

**STATE OF NEW HAMPSHIRE  
BEFORE THE PUBLIC UTILITIES COMMISSION**

<b>PETITION FOR APPROVAL OF TIME OF USE RATES PILOT PROGRAM</b>	)	
	)	<b>DOCKET NO. DE 09-137</b>
<b>UNITIL ENERGY SYSTEMS, INC.</b>	)	
<b>Petitioner</b>	)	
	)	

**MOTION FOR CONFIDENTIAL TREATMENT  
AND PROTECTIVE ORDER**

Unitil Energy Systems, Inc. (“UES” or the “Company”) respectfully requests that the New Hampshire Public Utilities Commission (the “Commission”) grant a protective order for certain confidential information contained in the Company’s “Smart Grid Pilot Program Report on Cost Tracking” (“Report”), consistent with RSA 91-A:5(IV) and N.H. Admin. Rules, Puc 203.08. Specifically, UES requests that the Commission issue an order requiring confidential treatment for:

- (a) Table 3 and certain data in the paragraph immediately following Table 3 on page 2 of the June 27, 2011 Memorandum from GDS Associates to George Gantz and Justin Eisfeller, contained in Appendix 1 of the Report.

In support of this Motion, UES states as follows:

1. In its Report, UES provides information concerning the program costs of the Time-Of-Use (“TOU”) Pilot approved by the Commission in Docket DE 09-137. UES is seeking protective treatment of information on one page of this Report that provides detail as to write-offs and hourly discounts UES negotiated with its consultant GDS Associates.

2. UES seeks protection from public disclosure of this information because the information described above is confidential commercial and financial information. If this information were to be disclosed on the public record, both GDS's ability to protect its ability to negotiate rates for its services and UES's ability to contract for and obtain consulting services at a competitive price would be harmed. Public disclosure of the referenced Table and figures thus would be commercially harmful to UES and its customers because potential consultants providing other services to the Company would refrain from providing discounts to the Company if they would be at risk of having those discounts revealed. This would have the effect of increasing costs to the Company in the future if the Company could not assure confidential, protective treatment of a consultant's rates and terms of service. GDS also has a privacy interest in the rates and charges it is offering for its services. Consultants such as GDS may be reluctant to participate in future solicitations for services by UES if their confidential pricing information is publicly disclosed.

3. RSA 91-A:5(IV) expressly exempts from the public disclosure requirements of the Right-to-Know law, RSA 91-A, any records pertaining to "confidential, commercial or financial information." The Commission's rule on confidential treatment of public records, Puc 203.08, also recognizes that confidential, commercial or financial information may be appropriately protected from public disclosure pursuant to an order of the Commission.

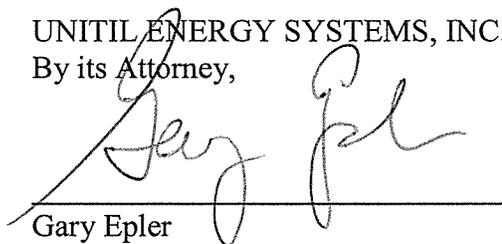
4. UES' request for a protective order is not inconsistent with the public disclosure requirements of the Right-to-Know law, RSA 91-A. This statute generally provides open access to public records, but the Commission has recognized that the

determination whether to disclose confidential information involves a balancing of the public's interest in full disclosure with the countervailing commercial or private interests for non-disclosure. In this instance, UES is only seeking protective treatment for several lines on one page out of the several hundred pages of information it has filed with the Commission. Thus, the burden to the public is relatively small. The confidential information is being provided directly to the Commission, its Staff and the Office of Consumer Advocate, which will ensure that public's interest in a complete and thorough investigation of UES's costs and request for cost recovery is not hindered. GDS has a recognizable privacy interest in the information, and UES has an interest in protecting the privacy of its consultants in order to assure that it is able to obtain competitive pricing for necessary services.

WHEREFORE, UES respectfully requests that the Commission issue an order protecting the confidential information specified herein from public disclosure.

Respectfully submitted,

UNITIL ENERGY SYSTEMS, INC.  
By its Attorney,

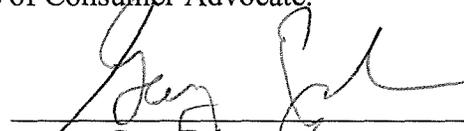
A handwritten signature in black ink, appearing to read "Gary Epler", is written over a horizontal line.

Gary Epler  
Chief Regulatory Attorney  
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Dated: September 7, 2011

Certificate of Service

I hereby certify that on this 7<sup>th</sup> day of September, 2011, I caused a copy of the within Motion to be delivered by overnight express mail and/or sent via electronic mail to the Commission Staff and the Office of Consumer Advocate.

  
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Gary Epler