

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DT 13-243**

**SPRINT COMMUNICATIONS COMPANY, L.P.**

**Petition to Increase Price for Telecommunications Relay Service**

**Order Granting Motions for Confidential Treatment**

**ORDER NO. 25,607**

**December 19, 2013**

On August 12, 2013, Sprint Communications Company, L.P. (Sprint) filed a petition to increase the rates at which, and modify the terms upon which, Sprint provides telecommunications relay service and related services in New Hampshire (Petition). Sprint simultaneously filed a motion for confidential and proprietary treatment with respect to certain financial and commercial information, including rate and pricing information, contained in the filed Petition and redacted in the public version of the Petition. Sprint represented in its motion that this redacted information is proprietary, non-public, and commercially-sensitive. According to Sprint, public disclosure of the redacted information would place Sprint at a competitive and economic disadvantage if released to its competitors, and also would result in injury to competition in the telecommunications services market that could in turn lead to less favorable prices available to New Hampshire customers.

On December 6, 2013, Sprint submitted a letter containing additional information in response to Staff inquiries. Sprint simultaneously filed a motion for confidential and proprietary treatment with respect to certain information contained in this letter, stating that this information describes “matters discussed with Commission staff confidentially, as well as providing pricing details and certain factual underpinnings for Sprint's pricing.” December 6, 2013 Motion at 1. In

support of this motion, Sprint reiterated many of the representations and arguments contained in its original motion dated August 12, 2013. No objection was filed to either of Sprint's two motions for confidential and proprietary treatment.

Under RSA 91-A:5, IV, records of "confidential, commercial or financial information" are exempted from disclosure, and the New Hampshire Supreme Court has adopted a balancing test for determining whether certain documents meet this designation. *See, e.g., Union Leader Corp. v. N.H. Housing Fin. Auth.*, 142 N.H. 540, 552-54 (1997); *Lambert v. Belknap County Convention*, 157 N.H. 375, 382-83 (2008).


We must first consider whether disclosure of the information Sprint seeks to protect involves a privacy interest. We find that Sprint has a privacy interest in the terms and pricing of the competitive telecommunications services it proposes to provide in the State and elsewhere, except where any such information is already publicly available. We next consider whether the public has an interest in disclosure of this information. While the public has an interest in the availability, quality and cost-effectiveness of the telecommunications relay service and related services provided in the State, this interest does not extend to the detailed pricing, rate and term information contained in the Petition and in Sprint's subsequent submission as support for its new pricing proposal. Thus, the public has a limited interest in disclosure of the redacted information in the Petition and in Sprint's subsequent submission. Finally, we balance the public's interest in disclosure against the privacy interests at stake to determine whether disclosure is warranted. In this case, we find that Sprint's privacy interest in the proprietary and competitively-sensitive information contained in the Petition and in its subsequent submission outweighs the limited interest of the public in disclosure of such information, particularly in light

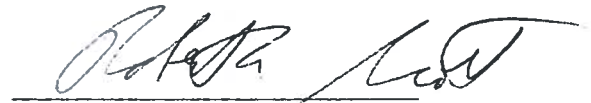
of the highly competitive nature of much of the telephone industry today. If the rates Sprint has requested for its telecommunications relay service and related services are approved, those rates will be publicly disclosed. <sup>1</sup> Accordingly, we grant Sprint's motions for confidential and proprietary treatment, and note that our determination is subject to reconsideration in the future upon our own motion or upon request of any party. *See* N.H. Code Admin. Rules Puc 203.08(k).

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

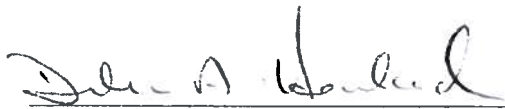
**ORDERED**, that Sprint's motions for confidential and proprietary treatment are GRANTED, as discussed herein.

By order of the Public Utilities Commission of New Hampshire this nineteenth day of December, 2013.

  
\_\_\_\_\_  
Amy L. Ignatius  
Chairman

  
\_\_\_\_\_  
Robert R. Scott  
Commissioner

Attested by:

  
\_\_\_\_\_  
Debra A. Howland  
Executive Director

<sup>1</sup> The approved rates for TRS historically have been public information and we anticipate that any new approved rate would also be made public. *See, e.g., Sprint Communications Company*, Order No. 24,492 (July 21, 2005); *Sprint Communications Company, L.P.*, Order No. 23,178 (March 30, 1999).