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December 15, 2010

Re: DG 10-230 EnergyNorth Natural Gas, Inc. d/b/a National Grid NH
Winter 2010-2011 Cost of Gas
Supplemental Motion for Confidential Treatment

To the Parties:

On November 16, 2010, National Grid submitted a motion for confidential treatment in the above-captioned docket. The motion for confidential treatment relates to National Grid's supplemental response to Staff's Data Request 1-23, for which National Grid provided a partial response prior to the issuance of Commission Order No. 25,161 entered in this docket on October 28, 2010. National Grid's supplemental response has been tendered in Attachment Staff 1-23(c), with suggested redactions on pages 2, 3, and 4 of 5. (National Grid's Attachment Staff 1-23(c) is the capacity management agreement for baseload and swing gas supply resources that will be effective for the 2010-2011 Cost of Gas period).

National Grid, in its motion, argues that releasing the redacted information in Attachment Staff 1-23(c) will result in a competitive disadvantage to it in the form of less advantageous or more expensive gas asset-management contracts. As such, National Grid contends that disclosing this confidential commercial information would cause it competitive disadvantage and that the information should, therefore, be exempt from disclosure under RSA chapter 91-A, and otherwise treated as confidential.

Staff submitted a letter supporting National Grid's motion for confidential treatment on November 23, 2010.

Under RSA 91-A:5, IV records of "confidential, commercial or financial information" are exempted from disclosure, and the New Hampshire Supreme Court has supplied a balancing test for determining whether certain documents meet this designation. *See, e.g., Lambert v. Belknap County Convention*, 157 N.H. 375, 382-83 (2008). Upon reviewing the information, the Commission concludes that there would be an invasion of National Grid's privacy interest in disclosing the information and that National Grid's privacy interest is not outweighed by any public interest in disclosure. Further, disclosure would do nothing to

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reveal the workings of the Commission. *See Union Leader Corp. v. N.H. Housing Fin. Auth.*, 142 N.H. 540, 554-55 (1997). Accordingly, the Commission has granted National Grid's motion.

Sincerely,

A handwritten signature in blue ink that reads "Debra A. Howland". The signature is written in a cursive style with a large initial "D".

Debra A. Howland
Executive Director

cc: Docket File