

June 29, 2006

NORTHERN UTILITIES, INC.
2006 Long Range Integrated Resource Plan
Total System Portfolio

MOTION FOR PROTECTIVE
ORDER

Northern Utilities, Inc. (“Northern”) moves, pursuant to Maine Rules of Civil Procedure 26(c) and Chapter 110, sec. 928 of the Commission’s Rules, that the Hearing Examiner grant an Order of Protection in the above captioned proceeding to protect information contained in Tab CONFIDENTIAL SENDOUT[®] Model, which includes Run 1 and Run 2 of Northern’s 2006 Long-Range Integrated Resource Plan (“Plan”).

Pursuant to 35-A M.R.S.A. §1311-A, the Commission has the authority to issue protective orders to protect confidential or proprietary information, trade secrets or similar matters. 35-A M.R.S.A. § 1311-A(1)(B) states that in ruling on the issuance of a protective order, the Commission “shall balance the need to keep the information confidential with the policies of conducting its proceedings in an open and fair manner where all parties have the right and opportunity to participate effectively.” In addition, pursuant to Chapter 110, sec. 928 of the Commission’s Rules, the presiding officer may issue a protective order “authorized by law or which justice requires ...”

Northern’s 2006 Long-Range Integrated Resource Plan is filed this date pursuant to the stipulation and settlement in Docket Nos. 2005-87 and 2005-273. Northern’s 2006 IRP includes an analysis of the needs of the combined portfolio for its Maine Division and its New Hampshire Division. In order to provide the background for the analysis, Northern has included its SENDOUT[®] analysis as Tab CONFIDENTIAL SENDOUT[®] Model, which includes Run 1 and Run 2.

The SENDOUT[®] Model evaluates resource options on a total portfolio basis. In order to support the inclusion of the analyses undertaken by Northern to establish and justify its best-cost portfolio, Northern must provide its SENDOUT[®] analysis. Northern considers the information in its SENDOUT[®] analysis, which contains the negotiated prices for its gas supply portfolio (in order to determine the best cost alternative from a range of alternative scenarios), to be a confidential business or trade secret.

Northern’s use of the SENDOUT[®] Model necessarily includes confidential and competitively sensitive natural gas commodity pricing information. In particular, the SENDOUT[®] model uses the commodity and demand costs of gas supplies procured in the competitive market to evaluate alternatives. Because this pricing information constitutes confidential and competitively sensitive business information, and cannot be extracted from the SENDOUT[®] analyses, Northern seeks protection for these schedules consistent with the protection commonly granted to semi-annual cost of gas factor (“CGF”) filings. Disclosure of Northern’s SENDOUT[®] analysis and commodity pricing information may compromise Northern’s current and future negotiations to obtain the lowest pricing for its gas supplies.

Northern does not disclose this information outside a close circle of Northern employees with a need to know, and their representatives; release of this information is likely to result in a competitive disadvantage for Northern and possibly also its suppliers as these contracts are renegotiated and renewed; and this information is likely to be very beneficial to a competitor of Northern or NiSource, or their suppliers, who may gain a competitive edge as a result of disclosure.

Northern seeks to protect from disclosure on the public record this information on a continuing basis in order to protect trade, contractual and financial secrets that are otherwise and should be closely held by Northern. Further, Northern's strategy for pricing segments of its portfolio, as well as the business judgment and market expectations that are incorporated into its SENDOUT[®] model to determine best cost alternatives, reveal details of Northern's planning and acquisition strategy; all constitute the most confidential form of trade secret and therefore are confidential to Northern. Public disclosure of any piece of this information may disadvantage Northern in future negotiations with suppliers and pipelines.

Each additional piece of information for which Northern seeks protection could be used by Northern's competitors and suppliers to gain an unfair business advantage that would be detrimental to Northern and its customers.

Therefore, Northern asks the Commission to provide the protection from public disclosure and confidential treatment for the materials described herein. To be clear, Northern asks that the information described in this Motion be disclosed only to the Commission, its Staff and the Office of Public Advocate, and employees and consultants thereof, pursuant to the terms of a Protective Order issued in the form appended hereto. Northern also requests that the Protective Order that is issued by the Commission continue in effect unless and until modified by the Commission after notice and an opportunity to be heard.

Respectfully submitted,

NORTHERN UTILITIES, INC.

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STATE OF MAINE
PUBLIC UTILITIES COMMISSION

DOCKET NO. 2006-____

June 29, 2006

NORTHERN UTILITIES, INC.
2006 Long Range Integrated Resource Plan
Total System Portfolio

MOTION FOR PROTECTIVE
ORDER

Northern Utilities, Inc. (“Northern”) has filed for Commission review and approval of its 2006 Long-Range Integrated Resource Plan for its Total System Portfolio (“the Plan”). Northern requests that a protective order be implemented for certain information provided in support of its Plan.

The Plan is filed pursuant to the stipulation and settlement in Docket Nos. 2005-87 and 2005-273. The Plan includes an analysis of the needs of the combined portfolio for its Maine Division and its New Hampshire Division. In order to provide the background for the analysis, Northern has included its SENDOUT[®] analysis as Tab CONFIDENTIAL SENDOUT[®] Model, which includes Run 1 and Run 2.

Northern states that the SENDOUT[®] Model evaluates resource options on a total portfolio basis. In order to support the inclusion of the analyses undertaken by Northern to establish and justify its best-cost portfolio, Northern states that it must provide its SENDOUT[®] analysis. Northern states that it considers the information in its SENDOUT[®] analysis, which contains the negotiated prices for its gas supply portfolio (in order to determine the best cost alternative from a range of alternative scenarios), to be a confidential business or trade secret.

Northern states that because the confidential information constitutes trade secrets and confidential commercial information, such information has value to Northern and to its customers’ competitors, and that its release would be damaging to its interests and to those of its customers. Northern requests that this information be disclosed only to the Commission, its Staff and, upon notice, to the Office of the Public Advocate, as well as employees or consultants thereof, pursuant to the terms of a protective order.

Any party at any time can move for a finding that material subject to protection should no longer be protected or that the other party should be provided access to the protected information pursuant to protective provisions. Unless such a motion is granted, use of the confidential materials would continue to be restricted by the terms of this Protective Order.

The Examiner concludes that the limited and revocable protection requested by Northern is warranted. The Examiner therefore grants protection subject to the requirements of 35-A. M.R.S.A. §131 I-A.

Accordingly, it is

ORDERED

1. That the information pertaining Tab CONFIDENTIAL SENDOUT® Model, which includes Run 1 and Run 2, shall be considered Designated Confidential Information for purposes of this Order and, until this Order is modified, access to Designated Confidential Information shall be limited as described in Paragraph 4 below.

2. That all Designated Confidential Information shall, unless removed from the coverage of this Order as provided in paragraph 3 below, be and remain confidential. Designated Confidential Information shall not be disclosed for any purpose, and then solely in accordance with this Order. No person to whom access to Designated Confidential Information is accorded pursuant to paragraph 4 of this Order shall disclose or reveal, directly or indirectly, the content of the Designated Confidential Information to others, except as provided in paragraph 4.

3. That any person seeking access to the Designated Confidential Information may challenge the designation of any documents or other information as confidential by motion to the Commission and upon reasonable prior notice to the parties and an opportunity for hearing. Upon the entry of a final unappealed decision granting such a motion, the provisions and restrictions of this Order shall cease to bind any person with respect to the documents or information that the order granting the motion shall have expressly and clearly removed from the coverage of this Order.

4. That, until this Order is modified, access to Designated Confidential Information shall be limited to: (i) Commission members and counsel; (ii) counsel, employees, independent consultants or experts retained by the Commission (including both advisory and advocacy staff); (iv) counsel for or any other identified representative of Northern, subject to the terms of 35-A. M.R.S.A §1311-A, on condition that they not disclose the Designated Confidential Information to others. Northern will be entitled to appeal this order to the full Commission pursuant to 35-A §1311-A(2) in the event any additional person or entity seeks access to the materials.

5. That all materials claimed by Northern to be Designated Confidential Information under the terms of this Order shall be clearly marked "CONFIDENTIAL" by Northern. In the case of documents, each page of any such document shall be stamped "CONFIDENTIAL" in bold lettering on each document so identified. Any document or portion thereof not clearly and conspicuously marked "CONFIDENTIAL" in bold lettering shall not be protected under the terms of this Order. With regard to other media, diskettes should be marked "CONFIDENTIAL" on the outside and to the extent possible, each file on the diskette should be similarly identified. Any person who receives unmarked documents or materials which he/she believe Northern intended to be protected by the terms of this Order, and that would have been protected if marked in accordance with this paragraph, shall make a good faith effort to notify Northern of this fact and to avoid use of such documents or materials in a manner inconsistent with protection of such material under this Order.

6. That no copies of Designated Confidential Information furnished by Northern shall be circulated to persons other than those persons who are authorized under Paragraph 4 of this Order to obtain Designated Confidential Information. Persons authorized under paragraph 4 hereof also may take such notes as may be necessary solely for the purposes of this proceeding, and in the future, for the purpose of reviewing the Designated Confidential Information. Those notes shall also be treated as Designated Confidential Information.

7. That the restrictions upon, and obligations accruing to persons who become subject to this Order shall not apply to any Designated Confidential Information submitted in accordance with paragraph 1 of this Order if the Commission rules, after reasonable notice and hearing, that the Designated Confidential Information was publicly known through no fault of the receiving party.

8. That Northern may, at its option, provide to each person (other than the Commissioners or Commission Staff) seeking access to Designated Confidential Information a copy of this Order, require each person to agree in writing to the terms involved hereof prior to obtaining access to Designated Confidential Information.

9. That should the Designated Confidential Information filed by Northern pursuant to this Order be made part of the record in any proceeding before the Commission, such documents and filings shall remain in the possession of the Commission, under seal, and subject to the protective requirements of this Order, until this Commission or its authorized presiding officer shall otherwise order.

10. That this Order may be modified on motion of any person or by the Commission's own motion upon reasonable prior notice to Northern and an opportunity for hearing.

11. That this Order be a standing order of protection governing the confidentiality of the specific materials identified in this Order, until such time as the Commission modifies this Order.

Dated at Augusta, Maine this _____ day of July, 2006.