

STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

Joint Petition of Hollis Telephone Company,)
Inc., Kearsarge Telephone Company,)
Merrimack County Telephone Company, and)
Wilton Telephone Company, Inc., for)
Authority to Block the Termination of Traffic)
From Global NAPS, Inc., to Exchanges of the)
Joint Petitioners in the Public Switched)
Telephone Network)

Plaintiffs,)

v.)

GLOBAL NAPS, INC.,)

Defendant)

Case No. DT 08-028

SUPPLEMENTAL STATEMENT
IN SUPPORT OF CONFIDENTIAL TREATMENT
OF ANNUAL REPORTS

On October 2, 2008, Global NAPS, Inc. filed CLEC-2 annual reports for the years 2005, 2006, and 2007, along with a letter pursuant to RSA 91-A, IV, RSA 378:43, II and PUC 203.08 seeking confidential treatment of its annual reports. Global NAPS, Inc. states the following in furtherance of its request for confidential treatment:

- (1) The Financial Information Is Not General Public Knowledge, And Is Not Published Elsewhere.

Except for taxation purposes, Global NAPS, Inc. is not required to and does not report New Hampshire revenue data to any other state or federal governmental regulatory agency including the Federal Communications Commission and the Securities and Exchange Commission.

Global NAPS, Inc. is a closely held, private corporation. Consequently, revenue data is not published to shareholders in public documents.

Global NAPS, Inc. does not publish its revenue data to the general public or to competitors.

(2) Measures Have Been Taken To Prevent Dissemination Of The Information And Records In The Ordinary Course Of Business.

Global NAPS, Inc.'s financial information is held in strict confidence within the company and its affiliates. Financial information is held strictly confidential by the company's CEO, Frank T. Gangi, who is also the company's president and treasurer. Financial information is provided on a need to know basis only to the company's accountants, bookkeepers, and attorneys, and is not distributed generally to employees.

(3) The Financial Information Pertains To The Provision Of Competitive Services.

Global NAPS, Inc. is a "competitive" local exchange carrier within New Hampshire.

Global NAPS, Inc. provides services to Voice Over Internet Protocol ("VoIP"), Enhanced Service Provider ("ESP"), Internet Service Provider ("ISP"), and Internet Telephony Service Provider ("ITSP") traffic. The manner in which this traffic is handled is generally a competitive service that could be provided by any other CLEC or ILEC. Competition in the provision of the services described above is not just local but regional and national. Although a CLEC in New Hampshire, Global NAPS, Inc. operates in a number of other jurisdictions, and has competitors outside of New Hampshire.

(4) Global NAPS, Inc.'s Annual Reports Set Forth Confidential Financial And Commercial Information, Including But Not Limited To Product Specific Data Not Reflected In Tariffs Of General Application.

The "All other New Hampshire" and "total New Hampshire Revenue" listed on the three annual reports is product specific. It is specific to VoIP, ESP, ISP, and ITSP service. The

service provided by Global NAPS, Inc. is not provided pursuant to tariffs of general application. Instead, they are the product of negotiated tariffs with nationwide customers.

(5) The Information Is Highly Proprietary And Competitively Sensitive.

The “All other New Hampshire” and “total New Hampshire Revenue” listed on the three annual reports is competitively sensitive. Global NAPS, Inc.’s competitors do not consist solely of New Hampshire ILECs and CLECs, but consist also of companies that conduct business in the region, nationally, and internationally. Companies that provide similar services do not publish their state-by-state revenues. The publication of such financial information could, if high enough, invite competition which could decrease Global NAPs profitability, and if low enough, signal to competitors that Global NAPs holds a weak position in the state and is commercially vulnerable. Were it not for the New Hampshire regulatory requirement to report revenues, Global NAPS, Inc. would not do so.

Global NAPS, Inc. is aware that assessment information is published, but *revenues* are *not* published. Competitors must go through the extra steps of obtaining the Commission’s report to the State Treasurer, and performing mathematical analysis of the information contained in that report to derive approximate revenues. Even if out-of-state competitors were to know that the Commission has a reporting requirement, and that the report contains information from which general revenues could be derived, they would also have to know that the report is a public document, and would have to obtain it working from outside the state. These additional barriers to obtaining commercially sensitive information are valuable to maintaining confidentiality.

(6) Disclosure Of The Financial Information And Records Would Cause Substantial Harm To Global NAPS, Inc.'s Competitive Position.

Disclosure of Global NAPS, Inc.'s revenues could, if high enough, invite competition, which could decrease Global NAPS's profitability, and if low enough, could signal to competitors that Global NAPS, Inc. holds a weak position in the state and is commercially vulnerable. If competitors believed that Global NAPS, Inc. held a weak position, this would provide competitors with an argument to poach Global NAPS, Inc.'s customers by convincing them to migrate to larger companies, affecting Global not only in New Hampshire, but more generally throughout all of its service territories.

(7) No Valid State Purpose Is Served By Public Disclosure Of Global NAPS, Inc.'s Sensitive Financial And Commercial Information.

The Commission has found that the financial information and records for which confidentiality is sought is relative to whether Global NAPS, Inc. can pay past and future access charges, should the Commission determine that it has jurisdiction to require such payment. However, this is not information that the public in general has a need to know, and the parties to this docket have been provided the information subject to protective agreements.

(8) The Commission Has Previously Determined That General Revenue Information Is Protectable.

The Commission has protected general revenue information of telecommunications carriers at least twice in the past. In Order No. 23, 912 in DT 01-240, the Commission provided confidential treatment to Global NAPS, Inc.'s intrastate revenues. In re: Global NAPS, Inc., 87 NH PUC 70, 71-72 (Feb. 4, 2002). Similarly, In Order No. 23,530 in DE 95-165, consolidated, the Commission provided confidential treatment to the "New Hampshire revenue by type *and in total*" to a number of competitive local exchange carriers and a number of competitive intraLATA toll providers. 85 NH PUC 496, 497-498 (July 6, 2000). The information for which

Global NAPS, Inc. seeks confidential treatment here does not differ from the type of information the Commission determined to be confidential financial information in the cases cited above.

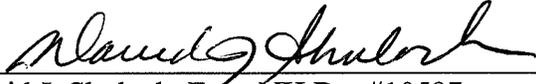
Based upon the facts and argument contained in its Motion for Confidential Treatment and this Supplement, Global NAPS, Inc. respectfully requests that the Commission maintain the information as confidential pursuant to RSA 91-A, IV, RSA 378:43, II and PUC 203.08.

Respectfully submitted,

GLOBAL NAPS, INC.

By It's Attorneys,
BROWN, OLSON & GOULD PC

Date: November 13, 2008

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a copy of the foregoing to be served on the attached service list by E-mail.

Date: November 13, 2008


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