

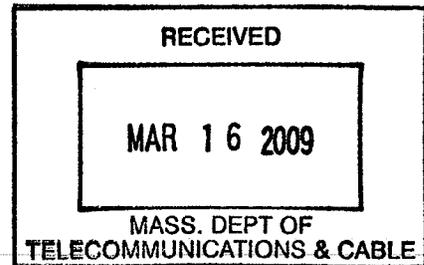
Alexander W. Moore
Associate General Counsel



185 Franklin Street, 13th Floor
Boston, MA 02110-1585

Phone 617 743-2265
Fax 617 737-0648
alexander.w.moore@verizon.com

March 13, 2009



Catrice C. Williams, Secretary
Department of Telecommunications and Cable
Two South Station
Boston, Massachusetts 02110

Re: Verizon's State CATV License Fee Pursuant to M.G.L. c. 166A, § 9

Dear Secretary Williams:

Enclosed is Verizon Massachusetts' Motion for Protective Treatment Pending Outcome of Docket DTC 08-12.

Thank you for your attention in handling this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Moore".

Alexander W. Moore

Enclosure

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

_____)
Annual Report of Verizon New England Inc.)
of Consumer Complaints Regarding FiOS TV)
Service: Form 500)
_____)

**MOTION FOR PROTECTIVE TREATMENT
PENDING OUTCOME OF DOCKET DTC 08-12**

On March 4, 2009, Verizon New England Inc., d/b/a Verizon Massachusetts (“Verizon MA”) submitted to the Department of Telecommunications and Cable (“Department”) payment of Verizon’s state CATV license fee pursuant to M.G.L. c. 166A, § 9. Verizon hereby requests that the Department temporarily withhold from public disclosure the amount of that payment – which as a per-subscriber fee necessarily discloses the number of subscribers to Verizon’s FiOS TV service in Massachusetts with a simple computation – pending the Department’s resolution of Verizon MA’s Petition For Amendment of Form 500 (“Petition”) in docket DTC 08-12.

The Petition requests that the Department eliminate the reporting of Verizon MA’s FiOS TV subscribership data by municipality, on the grounds that this requirement exceeds the Department’s statutory authority, serves no public purpose, and harms new providers like Verizon MA. As the Petition explains in greater depth, Chapter 166A neither requires nor authorizes the Department to collect that data, and public disclosure of such data provides incumbent cable monopolies with valuable, competitively sensitive information they may use to undermine competition. *Id.* at 10-14. This proprietary information could also be misused by public stock analysts, thereby harming Verizon MA’s business and the public. *Id.* at 15-16.

Consequently, any value of collecting this subscribership data is far outweighed by the harmful effect disclosure has on the ability of new entrants to compete with incumbents.

Although the Department denied a prior motion by Verizon MA to afford confidential treatment to the total number of its FiOS TV subscribers in the Commonwealth, the Department's reasoning in that decision rested in large part on its analysis of the treatment of municipal-level subscribership data and the fact that such data is publicly available from the municipalities themselves. *See Ruling On Motions For Confidential Treatment Filed by Verizon New England Inc. dated June 7, 2007.* Should the Department grant Verizon MA's Petition and thereby eliminate the reporting of municipal-level data to the Department, Verizon MA intends to renew its motion for confidential treatment of its statewide subscribership data on the grounds that unlike the municipal data, that figure is not readily available from other public sources and therefore is confidential and competitively sensitive.

WHEREFORE, Verizon MA respectfully requests that the Department temporarily withhold from public disclosure the amount of the license fee Verizon MA has submitted to the Department, until such time as the Department enters a final order in docket DTC 08-12 and Verizon MA has had opportunity to renew its motion for confidential treatment of its statewide subscribership data.

Respectfully submitted,
VERIZON NEW ENGLAND INC.
By its attorney,


Alexander W. Moore
185 Franklin Street – 13th Floor
Boston, MA 02110-1585
(617) 743-2265

Dated: March 13, 2009