

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

**PETITION FOR PERMANENT RATE
INCREASE**

**UNITIL ENERGY SYSTEMS, INC.
Petitioner**

DOCKET NO. DE 10-055

**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 report of UES’s consultant Environmental Consultants Inc. (“ECI”) provided in response to Staff data request 1-29, which was entered into the record in this proceeding as an exhibit, 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 the following tables within the report:

Table No.

3-1 (trees per mile)
3-4 (cost per tree pruning and removal)
3-6 (tree-to-line contact %)
3-15 (interruptions per 100 miles)
3-16 (tree SAIFI)
3-17 (Interruptions per 1000 trees)
3-23 (cost per mile)
3-24 (Man-hours per tree trimmed)
3-25 (cost per mile per year)
4-1 (herbicide effectiveness)
4-2 (levels of supervision)

In support of this Motion, UES states as follows:

1. In D.P.U. 09-01-A, a proceeding before the Massachusetts Department of Public Utilities (“Department”) involving UES’s affiliate Fitchburg Gas and Electric Light Company (“FG&E”), the Department directed FG&E to engage a contractor, selected through a competitive solicitation, to assist it in developing and improving its tree trimming practices. On December 21, 2009, FG&E solicited five (5) vegetation control consultants to perform an assessment of its current vegetation management practices. FG&E received four (4) responses to its RFP, and through a competitive selection process, awarded the project to ECI. ECI is a leading provider of vegetation and asset management consulting services to the utility industry. ECI completed a comprehensive evaluation of the FG&E’s current line clearance tree maintenance program, including a workload survey and tree re-growth rate study to document vegetation workload on the distribution and sub-transmission system and project optimal scheduling approaches and budgets. This includes the development of an optimum vegetation management cycle for FG&E.

2. Upon working with ECI, Unitil Service Company and UES determined that it would be beneficial to engage ECI to perform the same services described above for its New Hampshire service areas. As a result, the study was undertaken and a report prepared, which was subsequently provided to the parties in this docket as the response to data request Staff 1-29. The Confidential version of the report was filed as an exhibit during the March 10, 2011 hearing in this docket. A redacted version of the report is attached to this petition.

3. One of ECI's core businesses is development of strategic plans for utility vegetation management designed to help its clients establish more effective and efficient vegetation management programs. Over the past 30 years ECI has developed and refined proprietary methodologies, forms, research, development, techniques, reports and comparative statistics that allow ECI to create and sell work products to its clients. Much of this proprietary work information is contained within the above-referenced portions of Confidential version of the report provided as an exhibit. When its clients, such as Unitil, retain the services of ECI they purchase access to these proprietary corporate resources that allow ECI to provide its services. Consequently, it is critical for ECI to preserve and protect those proprietary resources that are an important component of its business. ECI employees are prohibited, through written agreements, from disclosing confidential client information or information confidential and proprietary to ECI not provided within the context of proprietary agreements with clients.

4. The methodology, forms and techniques used to complete the scope of work of the ECI study are proprietary and confidential to ECI. The results of the study, including all data and reports, are considered proprietary to ECI. Review or distribution of any of this information to outside parties is normally only permitted with the written approval of ECI.

5. 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.

6. 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.

7. The Figures and Tables provided in the ECI report were developed by ECI for the purpose of efficiently serving all of its clients and, in this particular instance, performing its assigned responsibilities in its engagement with UES, and thus represent their proprietary intellectual property. If this information were to be disclosed on the public record, both ECI's ability to protect its work product and UES's ability to contract for and obtain consulting services at a competitive price would be harmed. Public disclosure of the referenced Figures and Tables thus would be commercially harmful to UES and its customers because potential consultants providing other services to the Company would refrain from providing use of their work product to the Company. 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 intellectual property.

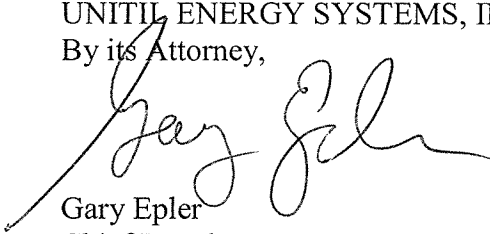
8. Also, if the Figures and Tables are disclosed, competitors of ECI would gain important, competitively sensitive information regarding ECI's work product, which would unfairly disadvantage ECI in the marketplace for consulting services. As a result,

disclosure would potentially impede ECI's ability to competitively market its services in the future.

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,

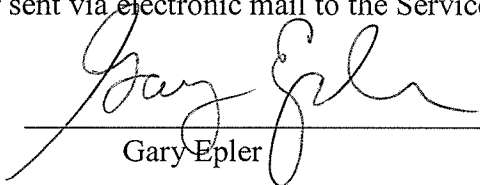


Gary Epler
Chief Regulatory Attorney
Unitil Service Corporation
65 Liberty Lane West
Hampton, NH 03842
Tel. (603) 773-6440

Dated: March 28, 2011

Certificate of Service

I hereby certify that on this 28th day of March, 2011, I caused a copy of the within Motion to be hand-delivered and/or sent via electronic mail to the Service List.



Gary Epler