

THE ADAMS LEGAL FIRM, LLC

1474 NORTH POINT VILLAGE CENTER #301
RESTON, VA 20194

TELEPHONE
(703) 738-4812

FACSIMILE
(757) 273-1120

TAMBER RAY
Of Counsel

626C ADMIRAL DRIVE #312
ANNAPOLIS, MD 21401

TELEPHONE
(202) 448-9033

FACSIMILE
(202) 448-9040

JOHN B. ADAMS
Member

RICHARD M. TETTELBAUM
Of Counsel

September 11, 2008

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Catrice Williams, Secretary
Department of Telecommunications & Cable
Commonwealth of Massachusetts
One South Station
Boston, MA 02110

RE: D.T.C. 07-9; Petition for Investigation under chapter 159, Section 14 of the
Intrastate Switched Access Rates of Competitive Local Exchange Carriers

Dear Ms. Williams:

Please find enclosed for filing on behalf of Richmond Connections, Inc. d/b/a Richmond NetWorx and Richmond Telephone Company a Motion for Confidential Treatment of certain information provided in response to D.T.C.-Richmond 1-12 in the above-referenced proceeding.

Consistent with the ground rules for this proceeding, a public version of the responses is being filed contemporaneously and a confidential version is being provided directly to the Hearing Officer.

Thank you for your assistance with this matter.

Sincerely,

/s/ John B. Adams
John B. Adams

Enclosure

CC: Service List D.T.C. 07-9
Lindsay DeRoche, Hearing Officer (2 copies)
Geoffrey Why, General Counsel
Michael Isenberg, Director Telecommunications Division

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

Petition of Verizon New England, Inc., MCI Metro Access)	
Transmission Services of Massachusetts, Inc. d/b/a Verizon)	
Access Transmission Services, MCI Communications)	D.T.C. 07-9
Services, Inc. d/b/a Verizon Business Services, Bell Atlantic)	
Communications, Inc. d/b/a Verizon Long Distance, and)	
Verizon Select Services, Inc. for Investigation under Chapter)	
159, Section 14 of the Intrastate Access Rates of)	
Competitive Local Exchange Carriers)	

MOTION FOR CONFIDENTIAL TREATMENT

Richmond Telephone Company and Richmond Connections, Inc. d/b/a Richmond NetWorx (collectively "Richmond"), by counsel, respectfully move for confidential treatment of information provided in response to discovery request D.T.C.-Richmond 1-12. The response to that discovery response is being filed contemporaneously with this motion. In support of this motion, Richmond states as follows:

Confidential Information

The confidential information subject to this motion is the revenue reduction, in dollar terms, that Richmond NetWorx would experience if it is required to reduce its intrastate access rates to Verizon levels. That figure was calculated based upon actual demand figures for the period July 2007 through June 2008.

Richmond NetWorx is not seeking confidential treatment of the revenue reduction stated in percentage terms in order to facilitate free and open discussion of the issues in this proceeding.

Legal Standard

Massachusetts General Laws c. 25 § 5D authorizes the Department to protect from public disclosure trade secrets and information that is confidential, competitively sensitive, or proprietary and that is provided in the course of its proceedings.

A trade secret is defined in Massachusetts General Laws c. 266 § 30 as “anything tangible or electronically kept or stored which constitutes, presents, evidences or records a secret scientific, technical, merchandising, production or management information design, process, procedure, formula, invention or improvement. Further, a trade secret “may consist of any formula pattern, device, or compilation of information which is used in one’s business, and which gives an opportunity to obtain an advantage over competitors.” Further, such things as a list of customers can be a trade secret. *J.T. Heally and Son, Inc. v. James Murphy and Son, Inc.*, 260 N.E.2d 723, 729 (1970).

The following factors have been considered in determining whether certain information is a trade secret:

- 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 its competitors;
- 5) the amount of effort or money expended by the employer in developing the information; and
- 6) the ease of 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).

Argument

Disclosure of both the dollar amount of the revenue reduction and the percentage of overall interstate revenue that represents would give competitors detailed insight into Richmond NetWorx's revenue structure as well as demand for its services. In conjunction with information being disclosed in response to D.T.C.-Richmond 1-15 about the impact of this rate reduction on Richmond NetWorx viability as a going concern, this information also would enable competitors to learn details of Richmond NetWorx's profitability.

Such information would be extremely valuable to competitors. It would give them a significant competitive advantage over Richmond NetWorx and potentially would cause significant competitive harm to Richmond NetWorx. Keeping the actual dollar amount of the projected revenue loss confidential will prevent competitors from being able to gain such important competitive insights into Richmond NetWorx's operations. The dollar amount of the revenue reduction therefore is competitively sensitive.

The information Richmond NetWorx seeks to protect also is confidential and proprietary, and a trade secret.

The information is not publicly reported or otherwise publicly disclosed. But for disclosure of this information in this proceeding, competitors would have no legitimate means of obtaining the information. Richmond NetWorx similarly limits internal access to this information. Access generally is limited to top management having a need to know. This information also constitutes a

compilation of information that is used in Richmond NetWorx's business which, if disclosed, would give competitors an advantage over Richmond NetWorx.

In the current competitive environment, protection of such information is necessary to ensure fair competition and to prevent competitive harm to the disclosing carrier.

WHEREFORE, Richmond respectfully requests that the Department grant this motion and treat as confidential the dollar amount of the projected revenue reduction Richmond NetWorx will experience from the proposed rate decrease.

Respectfully submitted,

RICHMOND TELEPHONE
COMPANY and RICHMOND
CONNECTIONS, INC. d/b/a
RICHMOND NETWORKX

By counsel:

John B. Adams
The Adams Legal Firm, LLC
626C Admiral Drive #312
Annapolis, MD 21401
202-448-9033 (tel)
202-448-9040 (fax)

September 11, 2008