## THE STATE OF NEW HAMPSHIRE



**PUBLIC UTILITIES COMMISSION** 21 S. Fruit Street, Suite 10 Concord, N.H. 03301-2429

April 24, 2009

Debra A. Howland **Executive Director** New Hampshire Public Utilities Commision 21 South Fruit Street, Suite 10 Concord, NH 03301

## Re: DT 07-011 Verizon New England, Inc. et al and FairPoint Communications, Inc. Transfer of Assets Report of Meeting of April 23, 2009

Dear Ms. Howland:

At the status conference held on April 3, 2009, the Commission instructed Staff to discuss with OCA and FairPoint Communications, Inc. (FairPoint) the confidentiality of data redacted in FairPoint's stabilization plan. By secretarial letter dated April 9, 2009, Staff was directed to report on this discussion.

On April 23, 2009, Staff, OCA and FairPoint held a meeting in compliance with the Commission's directive. As a result of that meeting, FairPoint agreed that the redactions made in the public redacted versions of its March 24, March 31, and April 17, 2009 stabilization plans were no longer necessary and that all of that data may now be treated as non-confidential. Also, FairPoint agreed to file as public documents copies of the non-redacted versions of the stabilization plans from these dates, without the confidential stamp.

During the meeting, Staff and OCA also expressed concerns about FairPoint's future filings that FairPoint may claim to be confidential. FairPoint agreed to take extra care in such future filings to assure specificity in its claims of confidentiality, including claims contained in its cover letters accompanying filings, and to include identifying markers in the public redacted versions of its confidential non-redacted filings indicating specifically where content is redacted.

OCA further urged as follows:

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH 1-800-735-2964

> Website: www.puc.nh.gov





CHAIRMAN Thomas B. Getz

COMMISSIONERS Graham J. Morrison Clifton C. Below

EXECUTIVE DIRECTOR AND SECRETARY Debra A. Howland

1. That all public redacted versions of FairPoint's confidential filings should be the based upon the same document and the same content, only redacted;

2. That FairPoint more narrowly tailor its redaction of future confidential filings with the Commission, including any filings of its new consultants, so that the public has access to some information from every filing; and

3. That FairPoint could include language in its confidential filings indicating a specific duration of its claim of confidentiality (e.g., confidential until a date certain). (Such limiting language may be particularly appropriate for information which is only confidential for a certain point in time (e.g., competitively sensitive information), and may allow the Company to avoid, after confidential treatment is no longer appropriate, re-filing a non-redacted version of the confidential documents at that time.)

Thank your for your consideration and please feel free to contact me with any questions or concerns.

Sincerely yours,

Robert D. Hunt Staff Attorney

cc: Service List