

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

**Kearsarge Telephone Company, Merrimack County
Telephone Company, Wilton Telephone Company
and Hollis Telephone Company
Petition for an Alternate Form of Regulation**

DT 07-027

**MOTION FOR PROTECTION FROM PUBLIC DISCLOSURE AND
CONFIDENTIAL TREATMENT**

1. Pursuant to RSA 91-A:5(IV), Comcast Phone of New Hampshire, LLC (“Comcast Phone”) seeks a Motion for Protection from Public Disclosure and Confidential Treatment of its Response to Set 1 Data Request 1-5 served by the TDS Telecom companies that are the petitioners in this proceeding (the “TDS Petitioners”).
2. In TDS Petitioners’ Set 1 Data Request 1-5, TDS Petitioners’ sought “projections . . . as to the numbers of customers or percentage of customers who opt to take Comcast telecommunications service once it is made available by Comcast..”
3. Comcast Phone’s Response to Set 1 Data Request 1-5 reveals customer penetration statistics for particular time frames that are confidential competitive and proprietary commercial and strategic information that qualifies for protective treatment under the exemptions set out in RSA 91-A:5(IV).
4. In filing their Petition for an Alternative Form of Regulation, the TDS Petitioners claimed that certain portions of the prefiled testimony of Michael C. Reed were

confidential under RSA 378:43 because they pertained to the provision of competitive services, set forth trade secrets and other confidential information.

5. In their Petition and the supporting testimony of Michael Reed, as well as in subsequent discovery, the TDS Petitioners have redacted and declined to produce to competitors information that includes penetration rates and marketing plans.
6. The customer penetration statistics responsive to Set 1 Data Request 1-5 are the mirror image data that the TDS Petitioners have treated as confidential pursuant to RSA 379:43. These statistics are inherently confidential because they pertain to Comcast Phone's provision of its competitive services and confidential, research and commercial information, including customer, geographic, market and product-specific data, that is not general public knowledge. Disclosure of these statistics will harm Comcast Phone by granting its competitors access to confidential market penetration information that is competitively sensitive. *See Order No. 24,666, Northern Utilities, Inc. 2006 Long-Range Integrated Resource Plan*, DG 06-098, Prehearing Conference Order at p. 5-6 (September 12, 2006) (where Northern Utilities' Motion for Confidential Treatment protecting, *inter alia*, negotiated prices for its gas supply portfolio was granted because Northern and its ratepayers' interests in non-disclosure outweighed the public's interest in obtaining access to the information); *see also Union Leader Corp. v. NH Housing Finance Authority*, 142 N.H. 540 (1997) (stating standard for when records are exempt as confidential).
7. Comcast Phone requests that the Commission allow it to refrain from producing this information to any competitors and potential competitors, including the TDS

Petitioners, and for the information to be protected from becoming part of the public record in the docket.

8. Comcast Phone requests that the Commission grant confidential treatment for the unredacted Response containing the confidential proprietary information that Comcast Phone will provide to Staff and the Office of Consumer Advocate only, as the TDS Petitioners have done with their confidential proprietary information.
9. Comcast Phone has provided the Commission with seven (7) copies of the unredacted Response in accordance with PUC 203:08 (f) and requests that the Commission mark each copy as confidential and maintain it within the Commission offices in a secure location pending the Commission's ruling on the Motion for Protection in accordance with PUC 203:08 (g).

10. For all the foregoing reasons, Comcast Phone's Motion for Protection from Public Disclosure and Confidential Treatment should be granted.

Respectfully submitted,

COMCAST PHONE OF
NEW HAMPSHIRE, LLC

By its Attorneys,



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Certificate of Service

I certify that on this day I caused a true copy of the foregoing document to be served upon counsel of record for TDS Petitioners, Frederick J. Coolbroth, Devine, Millimet & Branch, Professional Association, 43 North Main Street, Concord, NH 03301, by prepaid U.S. First Class Mail.



May. Y. Low

Dated: October 31, 2007