

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 19-4845-PET

Petition of Southern Vermont Cable )  
Company for consent, pursuant to 30 )  
V.S.A § 109, to sell substantially all of its )  
Vermont assets to Comcast of )  
Connecticut/Georgia/Massachusetts/New )  
Hampshire/New York/North Carolina/ )  
Virginia/Vermont, LLC, approval, )  
pursuant to 30 V.S.A. § 505, of such )  
entity's abandonment of cable-television )  
service in Vermont and revocation of its )  
Certificates of Public Good )

Petition of Comcast of Connecticut/ )  
Georgia/Massachusetts/New Hampshire/ )  
New York/North Carolina/Virginia/ )  
Vermont, LLC for a Certificate of Public )  
Good, pursuant to 30 V.S.A. §§ 503 & )  
504 and Vermont Public Utility )  
Commission Rule 8.200, to own and )  
operate the cable-television systems in )  
Vermont currently owned and operated by )  
Southern Vermont Cable Company )

**MOTION FOR PROTECTION OF PROPRIETARY AND COMMERCIALY  
SENSITIVE INFORMATION**

Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC ("Comcast") hereby moves the Vermont Public Utility Commission ("Commission") to issue an order protecting proprietary and commercially sensitive information contained in the detailed migration plan Comcast is filing with the Commission and Department this week.

Condition 34 of the Commission's Certificate of Public Good issued to Comcast contemplates Comcast asking for protection of allegedly confidential information that may be contained within the detailed migration plan.<sup>1</sup>

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<sup>1</sup> In this docket, Comcast and SVCC have previously asserted that certain information they have provided to the Department was confidential. A Motion for Approval of their Protective Agreement was filed with the Commission under date of February 12, 2020. On March 9, 2020, the Hearing Officer issued a Procedural Order Re: Protective

MEMORANDUM IN SUPPORT OF MOTION

Condition 34 of the Certificate of Public Good issued on May 13, 2020, requires Comcast to “submit to the Commission and Department a detailed migration plan subject to Department comment that includes plans for isolated migration testing to occur before implementation.”

Rule 26(c)(7) of the Vermont Rules of Civil Procedure, applicable to Commission proceedings pursuant to Commission Rule 2.214(A), authorizes the issuance of protective orders, for good cause shown, to protect “a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way”.<sup>2</sup> Condition 34 allows Comcast to “file the necessary documentation” for the protection of allegedly confidential information contained within the detailed migration plan.

The March 9, 2020 Procedural Order issued in this proceeding contemplates any “documents that discuss or reveal documents that constitute Allegedly Confidential Information shall be filed in sealed envelopes or other appropriate sealed containers on which shall be endorsed the caption and case number of the proceeding, the nature of the contents (e.g. discovery response, report, etc.), and a statement that the sealed record shall not be opened or released from custody of the Clerk of the Commission except by order of the Commission.”<sup>3</sup>

Comcast includes herewith a detailed, document-specific averment from Daniel Glanville, addressing the Commission’s relevant factors, to the extent Comcast “relies upon that factor as the basis for an assertion of confidentiality”. See Attached Averment of Daniel Glanville. Comcast requests that the entire detailed migration plan be treated as containing allegedly confidential

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Agreement acknowledging that Comcast (and other parties) may have information that they allege is of a confidential and proprietary nature but the Order only governed “the protection of documents and information provided in discovery.” If a Party wished to keep confidential any information proffered for inclusion into the evidentiary record, that Party would have needed to have file a “properly supported motion for protection of that material.” Similarly, as contemplated by the CPG, we are doing so for the detailed migration plan required by Condition 34.

<sup>2</sup> Case No. 19-4845-PET, Procedural Order Re: Protective Agreement, Order entered 03/09/2020, p. 2.

<sup>3</sup> Procedural Order Re: Protective Agreement, Order entered March 9, 2020, Order, para. 6 at p. 5, also provides: “(d)espite such a statement, the members of the Commission, and any employee or consultant specifically authorized by the Commission to assist the Commission in this proceeding and any Hearing Officer appointed in this Case, may have access to such sealed Allegedly Confidential Information but shall not disclose the contents of any such sealed information to any person who has not agreed to be bound by the Protective Agreement.”

information for the duration of the migration period. Comcast wishes to ensure that this confidential information is not revealed and therefore has been placed in a sealed envelope.

Public disclosure of such information could cause cognizable harm to Comcast and its related entities. Comcast respectfully asks that the Commission approve this Motion to facilitate the provision of this information while preserving its confidentiality.

DATED at Montpelier, Vermont on 26<sup>TH</sup> day of June, 2020.

Comcast

By:



Gerald R. Tarrant  
Tarrant Gillies Richardson & Shems  
P.O. Box 1440  
Montpelier, Vermont 05601-1440  
[gtarrant@tarrantgillies.com](mailto:gtarrant@tarrantgillies.com)