

DT 99-089

BELL ATLANTIC

Request to Revise ISDN Basic Service Tariff

Order Approving Motion for Protective Treatment

O R D E R N O . 23,283

August 16, 1999

On June 11, 1999, New England Telephone and Telegraph, Company, d/b/a Bell Atlantic - New Hampshire (Bell Atlantic or the Company) petitioned the New Hampshire Public Utilities Commission (Commission), pursuant to RSA 374:22 and RSA 374:26, for authority to introduce revisions to a tariffed service known as ISDN Basic. Along with the petition, Bell Atlantic provided cost information in support of the filing.

Concurrent with its petition, Bell Atlantic filed a Verified Motion for Protective Order seeking to exempt portions of the cost information from public disclosure pursuant to RSA 91-A and N.H. Admin. Rule Puc 204.05 and 204.06, alleging that the information contained competitively sensitive data such as targeted market demand forecasts, costs and revenue projections. Bell Atlantic filed this 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.

On July 12, 1999, the Commission issued Order No. 23,257 in which it, *inter alia*, extended by 30 days the time for the Commission Staff (Staff) to complete its review of the filing. On August 11, 1999, the Commission approved the tariff, with amendment, in Order No. 23,280.

The material for which Bell Atlantic seeks protection is revenue analyses, costs and targeted market analyses, and costs and targeted market demand forecasts, including revenue and demand forecasts at specific price points for specific market segments (the Information).

Bell Atlantic avers in its motion that: (1) releasing the Information to the public would (a) undermine Bell Atlantic's ability to compete effectively by allowing competitors to determine characteristics of Bell Atlantic's products' market segments; and (b) give competitors the ability to utilize the Information to their unfair advantage in developing services in direct competition with Bell Atlantic services; (2) it regularly seeks to prevent dissemination of segmented data that reveal revenue and market characteristics of Bell Atlantic's customers in particular market categories, which are not made available to or known by the general public; (3) the Information is compiled from internal databases that are not publicly available and which the Company takes comprehensive measures to otherwise protect; (4) Bell Atlantic has invested significant time and resources to

obtain specific customer information contained in the Information, and a competitor could develop this Information only by contacting each customer who subscribes and having them agree to share the Information; and (5) Bell Atlantic does not have access to any similar information developed by its competitors.

By affidavit, Bell Atlantic Product Manager, David Rodriguez, attests that the representations of fact regarding the Information contained in the Motion are true and accurate. Bell Atlantic also states that neither the Commission Staff nor the Office of Consumer Advocate take a position with regard to the Motion.

The Commission has reviewed the Information at issue and determined that any benefit to the public to be obtained by requiring disclosure of the Information is outweighed by the likely harm to Bell Atlantic.

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, the Motion for Protective Order of New England Telephone and Telegraph Company, d/b/a Bell Atlantic - New Hampshire, 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 sixteenth day of August, 1999.

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

Thomas B. Getz
Executive Director and Secretary