

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 18-3231-PET

Petition of the Department of Public Service)
for an Investigation into the Service Quality)
Provided by Telephone Operating Company)
of Vermont, Inc. d/b/a Consolidated)
Communications, Inc.)

DEPARTMENT OF PUBLIC SERVICE
RESPONSE REGARDING MOTION FOR CONFIDENTIAL TREATMENT

On June 12, 2019, Consolidated Communications of Vermont Company, LLC (formerly Telephone Operating Company of Vermont, LLC) d/b/a Consolidated Communications (“Consolidated”) filed a motion for confidential treatment of portions of its prefiled Direct Testimony. Consolidated seeks an order from the Public Utility Commission (“Commission”) to protect nonpublic, confidential financial, proprietary and competitively sensitive information contained in portions of the prefiled Direct Testimony of Consolidated witness Michael Shultz. The Department does not oppose Consolidated’s request.

When reviewing a request for confidential treatment of testimony, exhibits, or information, the Commission has traditionally considered the following factors:

- (1) Is the matter sought to be protected a trade secret or other confidential research, development, or commercial information which 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

The Commission will “review [a] motion and supporting averment or averments to

¹ *Investigation into General Order No. 45 Notice filed by Vermont Yankee Nuclear Power Corporation re: proposed sale of Vermont Yankee Nuclear Power Station to Entergy Nuclear Vermont Yankee, LLC*, Docket No. 6545 (the “Entergy Docket”), Order of 3/9/02 at 2.

ensure that the moving party has presented a *prima facie* case for keeping the document or information under seal.”²

Consolidated seeks to protect nonpublic, confidential information relating to “pricing, revenue and cost figures for Consolidated services and information related to services in specific towns.” Motion at 3. Consolidated explains that the information should be granted confidential treatment because it is competitively sensitive.

The Department agrees with Consolidated that full disclosure of the confidential information contained in the prefiled Direct Testimony of Michael Shultz could impede Consolidated’s ability to effectively and competitively conduct business. The Motion and supporting averments filed by Consolidated set out facts sufficient to establish a *prima facie* case for keeping the financial and service information confidential. Accordingly, the Department does not oppose Consolidated’s request for confidential treatment of the redacted portions of the prefiled Direct Testimony of Michael Shultz and will treat such information as confidential unless the Commission rules otherwise.

DATED at Montpelier, Vermont this 26th day of June, 2019.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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² *Joint petition of Consolidated Communications and FairPoint for approval of transfer of control by merger*, Docket 8881, Order of 5/4/18 at 2 (citing *Entergy Docket*, Order of 3/29/02 at 2).