

THE STATE OF NEW HAMPSHIRE  
before the  
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire  
Least Cost Integrated Resource Plan

Docket No. DE 10-261

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR  
PROTECTIVE ORDER RE: CONSULTANT'S CONTRACT

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH") hereby requests protective treatment for certain proprietary pricing terms in a consultant's contract supplied in response to a data request propounded in the above-captioned matter. PSNH contends that the information is confidential pricing information and should be protected from public disclosure.

In support of its Motion for Protective Order, PSNH says the following:

1. The data request is Staff Set No. 1, Q-STAFF-047 is as follows:

**Question:**

Ref. Appendix G, Overview at page 2. Please provide a copy of the document or documents that set forth LAI's scope of work in the proceeding along with all other terms of engagement.

2. PSNH has redacted the pricing information from the consultant's contract and is hereby offering to supply a redacted copy of the contract and other non-privileged scope of work documents to all parties. PSNH seeks protective treatment of the pricing information contained at pages 1, 13 and 14 of 77 pages of contract documents. One full copy of the unredacted contract documents is enclosed with seven unredacted copies of the confidential pages 1, 13 and 14.

3. The Commission must use a balancing test in order to weigh the importance of creating an open record of this proceeding with the harm from

disclosure of confidential, financial or competitive information. “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, Docket No. DG 01-182, Order No. 23,970 (May 10, 2002).

4. The limited benefits of disclosing the consultant’s pricing information outweigh the harm done by disclosing the information and the potential harm disclosure would cause to the consultants’ providing consulting services to PSNH. Pricing terms with suppliers have traditionally been kept confidential. See, *Re EnergyNorth Natural Gas, Inc. dba KeySpan Energy Delivery New England*, Docket No. DG 03-068, Order No. 24,167, 88 NH PUC 221, 226 (2003).

5. The consultant’s pricing terms are commercially sensitive and should not be made public. In order to maintain flexibility in future contract pricing, the consultant would be at a disadvantage if the firm’s prices were disclosed. PSNH would be put at a disadvantage and may not be able to negotiate future consultant contracts on reasonable terms or choose from the maximum number of qualified candidates if the pool of consultant candidates had reason to believe that their pricing would be publicly disclosed.

WHEREFORE PSNH respectfully requests the Commission to issue an order preventing the public disclosure of the unredacted pricing terms in the consultant contract with Levitan & Associates, Inc., and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

April 8 2011  
Date

By: Gerald M. Eaton  
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#### CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be served pursuant to N.H. Code Admin. Rule Puc §203.11.

April 8, 2011  
Date

Gerald M. Eaton  
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