

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 21-4060-PET

Petition of Consolidated Communications of Vermont Company, LLC and Consolidated Communications of Northland Company (both d/b/a “Consolidated Communications”) for approval of a Successor (2022-2024) Incentive Regulation Plan, pursuant to 30 V.S.A. § 226b	
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**MOTION FOR CONFIDENTIAL TREATMENT
OF CONSOLIDATED’S PREFILED EVIDENCE**

Consolidated Communications of Vermont Company, LLC and Consolidated Communications of Northland Company (both d/b/a “Consolidated Communications” and hereafter “Consolidated”) respectfully submit this Motion to the Public Utility Commission (“Commission”) requesting confidential treatment of a Pre-Filed Exhibit submitted with the Rebuttal Testimony of Consolidated witness Sarah Davis. In support of this Motion, Consolidated relies on the following incorporated Memorandum of Law, as well as the attached Averment (Attachment A) and Proposed Order (Attachment B).

MEMORANDUM OF LAW

I. Introduction

On March 4, 2022, Consolidated submitted its Rebuttal Testimony in this Case. Through this Motion, Consolidated seeks confidential treatment of the nonpublic, confidential information contained in CONFIDENTIAL Exhibit CC-SD-4, which is referenced in Sarah Davis’s Rebuttal Testimony. The confidential information in this Exhibit is proprietary and competitively sensitive information that consists of confidential information regarding specific details of the cost to Consolidated to provide voice service by exchange.

II. General Standard for Confidential Treatment

In determining whether to grant confidential treatment, the Commission considers the following:

- (1) Is the matter sought to be protected a trade secret or other confidential research, development, or commercial information that should be protected?
- (2) Would disclosure of such information cause a cognizable harm sufficient to warrant a protective order?
- (3) Has the party seeking protection shown “good cause” for invoking the Commission’s protection?¹

III. Description of the Information Sought to be Protected

Consolidated seeks confidential treatment of nonpublic, confidential, proprietary, and competitively sensitive information contained in CONFIDENTIAL Exhibit CC-SD-4, which contains confidential Consolidated information regarding its costs to provide voice service in exchanges in the State.

IV. The Need for Confidential Treatment

The Exhibit to its Rebuttal testimony for which Consolidated seeks confidential treatment includes nonpublic, confidential, and proprietary information regarding Consolidated’s costs to provide voice service in each specific exchange in the State. This information should be granted confidential treatment because it is propriety and competitively sensitive and not otherwise publicly available. Public disclosure of the information would cause cognizable harm to Consolidated’s business, and place Consolidated at an unfair disadvantage by allowing

¹ See e.g., *Joint Petition of Consolidated Communications Holding, Inc., Consolidated Communications, Inc., Falcon Merger Sub, Inc., FairPoint Communications, Inc., Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications, FairPoint Vermont, Inc., d/b/a FairPoint Communications, UI Long Distance, Inc., and Enhanced Communications of Northern New England, Inc., for approval of a transfer of control by merger, pursuant to 30 V.S.A. §§ 107, 108, 109, 231(a), and 311*, Case No. 8881, at 2 (Vt. Pub. Serv. Bd. May 4, 2017 Protective Order for Confidential Treatment of Evidence); *Petition of the Vermont Department of Public Service for an investigation into the service quality provided by Consolidated Communications of Vermont Company LLC doing business as Consolidated Communications*, Case No. 18-3231-PET, at 3 (Vt. Pub. Util. Comm’n August 22, 2019 Protective Order for Confidential Treatment of Evidence).

competitors and other third parties to use this detailed cost information to compete or negotiate more directly and effectively with Consolidated. If disclosed, the information would provide the public and competitors with insight into Consolidated's financial and cost information and place Consolidated at a competitive disadvantage. More specifically, Consolidated is concerned that competitors would attempt to use this information to Consolidated's detriment, e.g., by using it to make decisions as to which locations it should target marketing efforts. The detailed cost information is highly sensitive in the competitive marketplace Consolidated operates in, and disclosure of this information could be detrimental to Consolidated's business.

Further detail regarding the need for confidentiality of this information is set forth in Consolidated Averment No. 1 (Second Revised), which is Attachment A to this Motion.

V. Good Cause Exists for Invoking the Commission's Protection

For the above-stated reasons and those set forth in further detail in Consolidated's attached Averment 1 there is good cause for the Commission to issue a Protective Order according confidential treatment to the confidential information described above.

The Commission has previously granted confidential treatment of information in similar circumstances.²

Consolidated has and will continue to review the confidential information, and to work with the Department of Public Service in this regard, to determine whether any of it can be reclassified and will advise the Commission and the parties of the results of its review. To the extent that any party disputes the designation of the exhibit as confidential and Consolidated and

² See *Petition of the Vermont Department of Public Service for an investigation into the service quality provided by Consolidated Communications of Vermont Company LLC doing business as Consolidated Communications*, Case No. 18-3231-PET, at 3 (Vt. Pub. Util. Comm'n Aug. 22, 2019 Protective Order for Confidential Treatment of Evidence) (stating that, "information identified [as confidential] in Consolidated's June 12 motion consists of financial information related to Consolidated's services in specific areas and is similar to information that we have previously determined is commercial sensitive.")

the party are unable to resolve the dispute, Consolidated seeks an opportunity to present additional information for the Commission's consideration specific to the disputed exhibit in connection with this Motion.

VI. Conclusion

For the above-stated reasons, Consolidated respectfully requests that the Commission issue a Protective Order to accord confidential treatment to CONFIDENTIAL Exhibit CC-SD-4.

Dated: March 4, 2022

RESPECTFULLY SUBMITTED,
CONSOLIDATED COMMUNICATIONS

By: /s/ Debra L. Bouffard
SHEEHEY FURLONG & BEHM P.C.
Debra L. Bouffard
30 Main Street
P.O. Box 66
Burlington, VT 05402
(802) 864-9891
dbouffard@sheeheyvt.com