

DT 99-047

CHOICE ONE 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. 23,273

August 2, 1999

On March 31, 1999, Choice One of New Hampshire Inc. (Choice One) filed with the New Hampshire Public Utilities Commission (Commission) a petition for authority to provide switched and non-switched local exchange telecommunications services pursuant RSA 374:22-g.

The Commission issued Order Nisi No. 23,241 dated June 22, 1999, which granted Choice One, effective July 22, 1999, authority to provide switched and non-switched intrastate local exchange telecommunications services in the service territory of Bell Atlantic-New Hampshire, subject, inter alia, to the requirements of N.H. Admin. Rule Puc 1304.03.

In support of its petition, on March 31, 1999, Choice One filed a financial statement and auditor's report (the Information) to demonstrate adequate financial resources as required by Puc 1304.01(a)(2). On the same date Choice One filed, pursuant to RSA 91-A:5,IV and Puc 204.06, a Motion for Confidential Treatment seeking to protect the Confidential Information from disclosure. The Information includes a balance

statement of assets, liabilities and shareholder's equity, a statement of operations, a statement of shareholder's equity, and a statement of cash flows.

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, Choice One states: (1) that the Confidential Information is not generally in the public knowledge or published elsewhere; (2) that Choice One treats the Confidential Information as privileged information of the corporation and has taken all reasonable measures to prevent the inadvertent disclosure of the Information to the public in the ordinary course of business by limiting access to such information by personnel; and (3) that, while the disclosure of the Information would provide no general benefit to the public if made public, the Information could place Choice One at a competitive disadvantage *vis-a-vis* its competitors. Choice One also asserts in connection with its motion: (1) that Choice One is a privately held company; and, (2) that access within Choice One to the Information is restricted to personnel who are at the Vice President or higher level and who have an equity interest in the company.

The Commission has reviewed the Information and

determined that there will be no significant benefit to the public by requiring disclosure of the private financial information at issue, and non-disclosure will avoid likely harm to Choice One by preserving its sensitive financial information.

We find that the Information provided in the filing contains confidential information that meets the requirements of N.H. Admin. Rule 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 Choice One 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 Puc 204.06.

Based upon the foregoing, it is hereby

ORDERED, that Choice One'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 second day of August, 1999.

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

Claire D. DiCicco
Assistant Secretary