



June 18, 2012

**THE FAIRPOINT TELEPHONE COMPANIES**  
**Request for Confidential Treatment of Demand Data**  
**In Support of Transmittal No. 31 being filed on a streamlined bases on 15 days' notice under**  
**Section 204(a)(3) of the Communications Act.**

The FairPoint Companies  
521 East Morehead Street, Suite 250  
Charlotte, NC 28202

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Attention: Wireline Competition Bureau

Dear Ms. Dortch:

Today, The FairPoint Telephone Companies is filing the 2012 Annual Access Tariff filing for Tariff F.C.C. No. 1 and No. 2 Access Services under Transmittal No. 31, which is being filed on 15 days' notice pursuant to the Commission's "Tariff Streamlining Order".

Because of the competitively sensitive nature, The FairPoint Telephone Companies has redacted certain projected line data by exchange or study area used in the ARC spreadsheets, as well as intrastate and interstate demand data and disaggregated interstate and intrastate price outs contained in the Access Reduction Spreadsheet associated with their 2012 Annual Price Cap Filing. Accordingly, The FairPoint Telephone Companies is hereby requesting, pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R., Section 0.457 and 0.459, pursuant to Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552(b)(4), and pursuant to the Tariff Streamlining Order and rules adopted thereunder, that such projected line and actual demand data be treated as confidential and be made subject to the standard Protective Order and Declaration adopted by the Commission in the Tariff Streamlining Order and published in Appendix B thereof.

Under Exemption 4 of the FOIA, commercial or financial information is held to be confidential, and thus entitled to protection, if disclosure of such information would, inter alia, be likely to cause substantial harm to the competitive position of the person from whom the information was obtained. See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); *Critical Mass Energy Project v. NRC*, 830 F.2d 278 (D.C. Cir. 1987).

The information for which The FairPoint Telephone Companies seeks confidential treatment is competitively sensitive projected line and actual demand data which, if made available to competitors and alternate providers, would provide such entities with valuable information regarding The FairPoint Telephone Companies' customer base in particular areas within a state and demand for specific access service elements. This information, which is otherwise not publicly available, would assist competitors in targeting their marketing efforts to the areas with the largest concentrations of customers and/or to specific services. The data for which The FairPoint Companies seek confidential treatment is commercial and financial information, not routinely made available for public inspection. The data relates to demand in a highly competitive marketplace in which The FairPoint Companies are subject to actual and potential competition.

For the reason cited above, The FairPoint Telephone Companies respectfully requests that the Commission grant confidential treatment to certain detailed projected line and actual demand information submitted in their 2012 Annual Price Cap Filing and that such information be subject to the standard protective order provided for in the Tariff Streamlining Order. Pursuant to the non-disclosure agreement that provides for review of information granted confidential treatment by interested parties, for the specific purpose of review and comment on the instant transmittal only, The FairPoint Telephone Companies will provide access and review of such information to signatories of such an agreement.

Petitions pertaining to this filing may be served by facsimile to:

Mr. Michael T. Skrivan, Vice President – Regulatory  
Telephone: (207) 535-4150  
Facsimile: (207) 797-1392  
Email: [mskrivan@fairpoint.com](mailto:mskrivan@fairpoint.com)

All other correspondence and inquiries concerning this transmittal should be addressed to Sharon Thomas at 407-740-3031 or [stthomas@tminc.com](mailto:stthomas@tminc.com), P.O. Box 200, Winter Park, Florida 32790-0200.

Sincerely,

/s/Sharon Thomas

Sharon Thomas

Consultant to

The FairPoint Telephone Companies

Enclosures

Copy: Ms. Barbara Galardo, FairPoint  
File: FairPoint – Transmittal No. 31  
TMS FCC 12-31 TRP Request for Protective Order