

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Reconciliation of Stranded Costs and Energy Service

Docket No. DE 09-091

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR
PROTECTIVE ORDER RE: FIVE YEAR CAPITAL AND O&M BUDGETS

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 response to a data request in the above-captioned matter. PSNH contends that the information is confidential financial information and should be protected from public disclosure.

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

1. The data request STAFF Set No. 1, Q-STAFF-030 is as follows:

Question:

Please supply the 5- and 10-year capital and O&M budgets for Merrimack, Schiller, and Newington stations separately and the hydro units as a group.

2. The five year capital and O&M budgets clearly demonstrate when PSNH will be doing major periodic inspection and maintenance at its generating plants. This information will provide an advantage for power suppliers in negotiating arrangements for supplemental power supplies to replace the generation from the PSNH-owned plants.

3. The Commission must use a balancing test in order to weigh the importance of creating an open record of this proceeding with the harm from disclosure of confidential, financial or competitive information. 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).

4. PSNH is in competition with competitive suppliers and wholesale generators for the ability to acquire supplies of power; therefore, PSNH would be at a competitive disadvantage if the future O&M and capital budgets are made public. PSNH does not circulate capital or O&M budgets specific to a particular plant widely within the Company and such analyses are not disclosed outside of PSNH. The Commission has previously afforded protective treatment to operational information and revenue requirements of Newington Station. *Re: PSNH*, Docket No. DE 08-066, Order No. 24,931, slip op. at 13

5. The limited benefits of disclosing the information outweigh the harm done by disclosing the information. PSNH would be put at a disadvantage with respect to suppliers of PSNH’s supplemental power because the data contained in the response provide an advantage to supplemental power suppliers during the periods when major inspection and maintenance programs will be conducted.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of response o the above-listed Data Request, and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

July 20, 2009
Date

By: Gerald M. Eaton
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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be served pursuant to N.H. Code Admin. Rule Puc §203.11.

July 20, 2009
Date

Gerald M. Eaton
Gerald M. Eaton

Public Service Company of New Hampshire
Docket No. DE 09-091

Data Request STAFF-01
Dated: 06/15/2009
Q-STAFF-030
Page 1 of 1

Witness: William H. Smagula
Request from: New Hampshire Public Utilities Commission Staff

Question:
Please supply the 5- and 10-year capital and O&M budgets for Merrimack, Schiller, and Newington stations separately and the hydro units as a group.

Response:
PSNH maintains 5-year capital and O&M budgets as shown on the attached table.

** The requested information is being filed under a Motion for Protective Order dated July 20, 2009.