

CONFIDENTIAL
MATERIAL
IN COMM FILE

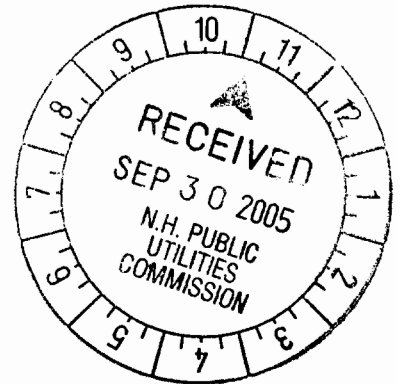
MISourceSM
Corporate Services

Patricia M. French
Senior Attorney
Legal

September 29, 2005

VIA OVERNIGHT DELIVERY

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



Re: Northern Utilities, Inc., New Hampshire Division – Winter 2005/2006 CGA, DG 05-147

Dear Ms. Howland:

Enclosed for filing in the above referenced docket are the original and eight copies of Northern Utilities, Inc.'s Motion for Protection from Public Disclosure and Confidential Treatment for information used to prepare the Winter 2005/2006 Cost of Gas Factor filed September 13, 2005. One copy of the CONFIDENTIAL pages will be filed with the Staff Attorney assigned to this docket.

Very truly yours,

Patricia M. French / SBK
Patricia M. French

Enclosures

cc: Edward N. Damon, Staff Attorney
Joseph A. Ferro
Francisco C. DaFonte
Ronald Gibbons

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

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

Docket DG 05-147

**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 calculation of cost of gas adjustment NHPUC No. 10, Nineteenth Revised Page 38, as well as the materials provided in support thereof, 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. Each year on a semi-annual basis, Northern files for Commission approval of its cost of gas adjustment and provides specific information with regard to cost of delivered and produced gas. As part of this filing, Northern provides its projected

- or forecast of its natural gas commodity and storage pricing, including resource name, volumes, rate and total amount.
2. The Commission has routinely provided protection to Northern with regard to the Supplier Charges set out in Appendix A of the T&Cs, Schedule of Administrative Fees and Charges, in particular those materials used to support the Supplier Balancing Charge and the Peaking Service Demand Charge. The reason this material has in the past been worthy of protection is because Northern provides specific information about its suppliers, resource information, commodity and demand charges and related contract terms.
 3. Northern has discovered another location in its Cost of Gas Adjustment filing that provides detailed cost information relative to Northern's suppliers, resource information and commodity and demand charges, and related contract terms. NHPUC No. 10, Nineteenth Revised Page 38, "Anticipated Cost of Delivered and Produced Gas." This information constitutes a trade secret.
 4. In the past this material was inadvertently provided as part of the public record. Northern seeks now to ensure that it has complete control over the dissemination of this important information.
 5. Except for the inadvertent previous disclosure in its Cost of Gas Adjustment filings, 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 as these contracts are renegotiated and renewed; 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.

6. Northern seeks to protect from disclosure on the public record this information on a continuing going-forward basis in order to protect trade, contractual and financial secrets that are otherwise and should be closely held by Northern.
7. 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.
8. 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.

9. Continued 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 intend and has not intended to disclose this information in any venue or to anyone outside of its corporate affiliates and their representatives with a lawful need to know.

10. 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.

11. 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 grant all such other relief as it shall deem just and reasonable.

Respectfully submitted,

NORTHERN UTILITIES, INC.

By its attorney,

Patricia M French / SBK

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DATED: September 29, 2005