

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Petition of the Vermont Department of Public)
Service for an investigation into the service)
quality provided by Telephone Operating) Case No. 18-3231-PET
Company of Vermont, Inc., d/b/a Consolidated)
Communications, Inc.)

**MOTION FOR CONFIDENTIAL TREATMENT
OF PREFILED EVIDENCE OF CONSOLIDATED COMMUNICATIONS**

Consolidated Communications of Vermont Company, LLC (formerly Telephone Operating Company of Vermont, LLC) d/b/a Consolidated Communications (“Consolidated”) hereby moves the Public Utility Commission (“Commission”) for confidential treatment of portions of Consolidated’s prefiled Direct Testimony. 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 June 12, 2019, Consolidated filed redacted and confidential copies of prefiled direct testimony in the above captioned matter. In this Motion, Consolidated seeks confidential treatment of the nonpublic, confidential information contained in Consolidated’s prefiled direct testimony. The confidential information includes pricing, revenue and cost figures for services, and information related to services in specific towns, and is competitively sensitive information.

II. 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?

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 (Vt. Pub. Serv. Bd. May 4, 2017); Petition of Green Mountain Power Corporation requesting a certificate of public good, pursuant to 30 V.S.A. Section 248, for the purchase of electricity from NextEra Energy Seabrook, LLC from 2012 through 2034, Docket No. 7742 (Vt. Pub. Serv. Bd. Sept. 8, 2011); Investigation into Treatment of Allegedly Confidential Information Submitted by Nine Vermont Independent Telephone Companies, Docket No. 6904 (Vt. Pub. Serv. Bd. Nov. 14, 2003); Joint Petition of VELCO and VEC for a certificate of public good, pursuant to 30 V.S.A. Section 248, authorizing the construction of: (1) a new VELCO 115/46 kV Substation in Jay, Vermont, to be located adjacent to VEC’s existing Jay Peak Switching Station; (2) modification of transmission lines; and (3) relocation of a residence drive and improvement of access road, Docket No. 7708 (Vt. Pub. Serv. Bd. June 27, 2011).

III. Description of the Information Sought to be Protected

Consolidated seeks confidential treatment of nonpublic, confidential financial, proprietary, and competitively sensitive information contained in portions of the prefiled Direct

Testimony of Consolidated witness Michael Shultz. The redacted portions of Mr. Shultz's testimony are contained within the witness's response to Question 28 of his prefiled Direct Testimony. The information that is confidential, and therefore, has been redacted includes pricing, revenue and cost figures for Consolidated services, and information related to services in specific towns.

IV. The Need for Confidential Treatment

The prefiled testimony for which Consolidated seeks confidential treatment involves competitively sensitive information. 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 compete or negotiate more directly and effectively with Consolidated. Consolidated seeks protection of this financial information and pricing information because disclosure would result in harm to Consolidated's business. If disclosed, the information would provide the public and competitors with insight into Consolidated's financial and pricing information and place Consolidated at a competitive disadvantage. Further detail regarding the need for confidentiality of this information is set forth in Consolidated Averment No. 1 (Third Amendment), 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 Averment No. 1 (Third Amendment), there is good cause for the Commission to issue a Protective Order according confidential treatment to the confidential information described above and in the manner described in the attached Proposed Order (Attachment B).

The Commission has previously granted confidential treatment of similar information in this Case, as well as in other similar circumstances. See *Petition of the Vermont Department of*

Public Service, Case No. 18-3231-PET (Vt. Pub. Util. Comm. Jun. 6, 2019); *In re Renewal of the Certificate of Public Good of Comcast of Connecticut/ Georgia/ Massachusetts/ New Hampshire/ New York/ North Carolina/ Virginia/ Vermont, LLC, d/b/a Comcast*, Docket No. 8301 (Vt. Pub. Serv. Bd. Aug. 4, 2016); *Joint Petition of Consolidated Communications Holding, Inc., et al.*, Case No. 8881 (Vt. Pub. Serv. Bd. May 4, 2017).

Consolidated will continue to review the confidential information, and to work with the Department 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 redacted passages 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 redacted passages in connection with this Motion.

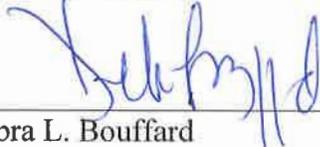
VI. Conclusion

For the above-stated reasons, Consolidated respectfully requests that the Commission issue a Protective Order substantially in the form provided as Attachment B to accord confidential treatment to certain information in the prefiled Direct Testimony of Michael Shultz.

DATED at Burlington, Vermont, this 12th day of June, 2019.

CONSOLIDATED COMMUNICATIONS OF
VERMONT COMPANY LLC
d/b/a Consolidated Communications

By: _____


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