responses or the responses themselves because RSA 378:43 affords the necessary protection to the documents.

6. For these reasons, the Commission should deny OCA's Motion.

WHEREFORE, Verizon respectfully requests that the Commission:

- A. Deny OCA's Motion for a Determination of Confidentiality and Confidential Treatment; and
- B. Grant such other and further relief as the Commission deems necessary

and just.

Respectfully submitted,

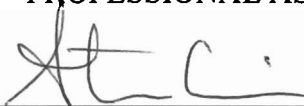
VERIZON NEW ENGLAND INC.
BELL ATLANTIC COMMUNICATIONS, INC.
NYNEX LONG DISTANCE COMPANY
VERIZON SELECT SERVICES INC.

By their Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

Date: August 29, 2007

By:



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Certificate of Service

I hereby certify that on August 29th, 2007, a copy of this Objection to OCA's Motion for a Determination of Confidentiality and Confidential Treatment has been forwarded to the parties listed on the Commission's service list in this docket.



Steven V. Camerino