

Patricia M. French
Senior Attorney
Legal

300 Friberg Parkway
Westborough, MA 01581
(508) 836.7394
Fax: (508) 836.7039
pfrench@nisource.com

**CONFIDENTIAL
MATERIAL
IN COMM FILE**

September 14, 2005

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301

Re: Northern Utilities, Inc., New Hampshire Division – Filing of Revised Tariff
Sheets Regarding Annual Update of Appendices A and C of the Delivery Service
Terms and Conditions, 2005-2006 Winter Period Cost of Gas

Dear Ms. Howland:

Attached for filing, on behalf of Northern Utilities, Inc. (“Northern”), is Northern’s Motion for Protection from Public Disclosure and Confidential Treatment regarding Northern’s Attachment II of the Annual Update of Appendices A and C of the Delivery Service Terms and Conditions for the 2005-2006 Winter Period Cost of Gas. One CONFIDENTIAL copy of Attachment II is being filed with the Executive Director and Secretary.

Please do not hesitate to contact me at (508) 836-7394 if you have any questions or need additional information regarding this filing.

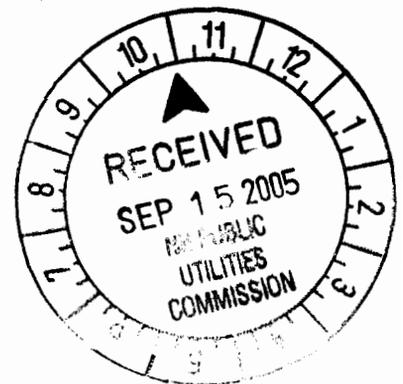
Thank you for your attention to this matter.

Sincerely,

Patricia M. French / SBK

Patricia M. French

cc: Joseph A. Ferro, Northern Utilities, Inc.
Seth Shortlidge, Esq.
Stephen P. Frink, NHPUC
Robert Wyatt, NHPUC



STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

NORTHERN UTILITIES, INC.)
Winter Period 2005-2006)
Cost of Gas Adjustment)
_____)

Docket DG 05-____

**MOTION FOR PROTECTION FROM PUBLIC DISCLOSURE
AND CONFIDENTIAL TREATMENT**

NOW COMES Northern Utilities, Inc. (“Northern”) and respectfully requests that the New Hampshire Public Utilities Commission (“Commission”) grant a protective order for certain confidential information consistent with R.S.A. 91-A and N.H. Admin. Rules, Puc 204.07. Specifically, Northern requests that the Commission issue its order requiring that the resource, supplier identity and cost information contained in Northern’s update to its Model Delivery tariff be treated as confidential commercial information and in the nature of a trade secret, and not be made part of the public record in this proceeding. Northern intends to make such information available to the Commission Staff and the Consumer Advocate under its requested protective order.

In support of its motion, Northern states the following:

1. On March 15, 2001, in Docket No. DE 98-124, the Commission approved Northern’s Model Delivery Tariff, currently identified as NHPUC No. 10 – Gas, Part VII. Delivery Service Terms and Conditions (“T&Cs”).

2. Among the Supplier Charges set out in Appendix A of the T&Cs, Schedule of Administrative Fees and Charges, are the Supplier Balancing Charge and the Peaking Service Demand Charge. Northern is required to update these charges once each year, effective for the billing (calendar) month of November.
3. As part of the filing of revised charges in Appendix A, Northern provides specific information about its suppliers, resource information, commodity and demand charges and related contract terms. This information constitutes a trade secret; Northern does not disclose this information outside a close circle of Northern employees with a need to know, and their representatives; release of this information is likely to result in competitive disadvantage for Northern and possibly also its suppliers; and this information is likely to be very beneficial to a competitor of Northern or NiSource, or their suppliers, who may gain a competitive edge as a result of disclosure.
4. Northern seeks to protect from disclosure on the public record this information in order to protect trade, contractual and financial secrets closely held by Northern.
5. R.S.A. 91-A:5(iv) expressly exempts from the public disclosure requirements of Chapter 91-A any records pertaining to “confidential, commercial or financial information.” The Commission’s rule on public records, Puc 204.07, also allows documents to be protected from public disclosure pursuant to an appropriate order of the Commission.

6. Northern requests that the Commission not disclose on the public record the confidential information on the grounds that disclosure of the confidential information would disadvantage Northern in negotiations with Suppliers or other resource providers. Public knowledge of the confidential information would impair Northern's future bargaining position and thus its ability to obtain the best cost resources for its natural gas portfolio. The Commission has recognized that supply information is sensitive commercial information in the competitive market.
7. Disclosure of this information would expose to the public and to actual and potential competitors Northern's internal, and closely held, business information. Northern does not disclose this information in any venue nor to anyone outside of its corporate affiliates with a lawful need to know and their representatives.
8. Northern is not requesting non-disclosure protection from Staff or the Office of the Consumer Advocate. Northern has filed its motion for a protective order to allow it to make available its trade secrets and confidential information to Staff and the Consumer Advocate during this proceeding subject to the requested order from the Commission that such information should be accorded confidential treatment.
9. The Commission has granted protected treatment to similar financially-sensitive information that is held as a trade secret, finding that the benefits of non-disclosure in similar cost of gas proceedings outweigh the benefits to the public of

disclosure. Northern Utilities, Inc., Order Approving the Cost of Gas Rate, Local Distribution Adjustment Clause Rates and Other Rates, Order No. 24,389 (October 29, 2004); See also, Northern Utilities, Inc., Order No. 24, 228 (October 30, 2003); EnergyNorth Natural Gas, Inc., Order Granting Motion for Protective Order and Confidential Treatment, Order No. 23,950, Docket No. DG 02-045 (Apr. 12, 2002) citing Union Leader Corp. v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997); Re NET (Auditel), 80 NHPUC 437 (1995); Re Eastern Utilities Assoc., 76 NHPUC 236 (1991); EnergyNorth Natural Gas, Order No. 23,559, Docket No. 00-193 (Sept. 25, 2000).

WHEREFORE, Northern Utilities, Inc. respectfully requests that the Commission grant its protective order over Northern's confidential and trade secret information as described herein, and that the Commission.

Respectfully submitted,

NORTHERN UTILITIES, INC.

By its attorney,

Patricia M. French / SBK

Patricia M. French
Senior Attorney
NISOURCE CORPORATE SERVICES
300 Friberg Parkway
Westborough, MA 01581
(508) 836-7394
fax (508) 836-7039

DATED: September 14, 2005