

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

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

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

Verizon New England Inc., d/b/a Verizon Massachusetts (“Verizon MA”) hereby requests that the Department of Telecommunications and Cable (“Department”) temporarily withhold from public disclosure certain information provided in the Form 500 Annual Reports filed herewith -- specifically, the number of subscribers of Verizon MA’s FiOS TV service by municipality -- 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 this data, 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, subscribership data is not relevant to performance of the Department’s limited duties under Chapter 166A, and the statute neither requires nor authorizes the Department to collect that data. *See* Petition at 10-13. Public disclosure of such data, however, provides incumbent cable monopolies with competitively sensitive information that would not otherwise be available to them, and which they could use in ways that undermine competition. *Id.* at 13-14. This proprietary information could also be misused by public stock analysts in misleading ways, thereby harming Verizon MA’s business and the public. *Id.* at 15-16. Consequently, any *de*

*minimis* 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.

There is no reason to subject Verizon MA and emerging competition in the video market to such harm at this time, because the Department may soon obviate the need to collect or file subscribership data when it reaches a decision on the merits of Verizon MA's Petition upon due consideration. Thus, prudence dictates that the Department first determine the issues raised in the Petition before making Verizon MA's subscribership data on the 2008 Form 500 Annual Reports available for public disclosure. (Verizon MA has filed herewith the complete Annual Reports, marked as Proprietary. For the Department's convenience, Verizon MA has also filed redacted versions of those Reports without the municipal subscribership figures, for public disclosure should the Department grant this motion.)

WHEREFORE, Verizon MA respectfully requests that the Department temporarily withhold from public disclosure the subscribership data included on Verizon MA's 2008 Form 500 Annual Reports, until such time as the Department enters a final order in docket DTC 08-12.

Respectfully submitted,

VERIZON NEW ENGLAND INC.

By its attorney,



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