

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DT 11-061

FAIRPOINT COMMUNICATIONS, INC.

Petition for Approval of Simplified
Metrics Plan and Wholesale Performance Plan

Order Granting Motion for Confidential Treatment

O R D E R N O. 25,494

April 19, 2013

On January 3, 2013, Northern New England Telephone Operations LLC d/b/a FairPoint Communications - NNE (FairPoint) filed a motion pursuant to Puc 203.08 for confidential treatment of certain portions of the final audit report of FairPoint's Performance Assurance Plan. According to FairPoint, the information for which confidential treatment is sought pertains to the terms and pricing of competitive services contained in commercial agreements between FairPoint and third party telecommunications carriers.

Under RSA 91-A:5, IV records of "confidential, commercial or financial information" are exempted from disclosure, and the New Hampshire Supreme Court has supplied a balancing test for determining whether certain documents meet this designation. *See, e.g., Union Leader Corp. v. N.H. Housing Fin. Auth.*, 142 N.H. 540, 552-54 (1997); *Lambert v. Belknap County Convention*, 157 N.H. 375, 382-83 (2008).

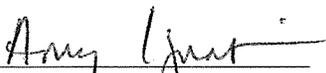
We must first consider whether disclosure of the information FairPoint seeks to protect involves a privacy interest. We find that FairPoint has a privacy interest in the terms and pricing of services it provides to third party competitive telecommunications providers. We next

consider whether the public has an interest in disclosure of this information. This commercial pricing information is one input into the cost of competitive retail telephone services provided to the public. The Commission does not regulate the retail prices offered by competitive telecommunications providers. Thus, the information will provide little understanding of the conduct of the Commission's regulatory activities. As a result, the public has a limited interest in disclosure of the information. Finally, we balance the public's interest in disclosure against the privacy interests at stake to determine whether disclosure is warranted. In this case we find that the privacy interest of FairPoint in this commercial information outweighs the interests of the public in disclosure. Accordingly, we grant FairPoint's motion for confidential treatment and note that our determination is subject to reconsideration in the future upon our own motion or by request of any party. *See* N.H. Code of Admin. R. Puc 203.08(k).

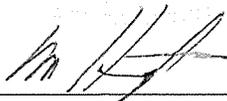
Based upon the foregoing, it is hereby

ORDERED, that FairPoint's motion for confidential treatment is GRANTED as discussed herein.

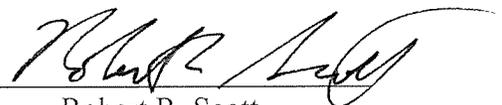
By order of the Public Utilities Commission of New Hampshire this nineteenth day of April, 2013.



Amy L. Ignatius
Chairman

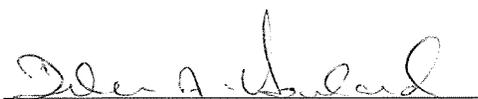


Michael D. Harrington
Commissioner



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director

SERVICE LIST - EMAIL ADDRESSES - DISCOVERY MATERIALS

Pursuant to N.H. Admin Rule Puc 203.09 (d) and 203.11 (a) (11) Electronic copies of all discovery shall be served on every person designated for discovery filings on the Commission's official service list. [Discovery shall not be filed as part of a docket filing pursuant to 203.02]

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