



Joslyn Wilschek\*

(802-249-7663)

Anthony Iarrapino\*\*

(802-522-2802)

35 Elm St., Suite 200

Montpelier, VT 05602

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Judith Whitney, Clerk  
Vermont Public Utility Commission  
112 State Street  
Montpelier, VT 05620-2701

*This document has been filed ePUC*

Re: Case No. 18-0491/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, and 47 U.S.C. § 214(e), and Section 438(c)(1) of the City of Burlington Charter

Dear Ms. Whitney:

### **Filing Related to Motion and Order on Confidential Documents**

On August 1, 2018, the PUC issued an “Order Granting in Part and Denying in Part Motion for Confidential Treatment of Two Exhibits to Prefiled Testimony” (Order). As an initial matter, Champlain wishes to provide the context for why it sought confidential treatment of Exhibits Champlain-GA-2 and GA-3 in its Motion for Confidential Treatment (Motion).

Exhibit Champlain-GA-2 is a proprietary compilation of confidential and public information that provides an analysis of how Burlington Telecom was (and in most respects still is) expected to perform over an 11-year period. When Champlain filed the Motion in February 2018, most of the information contained in Exhibit Champlain-GA-2 was confidential as was the analytical compilation. Even today the analytical compilation is not public. With the passage of time since Champlain filed its Motion, and as the Order discusses, the City of Burlington subsequently disclosed or discussed certain portions of the data in Exhibit Champlain-GA-2 in reports and presentations made separately for its cable and telecommunications businesses. To date, a competitor would not have easy or complete access to the aggregated information on a total-company basis. While Champlain continues to believe that the analysis in Exhibit Champlain-GA-2 of public and non-public information is a value-added product that would typically be kept confidential by a participant in a highly competitive marketplace such as the one in which Burlington Telecom operates, Champlain does not wish to use the time and resources of the PUC or the parties to move the PUC to reconsider its determination in its entirety. Rather, Champlain’s motion seeks only to extend the Commission’s Order to certain detailed nonnumeric information that, like the numeric information that the Commission’s Order does encompass, also reflects management projections for future, contingent capital expenditures related to potential expansion of Burlington Telecom services to customers outside the City of Burlington.

With respect to Exhibit Champlain-GA-3, when Champlain filed the Motion, as the PUC notes, this document was not public. Similar to the context for Exhibit Champlain-GA-2, with the passage of time, components of this document have now become public, but at no time has the compilation of information in this document become public, and it is the compilation of information that is sensitive. Champlain will not, however, ask the PUC to reconsider its decision to release the analysis in GA-3.

The Order instructs the City and Champlain to review “all publicly available information about Burlington Telecom” and advise the PUC as to whether information for which confidential treatment has been requested has previously been made public by the City. In conducting this review of Exhibit Champlain GA-2, the City has indicated that – in addition to the data on Page 4, Column 1 and Page 5, Columns 1 and 2, which the PUC determined to be public – the data on Page 4, Column 2 and Page 5, Column 3 have also been made public since the Exhibit was originally filed in February.

Consistent with the Order, Champlain now provides a public (redacted) version of Exhibit Champlain-GA-2 that reflects both the PUC’s determinations of confidentiality in the Order as well as the City’s subsequent public disclosures of additional data. The enclosed public version of the Exhibit shows redactions consistent with these determinations and with the supplemental averment and motion to reconsider attached herewith.

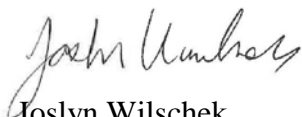
Champlain is authorized to state that the City of Burlington has reviewed this letter and agrees with its representations.

### **Hearing Dates**

Champlain would greatly appreciate if the PUC could please set specific hearing dates in this matter so that parties can plan accordingly. Champlain reached out to all the parties in this matter and expects that only one day of hearing is necessary, but also suggests that the PUC schedule a second day as a back-up date. All witnesses are available on September 26, 2018 and that is the preferred hearing date for the parties. The City of Burlington Witness Terry Dorman is available on September 26, 2018 until 4 p.m. The Burlington Access Management Organization witness is not available the afternoon of September 25, and all day on September 27. The Taxpayers are not available on September 28 and Champlain’s counsel are not available on September 24, but Champlain is available for the remainder of the week. In sum, based on this availability, Champlain proposes that the PUC set September 26, 2018 as the hearing date, with September 27 as a back-up for non-BAMO related issues. Counsel is authorized to state that the parties concur with this suggestion.

**The documents that accompany this letter have been electronically filed using ePUC, other than the confidential documents.**

Regards,



Joslyn Wilschek  
Enclosures