

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

El Paso Long Distance Company d/b/a	:	
FairPoint Long Distance / El Paso Long	:	
Distance Company.	:	
	:	
Petition for relief to protect Petitioner's	:	16-0010
Annual Report from disclosure for not	:	
less than two years in order to protect	:	
highly proprietary information.	:	
	:	

ORDER

By the Commission:

On January 6, 2016, El Paso Long Distance Company d/b/a FairPoint Long Distance / El Paso Long Distance Company (“Petitioner”) filed a verified petition with the Illinois Commerce Commission (“Commission”) seeking entry of an order affording proprietary treatment to its 2015 Annual Report for not less than two years in order to protect highly proprietary information.

Petitioner is certified by the Commission to provide competitive telecommunications services in the State of Illinois, and as such is required to file an Annual Report pursuant to Section 5-109 of the Public Utilities Act (“Act”) 220 ILCS 5/1-101 *et seq.* The petition indicates that Petitioner’s Annual Report contains highly proprietary and confidential commercial and financial information, the disclosure of which to competitors could be detrimental to Petitioner. The petition further indicates that because the telecommunications industry is highly competitive, it is imperative that public disclosure of confidential information contained in the Petitioner’s Annual Report be avoided for a period of at least two years following issuance of an Order by the Commission, due to the competitive harm such disclosure would likely cause Petitioner.

Because all the facts necessary for the Commission to grant the requested relief are contained in the verified petition, no hearing was necessary.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) Petitioner, El Paso Long Distance Company d/b/a FairPoint Long Distance / El Paso Long Distance Company, is a telecommunications carrier within the meaning of Section 13-202 of the Act and provides competitive telecommunications service as defined in Section 13-209 of the Act;

- (2) the Commission has jurisdiction over Petitioner and the subject matter of the petition;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission;
- (5) Section 7(1)(g) of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested;
- (6) the verified petition states that Petitioner's 2015 Annual Report contains information falling within the exemption stated in Finding (5);
- (7) Petitioner's 2015 Annual Report should be exempt from public disclosure under Section 7(1)(g) of the Illinois Freedom of Information Act and Section 5-109 of the Public Utilities Act for a period of two (2) years from the date of this Order; and
- (8) Petitioner should submit with its 2015 Annual Report a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 2015 Annual Report filed by El Paso Long Distance Company d/b/a FairPoint Long Distance / El Paso Long Distance Company is afforded proprietary treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of two (2) years from the date of this Order.

IT IS FURTHER ORDERED that a cover letter shall be submitted with the 2015 Annual Report as described in Finding (8).

IT IS FURTHER ORDERED that the Commission retains jurisdiction over Petitioner and the subject matter hereof for the purpose of issuing such further order or orders as it may deem necessary.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 10th day of February, 2016.

(SIGNED) BRIEN SHEAHAN

Chairman