

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Joint Petition of Champlain Broadband LLC, City )  
of Burlington d/b/a Burlington Telecom, Blue )  
Water Holdings LLC for approvals, pursuant to 30 )  
V.S.A. § 109, 231, 504, 47 U.S.C. § 214(e), and )  
Section 438(c)(1) of the City of )  
Burlington Charter ) Case No. 18-0491-PET  
)  
)

MOTION FOR PARTIAL RECONSIDERATION OF THE PUC’S ORDER DENYING  
CONFIDENTIAL TREATMENT OF INFORMATION CONTAINED IN THE  
PREFILED EXHIBIT OF CHAMPLAIN BROADBAND LLC

On August 1, 2018, the Vermont Public Utility Commission (“PUC”) issued an order granting in part and denying in part the motion of Champlain Broadband LLC (“Champlain”) requesting a protective order providing confidential treatment of two exhibits to the prefiled testimony of Champlain’s treasurer, Gesumino A. Agostino (“Order”). In partially denying the motion, the Commission provided Champlain with an opportunity to seek reconsideration of the Order supported by “supplemental information-specific averments that clearly explain the cognizable harm that the business of Burlington Telecom could suffer if this information became public.” within 15 days of its Order. *Order at 8*. This motion, and the accompanying supplemental averment of Mr. Agostino, does seek such reconsideration only with respect to certain nonnumerical information that Champlain contends is qualitatively similar in its overall nature and commercial sensitivity to numerical information to which the Commission’s Order did extend protection. Specifically, Champlain seeks protection for all references, on pages 1 to 3 of Exhibit Champlain-GA-2 (“GA-2”), to contingent, future plans to build out the

Burlington Telecom System to potentially serve customers outside of the City of Burlington.

## DISCUSSION

In its Order, the Commission concluded that there is a “sufficient *prima facie* basis for the confidential treatment and redaction of” certain information contained within GA-2 that fit within the categories of information described in its prior orders. *Order at 5.* Specifically, the Commission ruled that its prior orders provide a “clear basis to support confidential treatment of management’s projections of future operating results as well as projections of average revenue per unit (“ARPU”), subscriber numbers, and capital expenditures.” *Id.* Champlain asks the Commission to reconsider its prior order insofar as it does not extend to information within GA-2 that details contingent, future plans to build out the Burlington Telecom System to potentially serve customers outside of the City of Burlington. This confidential information includes specific references to the timing, location, and operational conditions precedent to such a possible expansion. This information is qualitatively similar to numerical information protected by the Order that comprises management’s future projections of capital expenditures and is of similar commercial sensitivity to warrant protection. Based on the attached supplemental averment of Champlain CFO Gesumino Agostino, summarized below, Champlain respectfully submits that the Commission now has a sufficient basis to conclude that such detailed nonnumerical information about future management and operational strategy contained within GA-2 should also be protected.

GA-2 covers an 11-year planning horizon and thus contains detailed discussion of management projections regarding the operational and fiscal contingencies that would precede the potential expansion of Burlington Telecom services to customers beyond the City of Burlington. While there have been previous public discussions about possible expansion of Burlington Telecom services beyond the City of Burlington, those discussions have not included the level of detail in GA-2 regarding the timing, operational and fiscal conditions precedent, and likely location or locations of such expansion. Such information, like numeric projections for capital expenditures, is commercially sensitive because it offers competitors a substantial unfair advantage in enabling them to plan to target and/or escalate marketing efforts to areas of planned Burlington Telecom expansion far in advance of such expansion, thereby making it more difficult for Burlington Telecom to penetrate these new areas.

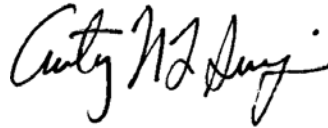
The densely populated communities surrounding Burlington comprise the most competitive area for cable television and telecommunications services in the State of Vermont. Short of unanticipated and premature voluntary disclosure by Champlain, its competitors would not be able to obtain concrete, actionable information about Champlain's intended expansion. Moreover, Champlain is not seeking Commission authorization to expand Burlington Telecom's system at this time. Thus, the additional commercially sensitive confidential information for which Champlain seeks protection is of little public interest because it does not inform any of the substantive criteria on which the Commission is required to make findings and conclusions in considering the Joint Petition now before it.

## CONCLUSION

For the foregoing reasons, supported by the supplemental averment of Mr. Agostino filed herewith, Champlain respectfully asks the Commission to extend the protection of the Order to the nonnumeric confidential information described herein and indicated by redaction in the proposed public version of GA-2 filed along with this motion.

DATED at MONTPELIER, VERMONT this 17th day of August, 2018.

CHAMPLAIN BROADBAND LLC

A handwritten signature in black ink, appearing to read "Anthony Iarrapino". The signature is written in a cursive style with a large initial "A".

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