

Docket No. 8881
FairPoint Communications, Inc.
Averment No. 1
Confidential Documents and Materials

A. Identification of Documents or Materials.

Nonpublic information contained in a pricing and valuation analysis of the proposed acquisition transaction prepared for FairPoint by an outside consultant, Evercore Group, L.L.C. (“Evercore”), dated December 3, 2016:

CONFIDENTIAL ATTACHMENT 2 in response to LABOR 1-4

B. Degree of Confidential Information.

Public disclosure of Evercore’s pricing and valuation analysis would provide the public with insight into FairPoint’s current and projected financial condition, thereby placing FairPoint at a competitive and commercial disadvantage. While FairPoint’s finances are relevant to this proceeding, the information contained in CONFIDENTIAL ATTACHMENT 2 in response to LABOR 1-4 includes confidential information, the disclosure of which could cause significant harm to FairPoint in relation to any person or entity with whom FairPoint must compete or negotiate in a competitive marketplace.

C. Confidentiality Factors.

i. Extent Information Known Outside Company.

The Evercore analysis is known only by FairPoint’s executive personnel and its financial and legal advisors, as well as any authorized recipients of this information under approved confidentiality agreements.

ii. Extent Information Known by Employees and Independent Contractors.

The Evercore analysis is known only by FairPoint’s executive and selected personnel and its financial and legal advisors.

iii. Measures Taken to Guard Security of Information.

The Evercore analysis is maintained in restricted access computer files and in secure files.

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(cont.)

iv. Value of Information to Company and Competitors.

The information is extraordinarily competitively sensitive and contains proprietary data, the disclosure of which could adversely impact FairPoint's competitive and commercial bargaining position in any number of situations.

v. Amount of Money or Effort Expended to Develop Information.

The Evercore analysis was developed at significant material cost to FairPoint, including the costs of retaining and compensating the outside consultant and the time and expenses incurred by FairPoint's executive personnel and its financial and legal advisors in developing and reviewing the analysis and the underlying information on which the analysis is based. In addition to these costs, the value of the underlying information itself is at risk in the event of disclosure of this confidential information.

vi. Cost/Difficulty in Acquiring/Duplicating Information.

See C.v., above.

vii. Harm of Disclosure.

See B, C.iv., and C.v., above.

D. Time Period.

The information should be kept confidential indefinitely.

E. Partial Disclosure or Redaction.

The contents of CONFIDENTIAL ATTACHMENT 2 in response to LABOR 1-4 consist entirely of the Evercore analysis provided to FairPoint and would not be capable of partial disclosure or redaction.

F. Other Factors.

None.

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FairPoint Communications, Inc.
Averment No. 2
Confidential Documents and Materials

A. Identification of Documents or Materials.

Nonpublic information identifying the competitive communications providers that currently have “eligible” profiles under FairPoint’s Wholesale Performance Plan (“WPP”) in Vermont, specifically contained in:

CONFIDENTIAL ATTACHMENT in response to DPS 1-10

B. Degree of Confidential Information.

Public disclosure of the identities of the communications providers with whom FairPoint actively does business under the WPP would place FairPoint at a competitive and commercial disadvantage. While FairPoint’s operations are relevant to this proceeding, the information contained in the CONFIDENTIAL ATTACHMENT in response to DPS 1-10 includes highly confidential information, the disclosure of which expose the business activities of the communications providers with whom FairPoint does business under the WPP, and could thereby cause significant harm to FairPoint in relation to any person or entity with whom FairPoint must compete or negotiate in a competitive marketplace.

C. Confidentiality Factors.

i. Extent Information Known Outside Company.

The identity of companies “eligible” to transact business with FairPoint under the WPP is known only by FairPoint’s executive personnel and its financial and legal advisors, as well as any authorized recipients of this information under approved confidentiality agreements.

ii. Extent Information Known by Employees and Independent Contractors.

The identity of companies “eligible” to transact business with FairPoint under the WPP is known only by FairPoint’s executive personnel, personnel directly associated with the WPP, and its financial and legal advisors.

iii. Measures Taken to Guard Security of Information.

The identity of companies “eligible” to transact business with FairPoint under the WPP is maintained in restricted access computer files and in secure files.

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iv. Value of Information to Company and Competitors.

The information is extraordinarily competitively sensitive and contains proprietary data, the disclosure of which could adversely impact FairPoint's competitive and commercial bargaining position in any number of situations.

v. Amount of Money or Effort Expended to Develop Information.

The list of companies "eligible" to transact business with FairPoint under the WPP was developed by FairPoint's executive personnel and its financial and legal advisors at FairPoint's own time and expense based on its familiarity, experience, training and expertise in the scope and extent of FairPoint's finances and operations. FairPoint has incurred material costs in developing the CONFIDENTIAL ATTACHMENT in response to DPS 1-10. That work and the value of the underlying information itself are at risk in the event of disclosure of this highly confidential information.

vi. Cost/Difficulty in Acquiring/Duplicating Information.

See C.v., above.

vii. Harm of Disclosure.

See B, C.iv., and C.v., above.

D. Time Period.

The information should be kept confidential indefinitely.

E. Partial Disclosure or Redaction.

The contents of the CONFIDENTIAL ATTACHMENT in response to DPS 1-10 consist entirely of the names of companies "eligible" to transact business with FairPoint under the WPP and are not capable of partial disclosure or redaction.

F. Other Factors.

None.

Docket No. 8881
FairPoint Communications, Inc.
Averment No. 3
Confidential Documents and Materials

A. Identification of Documents or Materials.

Nonpublic information about FairPoint's unregulated broadband service, contained in:

CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-22 (Broadband Speeds)

B. Degree of Confidential Information.

Public disclosure of information about FairPoint's broadband service would provide the public with insight into FairPoint's unregulated, competitive service offerings, thereby placing FairPoint at a significant competitive and commercial disadvantage in a highly competitive marketplace. While FairPoint's regulated operations are relevant to this proceeding, the information contained in CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-22 includes confidential and proprietary information about unregulated services, the disclosure of which could cause significant harm to FairPoint in relation to any person or entity with whom FairPoint must compete or negotiate in a competitive marketplace.

C. Confidentiality Factors.

i. Extent Information Known Outside Company.

The requested information about FairPoint's broadband services is not known outside the Company.

ii. Extent Information Known by Employees and Independent Contractors.

The requested information about FairPoint's broadband services is known only by FairPoint's executive and selected personnel for business reasons and by FairPoint's business and legal advisors.

iii. Measures Taken to Guard Security of Information.

The requested information about FairPoint's broadband services is maintained in restricted access computer files and in secure files.

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Confidential Documents and Materials (cont.)

iv. Value of Information to Company and Competitors.

The information is extraordinarily competitively and commercially sensitive and contains proprietary data, the disclosure of which could adversely impact FairPoint's competitive and commercial interests in any number of situations.

v. Amount of Money or Effort Expended to Develop Information.

The requested information about FairPoint's broadband services was developed by FairPoint's executive personnel and its business and legal advisors at FairPoint's own time and expense based on its familiarity, experience, training and expertise in the scope and extent of FairPoint's operations. FairPoint has incurred material costs in developing the information contained in CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-22. That work and the value of the underlying information itself are at risk in the event of disclosure of this confidential information.

vi. Cost/Difficulty in Acquiring/Duplicating Information.

See C.v., above.

vii. Harm of Disclosure.

See B, C.iv., and C.v., above.

D. Time Period.

The information should be kept confidential indefinitely.

E. Partial Disclosure or Redaction.

The contents of CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-22 consist entirely of sensitive data about FairPoint's broadband service and would not be capable of partial disclosure or redaction.

F. Other Factors.

None.

Docket No. 8881
FairPoint Communications, Inc.
Averment No. 4
Confidential Documents and Materials

A. Identification of Documents or Materials.

Nonpublic information showing FairPoint's current network design, contained in:

CONFIDENTIAL ATTACHMENT 3 in response to DPS.FP.2-16 (SS7 Network Schematic)

B. Degree of Confidential Information.

Public disclosure of aggregated information about the design and location of FairPoint's network infrastructure would provide the public with insight into FairPoint's network operations, thereby placing FairPoint at a significant competitive and commercial disadvantage in the marketplace and affecting system security. While FairPoint's regulated operations are relevant to this proceeding, the information contained in CONFIDENTIAL ATTACHMENT 3 in response to DPS.FP.2-16 includes confidential, proprietary information, the disclosure of which could cause significant harm to FairPoint in relation to any person or entity with whom FairPoint must compete or negotiate in a competitive marketplace.

C. Confidentiality Factors.

i. Extent Information Known Outside Company.

Aggregated information relating to FairPoint's network design is not known outside the Company other than by external financial and legal advisors subject to confidentiality obligations.

ii. Extent Information Known by Employees and Independent Contractors.

Aggregated information relating to FairPoint's network design is known only by FairPoint's executive and selected personnel and its financial and legal advisors.

iii. Measures Taken to Guard Security of Information.

Aggregated information relating to FairPoint's network design is maintained in restricted access computer files and in secure files.

iv. Value of Information to Company and Competitors.

The information is extraordinarily competitively and commercially sensitive and contains proprietary data, the disclosure of which could adversely impact FairPoint's competitive, commercial and security interests in any number of situations.

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Confidential Documents and Materials (cont.)

v. Amount of Money or Effort Expended to Develop Information.

Aggregated information relating to FairPoint's network design was developed by FairPoint's executive personnel and its network engineering and legal advisors at FairPoint's own time and expense based on its familiarity, experience, training and expertise in the scope and extent of FairPoint's operations. FairPoint has incurred material costs in developing the information contained in CONFIDENTIAL ATTACHMENT 3 in response to DPS.FP.2-16. That work and the value of the underlying information itself are at risk in the event of disclosure of this confidential information.

vi. Cost/Difficulty in Acquiring/Duplicating Information.

See C.v., above.

vii. Harm of Disclosure.

See B, C.iv., and C.v., above.

D. Time Period.

The information should be kept confidential indefinitely.

E. Partial Disclosure or Redaction.

The contents of CONFIDENTIAL ATTACHMENT 3 in response to DPS.FP.2-16 consist entirely of information about FairPoint's network design and would not be capable of partial disclosure or redaction.

F. Other Factors.

None.

Docket No. 8881
FairPoint Communications, Inc.
Averment No. 5
Confidential Documents and Materials

A. Identification of Documents or Materials.

Nonpublic information showing economic information about FairPoint's trouble tickets and network incidents, contained in:

CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-13 (Trouble Tickets)

CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-14 (NOC Incidents)

B. Degree of Confidential Information.

Public disclosure of the information about the processes FairPoint uses to address trouble tickets and network incidents would provide the public with insight into a core element of FairPoint's business operations, thereby placing FairPoint at a competitive and commercial disadvantage in the marketplace. While FairPoint's regulated operations are relevant to this proceeding, the information contained in CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-13 and CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-14 includes confidential information, the disclosure of which could cause significant harm to FairPoint in relation to any person or entity with whom FairPoint must compete or negotiate in a competitive marketplace.

C. Confidentiality Factors.

i. Extent Information Known Outside Company.

Aggregated information about FairPoint's trouble tickets and NOC incidents is not known outside the Company other than by external financial and legal advisors subject to confidentiality obligations.

ii. Extent Information Known by Employees and Independent Contractors.

Aggregated information about FairPoint's trouble tickets and NOC incidents is known only by FairPoint's executive and selected personnel and its financial and legal advisors.

iii. Measures Taken to Guard Security of Information.

Aggregated information about FairPoint's trouble tickets and NOC incidents is maintained in restricted access computer files and in secure files.

iv. Value of Information to Company and Competitors.

The information is extraordinarily competitively sensitive and contains proprietary data, the disclosure of which could adversely impact FairPoint's competitive and commercial interests in any number of situations.

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Averment No. 5

Confidential Documents and Materials (cont.)

v. Amount of Money or Effort Expended to Develop Information.

Aggregated information about FairPoint's trouble tickets and NOC incidents was developed by FairPoint's executive personnel and its network operations and legal advisors at FairPoint's own time and expense based on its familiarity, experience, training and expertise in the scope and extent of FairPoint's operations. FairPoint has incurred material costs in developing the information contained in CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-13 and CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-14. That work and the value of the underlying information itself are at risk in the event of disclosure of this confidential information.

vi. Cost/Difficulty in Acquiring/Duplicating Information.

See C.v., above.

vii. Harm of Disclosure.

See B, C.iv., and C.v., above.

D. Time Period.

The information should be kept confidential indefinitely.

E. Partial Disclosure or Redaction.

CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-13 and CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-14 consist entirely of aggregated information about FairPoint's trouble tickets and NOC incidents and would not be capable of partial disclosure or redaction.

F. Other Factors.

None.

Docket No. 8881
FairPoint Communications, Inc.
Averment No. 6
Highly Confidential Documents and Materials

A. Identification of Documents or Materials.

Nonpublic information showing FairPoint's call center operating statistics, contained in:

HIGHLY CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-24 (Call Center Data)

B. Degree of Confidential Information.

Public disclosure of FairPoint's call center operating statistics would provide the public with insight into a highly sensitive element of FairPoint's business operations, thereby placing FairPoint at a significant competitive and commercial disadvantage in the marketplace. While FairPoint's regulated operations are relevant to this proceeding, the information contained in HIGHLY CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-24 includes proprietary business information, the disclosure of which could cause significant harm to FairPoint in relation to any person or entity with whom FairPoint must compete or negotiate in a competitive marketplace. In particular, information about the operation of FairPoint's call centers, if disclosed to the Labor Intervenors or to any individuals who provide advice to the Labor Intervenors in relation to their collective bargaining negotiations, could place FairPoint at an unfair disadvantage in the upcoming collective bargaining negotiations.

C. Confidentiality Factors.

i. Extent Information Known Outside Company.

FairPoint's call center operating statistics are known only by FairPoint's executive personnel and its business and legal advisors, as well as any authorized recipients of this information under approved confidentiality agreements.

ii. Extent Information Known by Employees and Independent Contractors.

FairPoint's call center operating statistics are known only by FairPoint's executive and selected personnel and its financial and legal advisors.

iii. Measures Taken to Guard Security of Information.

FairPoint's call center operating statistics are maintained in restricted access computer files and in secure files.

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FairPoint Communications, Inc.
Averment No. 6
Confidential Documents and Materials (cont.)

iv. Value of Information to Company and Competitors.

The information is extraordinarily competitively and commercially sensitive and contains proprietary data, the disclosure of which could adversely impact FairPoint's competitive and commercial interests in any number of situations.

v. Amount of Money or Effort Expended to Develop Information.

FairPoint's call center operating statistics were developed by FairPoint's executive personnel and its business and legal advisors at FairPoint's own time and expense based on its familiarity, experience, training and expertise in the scope and extent of FairPoint's operations. FairPoint has incurred material costs in developing the information contained in HIGHLY CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-24. That work and the value of the underlying information itself are at risk in the event of disclosure of this confidential information.

vi. Cost/Difficulty in Acquiring/Duplicating Information.

See C.v., above.

vii. Harm of Disclosure.

See B, C.iv., and C.v., above.

D. Time Period.

The information should be kept confidential indefinitely.

E. Partial Disclosure or Redaction.

The contents of HIGHLY CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-24 consist entirely of FairPoint's call center operating statistics and would not be capable of partial disclosure or redaction.

F. Other Factors.

None.

Docket No. 8881
FairPoint Communications, Inc.
Averment No. 7
Highly Confidential Documents and Materials

A. Identification of Documents or Materials.

Nonpublic information showing FairPoint's recent and current employee counts, contained in:

HIGHLY CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-5 (NNE Employee Count, 2011-2016)

B. Degree of Confidential Information.

Public disclosure of FairPoint's recent employee counts and employment trends would provide the public with insight into a highly sensitive element of FairPoint's business operations, thereby placing FairPoint at a significant competitive and commercial disadvantage in the marketplace. While FairPoint's regulated operations are relevant to this proceeding, the information contained in HIGHLY CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-5 includes highly confidential employment information, the disclosure of which could cause significant harm to FairPoint in relation to any person or entity with whom FairPoint must compete or negotiate in a competitive marketplace. In particular, aggregated employment information, if disclosed to the Labor Intervenors or to any individuals who provide advice to the Labor Intervenors in relation to their collective bargaining negotiations, could place FairPoint at an unfair disadvantage in the upcoming collective bargaining negotiations.

C. Confidentiality Factors.

i. Extent Information Known Outside Company.

Aggregated information about FairPoint's recent employee counts and employment trends is known only by FairPoint's executive personnel and its financial and legal advisors, as well as any authorized recipients of this information under approved confidentiality agreements.

ii. Extent Information Known by Employees and Independent Contractors.

Aggregated information about FairPoint's recent employee counts and employment trends is known only by FairPoint's executive and selected personnel and its financial and legal advisors.

iii. Measures Taken to Guard Security of Information.

Aggregated information about FairPoint's recent employee counts and employment trends is maintained in restricted access computer files and in secure files.

Docket No. 8881
FairPoint Communications, Inc.
Averment No. 7
Confidential Documents and Materials (cont.)

iv. Value of Information to Company and Competitors.

The information is extraordinarily competitively and commercially sensitive and contains proprietary data, the disclosure of which could adversely impact FairPoint's competitive and commercial interests in any number of situations.

v. Amount of Money or Effort Expended to Develop Information.

The aggregated employment information was developed by FairPoint's executive personnel and its business and legal advisors at FairPoint's own time and expense based on its familiarity, experience, training and expertise in the scope and extent of FairPoint's operations. FairPoint has incurred material costs in developing the information contained in HIGHLY CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-5. That work and the value of the underlying information itself are at risk in the event of disclosure of this confidential information.

vi. Cost/Difficulty in Acquiring/Duplicating Information.

See C.v., above.

vii. Harm of Disclosure.

See B, C.iv., and C.v., above.

D. Time Period.

The information should be kept confidential indefinitely.

E. Partial Disclosure or Redaction.

The contents of HIGHLY CONFIDENTIAL ATTACHMENT 1 in response to DPS.FP.2-5 consist entirely of recent employee counts and would not be capable of partial disclosure or redaction.

F. Other Factors.

None.