

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

**JOINT APPLICATION OF FLORIDA POWER & LIGHT COMPANY AND NEW  
HAMPSHIRE TRANSMISSION, LLC FOR APPROVAL OF TRANSFER OF  
ASSETS FROM FLORIDA POWER & LIGHT-NEW ENGLAND DIVISION TO  
NEW HAMPSHIRE TRANSMISSION, LLC OR, IN THE ALTERNATIVE, FOR A  
DETERMINATION THAT THE CORPORATE RESTRUCTURING IS EXEMPT  
FROM APPROVAL REQUIREMENTS**

Docket No. \_\_\_\_\_ \ \_\_\_\_\_

**Motion for Confidential Treatment**

Pursuant to RSA 91-A:5, IV and N.H. Code Admin. Rule Puc 203.08, Florida Power & Light Company ("FPL") and New Hampshire Transmission, LLC ("NHT") (jointly the "Parties"), Joint Applicants in the above-captioned proceeding, hereby request protective treatment for Exhibit F to the Joint Application for Approval of Transfer of Assets which they have filed with the New Hampshire Public Utilities Commission. In support of this motion the Parties state as follows:

1. The Parties have today filed with the Commission a Joint Application seeking the Commission's approval of the transfer of the Seabrook Transmission Substation from FPL to NHT pursuant to RSA 374:30, or in the alternative, a determination pursuant to RSA 369:8, II that the planned corporate restructuring of FPL that entails transferring the transmission substation from FPL to a new corporate entity is exempt from any requirement to obtain approval from the Commission.

2. As part of this Joint Application the Parties have made reference to and included a copy of the Operation, Maintenance and Administrative Agreement ("OM&A Agreement"), which FPL-NED and NextEra Seabrook are currently parties to, which defines the Parties' respective duties with respect to management, operation and maintenance of the Seabrook Transmission Substation, and which will be amended to reflect the corporate restructuring described in the Application.

3. The information contained in the OM&A Agreement is commercially or financially sensitive information which is deemed to be confidential under RSA 91-A:5, IV and the Commission's rules for confidential treatment, Puc 203.08. As the Commission has noted:

Under administrative rule Puc 204.06 [predecessor to Puc 203.08] 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 (2002).

4. The Parties believe they would be commercially harmed were this information to be made available to the public and hence to competitors, as the information is not general public knowledge or published elsewhere, measures have been taken to prevent dissemination of this information in the ordinary course of business, and the information pertains to the provision of competitive and services.

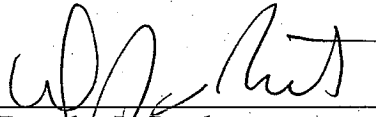
5. Before granting confidential treatment the Commission uses a balancing test to weigh the importance of keeping information open to the public, against the harm that would result from disclosure of such information. In this case, the limited benefits of disclosing the agreement are outweighed by the harm that will be done by disclosing it. This proceeding

involves a transfer of an ownership interest in a transmission asset, the rates for which are not set by the Commission. There is no overriding public interest in disclosing the terms of an agreement concerning the respective duties of the two parties, one of which is a public utility in New Hampshire for limited purposes. The agreement pertains to management, operation and maintenance. As the New Hampshire Supreme Court has said: "This court has long recognized as public policy that the owners of a utility do not surrender to the PUC their rights to manage their own affairs merely by devoting their private business to a public use." *Appeal of Public Service Company of New Hampshire*, 122 N.H. 1062, 1066, 1067 (1982).

WHEREFORE, Florida Power & Light Company and New Hampshire Transmission, LLC respectfully request that the Commission:

- A. Grant this Motion for Confidential Treatment of the OM&A Agreement; and
- B. Grant such other relief as is just and equitable.


Respectfully submitted,  
By Its Attorneys

  
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*Counsel for Florida Power & Light Company*

Dated: March 1, 2010

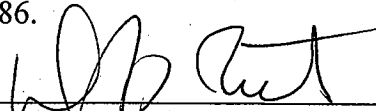
Respectfully submitted,  
By Its Attorneys

  
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*Counsel for New Hampshire  
Transmission, LLC*

Certificate of Service

A copy of this Motion has been sent by email this 1st day of March, 2010 to the parties to the Settlement Agreement in DE 03-186.

  
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Douglas L. Patch

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