

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 11-____

Petition of Union Telephone Company, Inc.,
for an Alternative Form of Regulation

Motion of Union Telephone Company, Inc., for Confidential Treatment

Union Telephone Company, Inc. ("Petitioner"), by and through the undersigned counsel, hereby moves the New Hampshire Public Utilities Commission ("PUC"), pursuant to RSA 91-A:5,IV and N.H. Admin. Rule Puc 203.08, for confidential treatment of certain documents described in further detail below. In support of its Motion, the Petitioner states as follows:

1. The Petitioner is petitioning for an alternative form of regulation in accordance with RSA 374:3-b.
2. In support of the aforesaid petition, Petitioner is submitting the Prefiled Direct Testimony of Thomas E. Murray (the "Murray Testimony"), together with accompanying exhibits.
3. In his testimony, Mr. Murray references and attaches to his testimony certain documents provided to Petitioner by MetroCast Cablevision of New Hampshire, LLC ("MetroCast"), viz:
 - a. The Affidavit of Joshua Barstow ("Barstow Affidavit"), labeled as "Confidential Attachment C" to the Murray testimony; and
 - b. The Affidavit of Jeffrey P. Drapeau ("Drapeau Affidavit"), labeled as "Confidential Attachment F" to the Murray testimony; and

c. Confidential Exhibit 1 to the Drapeau Affidavit, consisting of six maps (the "MetroCast Maps") showing the locations of MetroCast's telecommunications facilities in each of the municipalities that, in whole or in part, comprise the New Hampshire service territory presently served by the Petitioner.

4. In his testimony, Mr. Murray reviews and analyzes the contents of each of the foregoing documents and also presents, as additional attachment to the Murray Testimony, five (5) map prepared by the Petitioner (the "Union Telephone Maps") that overlay the data from the MetroCast Maps onto maps of each exchange in the Petitioner's service territory and that show each existing residential or commercial structure located in that service territory. These maps are labeled as "Highly Confidential Attachment D" and numbered one (1) thorough five (5) as part of the Murray testimony.

5. The Barstow Affidavit, the Drapeau Affidavit, the MetroCast Maps, and the portions of the Murray Testimony that discuss each of the aforesaid documents contain confidential, proprietary and commercially sensitive information. Public disclosure of this information would cause commercial and economic harm to the respective owners thereof by revealing to competitors proprietary information about the locations and types of competitive telecommunications facilities deployed within the Petitioner's service territory and the extent and availability of competitive services provided thereby.

6. The Union Telephone Maps and the portions of the Murray Testimony in which this document is discusseed contain highly confidential, proprietary and commercially sensitive information. Disclosure of this information, both publicly and to any parties in this proceeding who offer competitive services to those offered by the Petitioners, would cause commercial and

economic harm to the Petitioner by revealing to competitors proprietary information about the number, locations and types of customers presently served by the Petitioner.

7. The Barstow Affidavit, the Drapeau Affidavit, the MetroCast Maps, the Union Telephone Maps, and the respective portions of the Murray Testimony that discuss each of the aforesaid documents (all of the foregoing, collectively, the "Allegedly Confidential Information") are attached hereto with the same labeling convention that is used in the Murray testimony, as follows:

<u>Confidential Document</u>	<u>Exhibit Label</u>
Confidential Murray Testimony	Exhibit 2/Confidential
Drapeau Affidavit	Confidential Attachment C
Confidential MetroCast Maps	Confidential Attachment C, Exhibit 1
IDT/MetroCast Porting Report	Confidential Attachment E
Barstow Affidavit	Confidential Attachment F
Highly Confidential Union Telephone Maps	Highly Confidential Attachment D

8. The Allegedly Confidential Information is subject to a Protective Agreement (the "AFOR Protective Agreement"), entered into as of December 9, 2010, by the Petitioner, MetroCast, and IDT America, Inc. ("IDT") and attached hereto as Exhibit Union-1.

9. The AFOR Protective Agreement sets forth the mutual agreement of the signatories as to the authorized uses of and access to the Allegedly Confidential Information within this proceeding. For every element of the Allegedly Confidential Information, the Petitioner seeks an order from the NHPUC that will exclude the Allegedly Confidential Information from public access. For the Union Telephone Maps and the Murray Testimony pertaining thereto (the "Allegedly Highly Confidential Information"), the Petitioner seeks a further order from the NHPUC that will recognize the highly confidential nature of the Allegedly Highly Confidential

Information and will bar access to such information by any party to this proceeding, including, without limitation, by any signatory to the AFOR Protective Agreement, who is employed by a competitor of the Petitioner. The aforementioned levels of access are in accordance with the terms of the AFOR Protective Agreement.

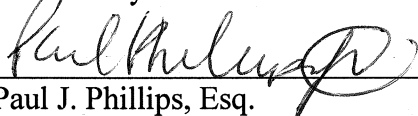
WHEREFOR, the Petitioner respectfully moves as aforesaid and asks that the NHPUC:

- A. Authorize an exception to the New Hampshire public records act, in accordance with RSA 91-A:5,IV, to protect the Allegedly Confidential Information; and
- B. Enter a Protective Order that substantially adopts the terms of the AFOR Protective Agreement attached hereto.

DATED at Plymouth, New Hampshire, this 2nd day of February, 2011.

UNION TELEPHONE COMPANY, INC.,
Petitioner

By: PRIMER PIPER EGGLESTON & CRAMER PC,
Its Attorneys

By: 
Paul J. Phillips, Esq.