

**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 DATA PROVIDED IN RESPONSE TO COMMISSION
REQUEST FOR INFORMATION**

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 data submitted by Consolidated in response to the Commission Request for Information issued in this Case on March 11, 2022. 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 11, 2022, the Commission Request for Information was issued in this Case. Consolidated submitted its responses to that Request on April 6, 2022. Through this Motion, Consolidated seeks confidential treatment of the nonpublic, confidential information contained in Confidential Attachment PUC InfoReq.2.a, which is referenced in Consolidated’s response to Commission request for information #2. The confidential information in this attachment is proprietary and competitively sensitive information that consists of confidential information about the number of Consolidated access lines.

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 Attachment PUC InfoReq.2.a, which contains confidential Consolidated information regarding the number of Consolidated access lines.

IV. The Need for Confidential Treatment

The attachment for which Consolidated seeks confidential treatment includes nonpublic, confidential, and proprietary information regarding Consolidated’s number of access lines 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 competitors and other third parties to use this information to compete

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).

or negotiate more directly and effectively with Consolidated. If disclosed, the information would provide the public and competitors with insight into Consolidated's confidential access line 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 access line 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 (Third 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 to similar information in this Case.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

² See *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*, Case No. 21-4060-PET, at 2-3 (Vt. Pub. Util. Comm'n Feb. 9, 2022 Protective Order for Confidential Treatment of Evidence) (granting protective order for confidential treatment of prefiled evidence including detailed location-specific information where Consolidated's customer subscribers are located by town and the total number of Consolidated's telephone service lines for the period of 2018-2021).

extent that any party disputes the designation of the attachment as confidential and Consolidated and 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 information 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 Attachment PUC InfoReq.2.a.

Dated: April 6, 2022

RESPECTFULLY SUBMITTED,
CONSOLIDATED COMMUNICATIONS

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