

DT 99-071

**BELL ATLANTIC - NEW HAMPSHIRE**

**Revisions to Tariff NHPUC - No. 77  
Local Package**

**Order Granting Motion for Protective Order**

**O R D E R    N O.    23,268**

**July 27, 1999**

On May 7, 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 June 6, 1999. The filing introduced a Local Package service option which provides residential customers for one monthly rate a selection from a number of optional local services including unlimited exchange, Touch-Tone and unlimited local Directory Assistance service as well as a number of value added services (VAS), such as Phonesmart and Custom Calling. The customer can select a Standard or Premium Package, which differ in the number of VAS features that the customer can choose.

On May 7, 1999 Bell Atlantic also filed a Verified Motion for Protective Order seeking to exempt from disclosure portions of the Local Package support 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 Information).

The Staff examined the filing and found that the proposed rate exceeds the cost of providing this service. The Commission Executive Director and Secretary issued a letter June 4, 1999 indicating that for administrative efficiency no order would be issued on the underlying petition, and that the proposed Local Package tariff revision would go into effect as of June 7, 1999.

In its motion, Bell Atlantic avers that the Information contains competitively sensitive data 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 the Information is regularly protected from disclosure or dissemination in the Company's ordinary course of business.

The Information is claimed to be compiled from internal databases and developed at significant expense and effort. By affidavit, Bell Atlantic Senior Manager in Package Development, Diane Jones, 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 Information contained in the filing for which confidential treatment is sought, 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 twenty-seventh day of July, 1999.

---

Douglas L. Patch  
Chairman

---

Susan S. Geiger  
Commissioner

---

Nancy Brockway  
Commissioner

Attested by:

---

Claire D. DiCicco  
Assistant Secretary