



June 15, 2016

**Via Overnight UPS**

Sara J. Clark  
Secretary  
Massachusetts Dept. of Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500

**Re: Transmittal Letter  
Granby Telephone LLC d/b/a OTT Communications  
Tariff M.D.T.C. No. 8 Proposed Revisions for July 1, 2016**

Dear Ms. Clark:

Please find enclosed the following documents:

- The original and three (3) copies of the proposed revisions to Granby Telephone LLC's Tariff M.D.T.C No. 8
- Letter of explanation
- Check for filing fees in the amount of \$100.00
- One original and two (2) unredacted copies of Confidential version of Granby Telephone LLC's Tariff Review Plan ("TRP")
- Three (3) copies of Public version of Granby Telephone LLC's TRP
- Motion from Public Disclosure
- Motion for Admission *Pro Hac Vice*

Please acknowledge receipt of this filing by returning a stamped duplicate copy of this letter in the enclosed, self-addressed envelope.

If you have any questions or concerns, I may be reached at (207) 688-8270 or by email at [ed.tisdale@ottcommunications.com](mailto:ed.tisdale@ottcommunications.com).

Sincerely,

Ed Tisdale

Senior Vice President &  
General Manager – Northeast Operations  
OTT Communications



June 15, 2016

**Via Overnight UPS**

Sara J. Clark  
Secretary  
Massachusetts Dept. of Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500

**Re: Letter of Explanation  
Granby Telephone LLC d/b/a OTT Communications  
Tariff M.D.T.C. No. 8 Proposed Revisions for July 1, 2016**

Dear Ms. Clark:

Enclosed please find an original and three (3) copies of the proposed revisions of the Access Tariff M.D.T.C. No. 8 of Granby Telephone LLC d/b/a OTT Communications ("OTT"), which carries an effective date of July 1, 2016. The proposed filing consists of sheets 2 and 5. As requested in the Department's Notice dated May 23, 2016, OTT has also submitted this filing electronically to [dte.filing@state.ma.us](mailto:dte.filing@state.ma.us).

This filing is made pursuant to the Federal Communications Commission's *USF/ICC Transformation Order* ("Order"), which established that individual intrastate rates for dedicated access local transport, terminating switched access, and associated services must be equal to or lower than their corresponding interstate rates. OTT is a part of the NECA pool and therefore its intrastate rates correspond with NECA Tariff F.C.C. No. 5. Accordingly, OTT has reduced its End Office Local Switching Terminating rates from \$0.010982 to \$0.005000.

In addition, OTT has enclosed its TRP detailing its calculations associated with its intrastate rates. Due to the sensitive nature of the information contained in these documents, OTT has provided both confidential and public versions, as well as a Motion from Public Disclosure. Finally, please find a Motion for Admission *Pro Hac Vice* for the Department's consideration.

If you have any questions or concerns, I may be reached at (207) 688-8270 or by email at [ed.tisdale@ottcommunications.com](mailto:ed.tisdale@ottcommunications.com).

Sincerely,

Ed Tisdale

Senior Vice President &  
General Manager – Northeast Operations  
OTT Communications

## CHECK SHEET

<u>Sheet</u>	<u>Revision</u>
1	Original
2	Fifth Revision*
3	Original
4	First Revision
5	Fifth Revision*
6	First Revision
7	Second Revision
8	First Revision
9	Original
10	Original

Issued Date: June 16, 2016  
Effective Date: July 1, 2016

  
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Ed Tisdale: Senior Vice President &  
General Manager – Northeast Operations

**ACCESS SERVICE (cont'd)**

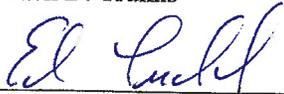
2. RATES – EXCEPTIONS (cont'd)

Schedule A

Switched Access Service

Carrier Common Line			
Terminating	Per Minute	\$0.000000	
Originating	Per Minute	\$0.030400	
Local Transport			
Entrance Facility			
Voice Grade 2-Wire	Per Term	\$22.45	
Voice Grade 4- Wire	Per Term	\$35.94	
High Capacity DS1	Per Term	\$109.48	
High Capacity DS3	Per Term	\$999.67	
Direct Trunked Transport Facility			
Voice Grade	Per Mile	\$1.60	
High Capacity DS1	Per Mile	\$7.50	
High Capacity DS3	Per Mile	\$65.35	
Direct Trunked Transport Termination			
Voice Grade	Per Term	\$16.07	
High Capacity DS1	Per Term	\$38.92	
High Capacity DS3	Per Term	\$249.91	
Tandem Switched Transport			
Tandem Switched Facility - Originating	Per Minute/Mile	\$0.015500	
Tandem Switched Facility - Terminating	Per Minute/Mile	\$0.000198	
Tandem Switched Term. - Originating	Per Minute	\$0.005400	
Tandem Switched Term. – Terminating	Per Minute	\$0.001032	
Tandem Switching - Originating	Per Minute	\$0.004206	
Tandem Switching – Terminating	Per Minute	\$0.002564	
End Office			
Local Switching - Originating	Per Minute	\$0.008400	
Local Switching - Terminating	Per Minute	\$0.005000	(R)
Information Surcharge - Originating	Per 100 Minutes	\$0.015550	
Information Surcharge - Terminating	Per 100 Minutes	\$0.000000	
800 Database Query			
Basic	Per Query	\$0.005400	
Vertical	Per Query	\$0.006000	
Non-Recurring Charges			
Access Service Request	Each	\$136.00	
Installation Per Entrance Facility			
Voice Grade 2-Wire	Each	\$467.46	
Voice Grade 4-Wire	Each	\$467.46	
High Capacity DS1	Each	\$342.80	
High Capacity DS3	Each	\$462.26	
Trunk Activation	Each 24 Trunks	\$476.80	

Issued Date: June 16, 2016  
 Effective Date: July 1, 2016

  
 Ed Tisdale: Senior Vice President &  
 General Manager – Northeast Operations

REDACTED

Intrastate Revenues (FCC TRP exhibit)  
Intrastate Revenues

Test Year 2016-2017 Expected Maximum Intrastate Revenue:

Col D	Col E	Col F	Col G	Col H	Col I	Col J	Col K	Col L	Col M	Col N
Rate Element Description	Unit of Demand	7/1/2016 Interstate Rate	Test Year 2015-2016 Current Intrastate Rate	7/1/2016 Proposed Intrastate Rate	FY 2011 Intrastate Units: Terminating for Non-Dedicated or Originating and Terminating for Dedicated Elements	Intrastate Price-out with 7/1/2016 proposed intrastate rate and FY2011 Demand	FY 2015 Intrastate Units: Terminating for Non-Dedicated and total for Dedicated Elements	Test Year 2016-2017 Forecasted Intrastate Units	Intrastate Units Growth Rate % [(L)/K)/(L/21)-1]*100	FY 2016-17 Forecasted Intrastate Revenue
Terminating End Office Access Service Terminating End Office, Premium, per access minute	MOU	\$0.005000	\$0.010982	\$0.005000						
Direct Trunked Transport Facility/ Mile High Capacity DSI	Mile	\$7.500000	\$7.500000	\$7.500000						
Direct Trunked Transport Facility/Termination High Capacity DSI	Termination	\$38.920000	\$38.920000	\$38.920000						
Terminating Tandem Switched Transport Terminating Tandem Switched Transport Facility	Minutes / Mile	\$0.000201	\$0.000198	\$0.000198						
Terminating Tandem Switched Transport Terminating Tandem Switched Termination	Minutes	\$0.001047	\$0.001032	\$0.001032						

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

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**IN RE:**

**APPLICATION OF GRANBY TELEPHONE LLC     )     DTC NO. \_\_\_\_\_**  
**FOR APPROVAL OF CHANGES TO RATE     )**  
**SCHEDULES                                     )**

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**MOTION FROM PUBLIC DISCLOSURE**

Granby Telephone LLC d/b/a OTT Communications (“Granby” or the “Company”) hereby requests that the Massachusetts Department of Telecommunications and Cable (“Department”) protect from public disclosure portions of information being submitted to support Granby’s revisions to its intrastate access rates in accordance with Federal Communications Commission’s (FCC) *Intercarrier Compensation Reform Order* (“ICC Order”).<sup>1</sup> Specifically, Granby seeks to protect the parts of its Tariff Review Plan (TRP) relating to usage for a minimum period of 5 years. A confidential version of the materials is being submitted contemporaneously with this motion in a sealed envelope marked confidential consistent with 220 CMR 1.04(e). As grounds for this request, Granby states that the access revenue and minutes information used to calculate Granby’s proposed new rate are competitively sensitive and proprietary information and constitute trade secret and proprietary information under Massachusetts law.

**I.       STANDARD OF REVIEW**

Under Massachusetts General Laws c. 25C, § 5, the Department is empowered to protect from public disclosure trade secrets or other proprietary information that is provided in the course of

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<sup>1</sup> See *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, *High-Cost Universal Service Support*, WC Docket No. 05-337, *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service – Mobility Fund*, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“*ICC Order*”).

Department proceedings. In determining whether certain information qualifies as a “trade secret,”<sup>2</sup>

Massachusetts courts have considered the following:

(1) the extent to which the information is known outside of the business; (2) the extent to which it is known by employees and others involved in the business; (3) the extent of measures taken by the employer to guard the secrecy of the information; (4) the value of the information to the employer and to his competitors; (5) the amount of effort or money expended by the employer in developing the information; and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

*Jet Spray Cooler, Inc. v. Crampton*, 282 N.E.2d 921, 925 (1972). The protection afforded to trade secrets is widely recognized under both federal and state law. In *Board of Trade of Chicago v. Christie Grain & Stock Co.*, 198 U.S. 236, 250 (1905), the U.S. Supreme Court stated that the board has “the right to keep the work which it had done, or paid for doing, to itself.” Similarly, courts in other jurisdictions have found that “[a] trade secret which is used in one’s business, and which gives one an opportunity to obtain an advantage over competitors who do not know or use it, is private property which could be rendered valueless ... to its owner if disclosure of the information to the public and to one’s competitors were compelled.” *Mountain States Telephone and Telegraph Company v. Department of Public Service Regulation*, 634 P.2d 181, 184 (1981).

## II. ARGUMENT

Granby seeks to restrict from public disclosure only information that, if made available to the public, would allow Granby’s competitors to know valuable information about Granby. Information concerning access revenue calculations and end office switching minutes is generally not disclosed publicly, and, if made available to and/or used by the general public, competitors and/or potential

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<sup>2</sup> Massachusetts law defines a trade secret as “anything tangible or electronically kept or stored which constitutes, represents, evidences or records a secret scientific, technical, merchandising, production or management information design, process, procedure, formula, invention or improvement.” Mass. General Laws c. 266, § 30; see also Mass. General Laws c. 4, § 7. Massachusetts Supreme Judicial Court, quoting from the Restatement of Torts, § 757, has further stated that “[a] trade secret may consist of any formula, pattern, device or compilation of information which is used in one’s business, and which gives him an opportunity to obtain an advantage over competitors ... It may be a formula treating or preserving material, a pattern for a machine or other device, or a list of customers ...” *J.T. Healy and Son, Inc. v. James Murphy and Son, Inc.*, 260 N.E.2d 723, 729 (1970).

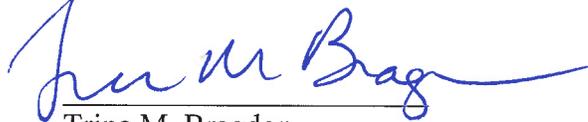
competitors without restriction, would harm a party's competitive position in the marketplace. Granby takes measures to protect this information when it is made available to non-employees and employees alike, which is done only under limited circumstances. A competing firm would not be able to gain this information from any publicly available sources. Granby has a legitimate need to maintain the confidentiality of this data, and that interest far outweighs any minor benefit to be obtained through public disclosure of the material.

WHEREFORE, Granby respectfully requests that the Department grant this motion.

Respectfully submitted,

Granby Telephone LLC, d/b/a  
OTT Communications

By its Attorney



Trina M. Bragdon  
OTT Communications  
900 Hammond St.  
Bangor, ME 04401  
(207) 992-9920  
[Trina.Bragdon@ottcommunications.com](mailto:Trina.Bragdon@ottcommunications.com)

Dated: June 15, 2016

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

---

**IN RE:**

**APPLICATION OF GRANBY TELEPHONE LLC     )  
FOR APPROVAL OF CHANGES TO RATE        )  
SCHEDULES                                        )**

**DTC NO. \_\_\_\_\_**

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**MOTION FOR ADMISSION *PRO HAC VICE***

Granby Telephone LLC d/b/a OTT Communications (“Granby”) respectfully moves for admission *pro hac vice* of Trina Bragdon as counsel for Granby in the above captioned proceeding. In support of this Motion, Granby states follows:

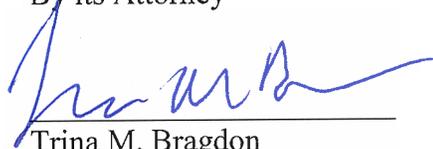
1. Ms. Bragdon is general counsel for OTT Communications, 900 Hammond St., Bangor, ME 04401, and is duly licensed to practice in the states of Maine and Pennsylvania (inactive).
2. Ms. Bragdon is a member of the bar in good standing of every jurisdiction where she has been admitted to practice.
3. Ms. Bragdon has not been the subject of any prior or pending disciplinary proceedings.
4. Ms. Bragdon is familiar with, and will follow, the Department’s rules, procedures, timetables, and all Massachusetts law.

WHEREFORE, Granby respectfully requests that Trina Bragdon be admitted *pro hac vice* to appear on behalf of and act as counsel for Granby in this proceeding.

Respectfully submitted,

OTT Communications

By its Attorney



Trina M. Bragdon  
OTT Communications  
900 Hammond St.  
Bangor, ME 04401  
(207) 992-9920  
[Trina.Bragdon@ottcommunications.com](mailto:Trina.Bragdon@ottcommunications.com)

Dated: June 15, 2016