

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  
SUPPLEMENTAL MOTION FOR CONFIDENTIAL TREATMENT**

On June 26, 2019, Consolidated Communications of Vermont Company, LLC (formerly Telephone Operating Company of Vermont LLC) d/b/a Consolidated Communications (“Consolidated”) filed a supplemental motion for confidential treatment of portions of the prefiled Direct Testimony and exhibits of the Department of Public Service (“Department”). 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 Department witnesses Fred Goldstein, Barlow Keener and Carol Flint. The Department does not oppose Consolidated’s request, nor does it oppose Consolidated’s June 14, 2019 Motion for Extension of Time.

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?<sup>1</sup>

The Commission will “review [a] motion and supporting averment or averments to ensure that the moving party has presented a *prima facie* case for keeping the document or information under seal.”<sup>2</sup>

Consolidated seeks to protect nonpublic, confidential information relating to: (1) weekly service quality reports Consolidated submits to the Department during this investigation; (2) trouble ticket numbers and time cleared; (3) repairs per technician; (4) repeat troubles; and (5) total number of trouble tickets reviewed by Department witnesses Goldstein and Keener. Consolidated explains that the information should be granted confidential treatment because it is proprietary and competitively sensitive.

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

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<sup>1</sup> *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.

<sup>2</sup> *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).

DATED at Montpelier, Vermont this 28<sup>th</sup> day of June, 2019.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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cc: Service List