

DT 99-054

**BELL ATLANTIC - NEW HAMPSHIRE**

**Revisions to Tariff NHPUC - No. 77  
Phonesmart Services**

**Order Granting Motion for Protective Order**

**O R D E R    N O.    23,256**

**July 12, 1999**

On April 9, 1999, New England Telephone and Telegraph Company, d/b/a Bell Atlantic - New Hampshire (Bell Atlantic or the Company), filed with the New Hampshire Public Utilities Commission (Commission), certain revised tariff pages for effect May 9, 1999. The filing introduces Phonesmart Services, providing residential customers with the opportunity to incur a one time charge which applies for the installation of one or more, in any quantity or combination, of the services listed below, only when ordered subsequent to the installation of a network access line. The Phonesmart services are: additional listings, the WorkSmart Package, Custom Calling Services, listing change, Phonesmart-Business customers, and Distinctive Ring Services. The one time charge covers installation only and not the monthly charge for the applicable service(s), applies per request, and is assessed based on the type of service, whether Residence or Business.

On April 9, 1999 Bell Atlantic also filed a Verified Motion for Protective Order seeking to exempt from disclosure

portions of the Phonesmart support information (the Information), pursuant to RSA 91-A and N.H. Admin. Rule Puc 204.05 and 204.06. Bell Atlantic filed the Information in redacted form as well as full, unredacted copies. Pursuant to Puc 204.05(b), documents submitted to the Commission or Commission Staff accompanied by a motion for confidentiality shall be protected as provided in Puc 204.06(d) until the Commission rules on the Motion for Confidential Treatment.

The material for which the Company seeks confidential treatment is specific cost and financial data showing that the service is being offered at a rate exceeding its incremental costs. This information includes such detail as: cost information; revenue market analysis; product development expenses; capital costs; net present value calculations; and factors which allocate various investment to develop the total cost of providing the service. The Staff examined the filing and found that the proposed rate exceeds the cost of providing this service.

In its motion, Bell Atlantic avers that the Information contains competitively sensitive data (Confidential Information) that falls within the "confidential, commercial or financial information" exemptions from disclosure set forth in RSA 91-A:5,IV and Puc 204.06, including competitively sensitive data, for the provision of competitive services, such as targeted market demand forecasts, revenue projections and costs. Bell

Atlantic also avers that the Information is not readily available to competitors, and would be of value to competitors in developing competitive marketing strategies. Bell Atlantic states that this information is regularly protected from disclosure or dissemination in the Company's ordinary course of business.

The Confidential Information is compiled from internal databases and was developed at significant expense and effort. By affidavit, a Bell Atlantic Product Manager, Rick Yorra, attests that the representations of fact regarding the Information contained in the Motion are true and accurate.

The Motion states that neither the Commission Staff nor the Office of Consumer Advocate take a position with regard to this Motion.

We find that the Confidential Information contained in the filing 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, See e.g., Re New England Telephone Company (Auditel), 80 NHPUC 437 (1995); Re Bell Atlantic, 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 Bell Atlantic of non-disclosure in this case outweigh the benefits to the public of disclosure. The Information should be exempt from public disclosure pursuant to RSA 91-A:5,IV and Puc 204.06.

**Based upon the foregoing, it is hereby**

**ORDERED,** New England Telephone and Telegraph Company, d/b/a Bell Atlantic - New Hampshire, Motion for Protective Order 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.

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Douglas L. Patch  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Thomas B. Getz  
Executive Director and Secretary