

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

	DG 10-249
NEW HAMPSHIRE GAS)
CORPORATION)
)
2010-2011 WINTER PERIOD)
COST OF GAS ADJUSTMENT)
)

MOTION FOR PROTECTIVE ORDER

NOW COMES New Hampshire Gas Corporation (“NHGC”) and respectfully requests that the New Hampshire Public Utilities Commission (“PUC” or the “Commission”) grant it protection from public disclosure for certain confidential, competitively sensitive and proprietary information submitted in this proceeding, consistent with R.S.A. 91-A:5(IV) and N.H. Admin. Rules, Puc 203.08. Specifically, NHCG requests confidential treatment for Attachment NHPUC 1-6. In support of its Motion NHGC states:

1. On September 15, 2010, NHGC submitted to the Commission for approval its cost of gas adjustment, and on September 27, 2010, the Commission Staff issued its first set of Data Requests. Staff’s Request NHPUC 1-6 seeks information regarding the component costs for the Mount Belvieu settlement price.
2. Attachment 1-6 contains NHGC’s winter 2010-2011 hedging schedule, which contains certain pricing information that is competitively sensitive, proprietary and confidential to NHGC and its supplier.

3. R.S.A. 91-A:5(IV) expressly exempts from the public disclosure requirements of the Right-to-Know law, R.S.A. 91-A, any records pertaining to “confidential, commercial or financial information.” The statute generally provides open access to public records but specifically recognizes that “records that would be within the scope of a privilege against discovery or used as evidence recognized by the court” may be protected from public disclosure. 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. Certain information contained in Attachment NHPUC 1-6 should be protected from public disclosure because it is the result of negotiations between NHGC and its propane supplier and, as such, is competitively sensitive, proprietary and confidential information. Disclosure of the information may compromise NHGC’s supplier’s competitive position by releasing confidential business information that is not otherwise available to its competitors or potential customers. Accordingly release of this pricing information could cause NHGC’s supplier economic harm by providing an advantage to its competitors.

5. In conducting its annual solicitation or a request for proposals (“RFP”) for winter propane supplies, NHGC makes a commitment to potential suppliers and participants in the RFP to maintain the confidentiality of their pricing data in the discovery process by seeking protective treatment from the Commission. Disclosure of this sensitive and proprietary pricing information could have a chilling effect on future competitive solicitations and could adversely affect NHGC’s ability to negotiate favorable terms for its future supplies. Accordingly, NHGC submits that this information is well within the scope of “confidential, commercial or financial

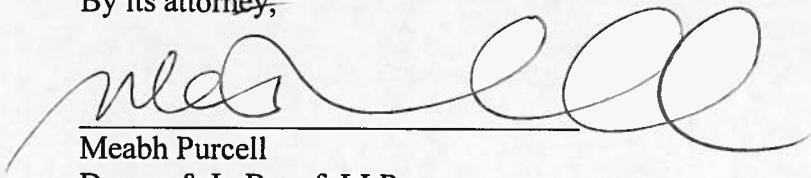
information" contemplated by R.S.A. 91-A:5(IV) and N.H. Admin. Rules, Puc 203.08, and accordingly, should be protected from public disclosure. The determination whether to disclose confidential information involves a balancing of the public's interest in full disclosure with the countervailing commercial or private interests for non disclosure. Union Leader v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997).

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

Respectfully submitted,

NEW HAMPSHIRE GAS CORPORATION

By its attorney,



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Date: October 7, 2010

STATE OF NEW HAMPSHIRE

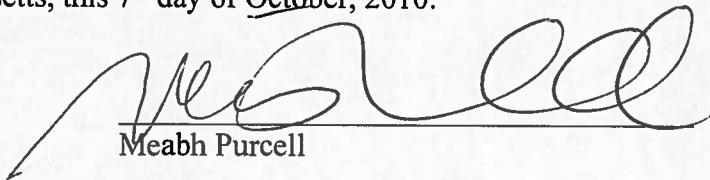
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CERTIFICATE OF SERVICE

I certify that I have caused a copy of the within to be served on each of the individuals on the Service List on file with the Secretary of the New Hampshire Public Utilities Commission.

Dated at Boston, Massachusetts, this 7th day of October, 2010.



Meabh Purcell