

THE STATE OF NEW HAMPSHIRE  
before the  
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire  
Integrated Least Cost Resource Plan

Docket No. DE 07-108

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR  
PROTECTIVE ORDER RE: COMPUTER MODELS

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH" or the "Company") hereby requests protective treatment for the attachments to responses to three data requests propounded by the Staff. The attachments to the response are Excel spreadsheets containing not only the results but all of the data and formulas on which the computer models are run. PSNH has already provided all parties with a printout of the spreadsheets under a Motion for Confidential Treatment filed on April 7, 2008 and confidentiality agreements with the competitive supplier intervenors.

PSNH alleges that the electronic version of this internal study is confidential commercial information which is exempt from disclosure under RSA 91-A:5(IV). PSNH further requests that access to this confidential information be restricted to the Staff and the Office of Consumer Advocate.

In support of its Motion for Protective Order, PSNH says the following:

1. The Data Requests are as follows:

**NSTF-01**  
**Q-Staff-055**

**Question:**

Technical Session Discovery - Ref. Response to TS-001, page 2 of 87. Please provide in Excel format the spreadsheet (with all cells intact) used to perform the revenue requirements calculation in Exhibit V-16.

**NSTF-01**  
**Q-Staff-065**

**Question:**

Technical Session Discovery - Ref. Response to TS-001, page 37 of 87. Please provide in Excel format the spreadsheet (with all cells intact) used to perform the revenue requirements calculation in Exhibit V-18.

**NSTF-01**  
**Q-Staff-070**

**Question:**

Technical Session Discovery - Ref. Response to TS-001, page 68 of 87. Please provide in Excel format the spreadsheet (with all cells intact) used to perform the revenue requirements calculation in Exhibit V-20.

2. The electronic attachments to the responses to these data requests are PSNH's internal analyses. They are computer models which can be manipulated with different input assumptions to produce different results. PSNH believes this is a thoroughly proper exercise for the Staff and the OCA in order to test the adequacy of PSNH's planning. Competitive suppliers such as TransCanada admit that they have consistently opposed PSNH's efforts to obtain permission to build generation. TransCanada Petition to Intervene ¶ 4. PSNH may not be in an equal position to ask the same information of the competitive suppliers in this docket because, as Constellation has argued in the past, they have no duty to respond to discovery if they do not sponsor testimony.<sup>1</sup> By the suppliers' own admissions, PSNH is in competition with PSNH for the ability to build or acquire generation; therefore, PSNH would be at a competitive disadvantage if the electronic attachments were made public or provided to the competitive supplier intervenors.

---

<sup>1</sup> PSNH disagrees with this position based upon N.H. Code Admin. Rule Puc § 203.09(a) and (b).

3. The Commission must use a balancing test in order to weigh the importance of keeping the record of this proceeding public with the harm from disclosure of the computer models. “Under administrative rule Puc 204.06, the Commission considers whether the information, if made public, would likely create a competitive disadvantage for the petitioner; whether the customer information is financially or commercially sensitive, or if released, would likely constitute an invasion of privacy for the customer; and whether the information is not general public knowledge and the company takes measures to prevent its' dissemination.” *Re Northern Utilities, Inc.*, 87 NH PUC 321, 322, Docket No. DG 01-182, Order No. 23,970 (May 10, 2002). The limited benefits of disclosing the information outweigh the harm done to the customers.

4. The electronic response represents confidential analysis which would not be easily duplicated by others. PSNH does not circulate such analyses widely within the Company and such analyses are not disclosed outside of PSNH. The electronic analysis also contains confidential data. The Commission has previously afforded protective treatment to computer model runs. *Re: Northern Utilities, Inc.*, Docket No. DG 99-050, Order No. 23,222, 84 NH PUC 300, 302 (1999)

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the electronic attachment to Request Nos. NSTF-01, Q-STAFF-055, Q-STAFF-065, and Q-STAFF-070, to restrict any disclosure of the electronic attachment to interveners other than Staff or the Office of Consumer Advocate and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

May 2 2008  
Date

By: Gerald M. Eaton  
Gerald M. Eaton  
Senior Counsel  
780 North Commercial Street  
Post Office Box 330  
Manchester, New Hampshire 03105-0330  
(603) 634-2961

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be hand delivered or sent by pursuant to Puc § 203.02 and § 203.11 to the persons on the attached Service List.

May 2 2008  
Date

Gerald M. Eaton  
Gerald M. Eaton