

DE 98-081

RCN TELCOM SERVICES OF NEW HAMPSHIRE, INC.

**Petition for Authority to Provide
Local Telecommunications Services**

Order Granting Motion for Confidential Treatment

O R D E R N O. 23,259

July 12, 1999

On May 13, 1998, RCN Telcom Services of New Hampshire Inc (RCN) filed with the New Hampshire Public Utilities Commission (Commission) a petition for authority to provide switched and non-switched local exchange telecommunications services, pursuant to the policy goals set by the New Hampshire Legislature in RSA 374:22-g, effective July 23, 1995. In support of the filing, and pursuant to a Commission request that the applicant submit a *pro forma* income statement to provide evidence that the applicant's financial resources meet the standard for granting certification established in N.H. Admin. Rule Puc 1304.01, on March 18, 1999, RCN filed a *pro forma* income statement and a Certificate of Authenticity as to the contents of the income statement. On the same date RCN filed a Motion for Confidential Treatment seeking to exempt the income statement from disclosure, pursuant to RSA 91-A and N.H. Admin. Rule Puc 204.06.

On April 6, 1999, by order *Nisi*, the Commission granted

RCN authority to provide switched and non-switched intrastate local exchange telecommunications services in the service territory of Bell Atlantic.

Pursuant to Puc 204.05(b), documents submitted to the Commission or Commission Staff accompanied by a motion for confidentiality are protected as provided in Puc 204.06(d) until the Commission rules on the Motion for Confidential Treatment.

In its motion, RCN states that the income statement constitutes competitively sensitive information (Confidential Information), the release of which would cause harm to the Company's business interest, that is, within the "confidential, commercial or financial information" exemptions from disclosure set forth in RSA 91-A:5,IV and Puc 204.06. RCN avers that the Confidential Information is regularly protected from disclosure or dissemination in the company's ordinary course of business and is not generally in the public knowledge or published elsewhere.

We find that the Information provided in the filing contains confidential information that meets the requirements of Puc 204.06 (b) and (c). Based on the company's representations, under the balancing test we have applied in prior cases, e.g., Re New England Telephone Company (Auditel), 80 NHPUC 437 (1995); Re Bell Atlantic, DE 97-171 (SGAT) Order No. 22,851 (February 17, 1998); Re EnergyNorth Natural Gas, Inc., Order No. 22,859 (February 24, 1998), we find that the benefits to RCN of non-disclosure in this case outweigh the benefits to the public of

disclosure. The Confidential Information should be exempt from public disclosure pursuant to RSA 91-A:5,IV and N.H. Admin. Rule 204.06.

Based upon the foregoing, it is hereby

ORDERED, that RCN's Motion for Confidential Treatment is GRANTED; and it is

FURTHER ORDERED, that this Order is subject to the ongoing rights of the Commission, on its own motion or on the motion of Staff, any party or any other member of the public, to reconsider this Order in light of RSA 91-A, should circumstances so warrant.

By order of the Public Utilities Commission of New Hampshire this twelfth day of July, 1999.

Douglas L. Patch Chairman	Susan S. Geiger Commissioner	Nancy Brockway Commissioner
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Attested by:

Thomas B. Getz
Executive Director and Secretary