STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY
OFFICE OF EDUCATION, OUTREACH, & ENFORCEMENT

October 20, 2026
Docket 26-09-20
Motion No. 1

Chairman Tom Wiehl
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 26-09-20 – Application for Fiber AssetCo, LLC dba Zayo for Approval to Install Facilities Under and Over Certain Public Rights-of-Way – Motion for Protective Order

Dear Chairman Wiehl:

On September 25, 2026, Fiber AssetCo LLC d/b/a Zayo (Company) filed a Motion for Protective Order (Motion No. 1) with the Public Utilities Regulatory Authority (Authority) pursuant to the Connecticut Freedom of Information Act (FOIA), General Statutes § 1-210(b)(5).[1] The Office of Education, Outreach, and Enforcement (EOE) offers this comment and recommendation regarding Motion No. 1.

In Motion No. 1, the Company seeks protection from public disclosure for two categories of information within its application: (i) the Company's detailed one-year capital and construction budget for Connecticut operations; and (ii) specific street locations and endpoints for its proposed fiber installations. In support of its claim for exemption, the Company submitted a certified affidavit from its Northeast Regional Vice President (Affidavit) alongside both redacted and unredacted versions of the materials.

Under FOIA, the overarching principle mandates that "all records maintained or kept on file by any public agency . . . shall be public records." General Statutes § 1-210(a). This statutory scheme "favors disclosure, open conduct of government and free public access to government records." *Perkins v. Freedom of Information Comm'n*, 228 Conn. 158, 166-67 (1993). While certain records may be shielded from mandatory disclosure pursuant to General Statutes §1-210(b), such exemptions must be narrowly construed and the burden of proving the applicability of a statutory exemption rests "clearly upon the party claiming [it]." *New Haven v. Freedom of Information Comm'n*,

[1] The Motion was filed concurrently with the Application for Authorization to Install Facilities Under and Over Certain Public Rights-of-Way (Application), on September 25, 2026.

205 Conn. 767, 775 (1988). A claimant must provide more than "conclusory language, generalized allegations or mere arguments of counsel." *Id.* at 776. Where a party seeks to protect proprietary or commercially sensitive information, they must establish that the "interest in confidentiality outweighs the public interest in disclosure." Conn. Agencies Regs. § 16-1-53.

The Authority consistently affords protection from public disclosure to proprietary and confidential business information. General Statutes § 1-210(b)(5)(B) explicitly exempts from disclosure "commercial or financial information given in confidence, not required by statute." Information concerning the Company's one-year capital and construction budget for Connecticut operations is inherently "commercial" because it reflects individual commercial agreements for projected costs associated with construction, expansion, and maintenance. Disclosing this data would unfairly afford commercial insight to competing telecommunications providers. Furthermore, the inclusion of maps detailing specific street locations, customer addresses, and endpoints exposes sensitive information with financial and commercial value. Competitors could rely on this information to target the Company's current and prospective customer base. Allowing competitors to undercut negotiated prices[2] in this manner undermines the Companies' financial and commercial due diligence in identifying viable business locations. Motion No. 1, pp. 3, 6.

The Applicant invokes General Statutes § 1-210(b)(5)(A), the FOIA exemption for "trade secrets." The definition of "trade secret" in General Statutes § 1-210(b)(5)(A) is based on the nature and accessibility of the information. *University of Connecticut v. FOI Commission*, 303 Conn. 724, 733 (2012). The information must also fall under one or more of the categories listed in General Statutes § 1-210(b)(5)(A).[3] *Elm City Cheese Co., Inc. v. Federico*, 251 Conn. 59, 70 (1999). To satisfy the criteria for a trade secret exemption under General Statutes § 1-210(b)(5)(A), the proponent must demonstrate a requisite degree of confidentiality. Specifically, the information must be protected by a substantial element of secrecy such that it remains virtually inaccessible to competitors through legitimate or independent means. *Director, Dept. of Information Technology of Town of Greenwich v. FOI Commission*, 274 Conn. 179, 194 (2005) (internal citation and quotation marks omitted).

The Company operates within an environment of competing fiber providers offering similar services in the Connecticut marketplace. The Company is responsible for its own network offerings and customer support services with rates designed to attract and retain customers. Motion No. 1, p. 4. In this competitive marketplace,

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[2] *See* Ruling on Motion for Protective Order (Motion No. 1), Feb. 26, 2019, Docket No. 19-02-28*Application of Crown Castle Fiber, LLC for Approval to Install Facilities Under and Over Certain Public-Rights-of-Way*.

[3] A public agency is not required to disclose: "(A) Trade secrets, which for purposes of the Freedom of Information Act, are defined as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy; and (B) Commercial or financial information given in confidence, not required by statute." General Statutes § 1-210(b)(5)(A) and (B).

strategic business indicators and technical plans are not published or disclosed by the Company to the public. EOE finds that the Company's capital budgets and installation details derive economic value from not being generally known or readily ascertainable by competitors and that the Company has taken reasonable, affirmative measures to guard the secrecy of this information.

Based on the Information in the filings, including the Affidavit, EOE finds that the information in the Company's budget and locations for proposed installations constitute confidential proprietary business information including trade secrets and that the public interest in disclosure is outweighed by the need for exemption from public disclosure. Accordingly, EOE recommends that the Authority grant the Company's Motion No. 1.

Sincerely,

PUBLIC UTILITIES REGULATORY AUTHORITY
Office of Education, Outreach, and Enforcement

CERTIFICATE OF SERVICE

I hereby certify that on this day the foregoing document was filed with the Public Utilities Regulatory Authority, and copies thereof were served upon each person designated on the official service list in this proceeding in accordance with R.C.S.A. § 16-1-15.

Sincerely,

By: /s/ Eric Beckenstein

Eric Beckenstein
Staff Attorney
PUBLIC UTILITIES REGULATORY AUTHORITY
Office of Education, Outreach and Enforcement