

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DG 12- ____
NORTHERN UTILITIES, INC.
WINTER PERIOD 2012-2013
COST OF GAS ADJUSTMENT FILING

MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT

NOW COMES Northern Utilities, Inc. (“Northern”), by and through its undersigned attorneys, and respectfully moves the New Hampshire Public Utilities Commission (“the Commission”) to issue a protective order which accords confidential treatment to certain information described below. In support of this Motion, Northern states as follows:

1. Pursuant to N.H. Admin. Rule Puc 203.08 (b), Northern hereby submits the following unredacted documents containing information for which confidential treatment is sought:

Eight (8) pages of data which is contained in: Schedule 5A, Attachment to Schedule 5A, and Schedule 5B, submitted with Northern’s Winter 2012-2013 Cost of Gas Filing. More specifically, this information consists of: peaking contract demand cost estimates (Schedule 5A, p. 5 of 6); asset management and capacity release revenue projections (Schedule 5A, p. 6 of 6); peaking supply demand costs (Attachment to Schedule 5A, p. 4 of 44); liquefied natural gas (“LNG”) transportation/delivery terms and

conditions (Attachment to Schedule 5A, p.44 of 44); LNG trucking/transportation costs (Attachment to Schedule 5A, pp. 13 -15 of 44); and asset management and capacity release revenue assigned to retail suppliers (Schedule 5B, p. 5 of 7).

2. The above-referenced documents contain competitively sensitive commercial information and trade secrets that Northern does not disclose to anyone outside of its corporate organization or its authorized representatives. As such, the information is entitled to be protected from public disclosure under RSA 91-A:5, IV. *See also* RSA 350-B (“Uniform Trade Secrets Act”).

3. Release of the above-described confidential information would likely result in competitive harm to Northern in the form being disadvantaged in its bargaining position with its suppliers of gas commodity, transportation, peaking and related services. This could result in more expensive contracts or less advantageous contract terms, as gas suppliers possessing this information would know Northern’s expectations regarding gas supply costs and other contract terms and would be unlikely to provide Northern with terms and/or prices significantly more favorable than those which Northern seeks to protect via the within Motion. This would ultimately harm Northern’s firm customers by creating higher prices.

4. In determining whether confidential, commercial or financial information within the meaning of RSA 91-A:5, IV is exempt from public disclosure, the Commission employs the analysis articulated in *Lambert v. Belknap County Convention*, 157 N.H. 375(2008) and *Lamy v. N.H. Public Utilities Commission*, 152 N.H. 106 (2005). Under this analysis the Commission first determines “whether the information is confidential, commercial or financial information, ‘and whether disclosure would

constitute an invasion of privacy.’” *Unitil Energy Systems, Inc.*, DE 10-055, Order No. 25,214 (April 26, 2011), p. 35. If a privacy interest is implicated, the Commission then balances the asserted private confidential, commercial or financial interest against the public’s interest in disclosure in order to determine if disclosure would inform the public of the government’s conduct. *Id.* If it does not, then “disclosure is not warranted.” *Id.*

5. The above-described information meets the foregoing test. For the reasons presented above, all of the information is clearly confidential, commercial or financial, and disclosure of it would pose harm and constitute an invasion of privacy, as Northern routinely safeguards this information to protect its bargaining position in commercial transactions. Because Northern’s private, confidential, commercial and financial interests outweigh the public’s interest in disclosure, the information should be protected as disclosure will not inform the public of the government’s conduct. The Commission has protected this type of information from public disclosure in the past. *See, e.g., Northern Utilities, Inc. Winter 2010-2011 Cost of Gas*, DG 10-250, Order No. 25,162 (Oct. 29, 2010); and *Northern Utilities, Inc. Summer 2012 Cost of Gas*, DG 12-068, Order No. 25,354 (April 30, 2012).

6. Northern requests that the Commission issue an order protecting the above-described information from public disclosure and prohibiting copying, duplication, dissemination or disclosure of it in any form. Northern requests that the protective order also extend to any discovery, testimony, argument or briefing relative to the confidential information.

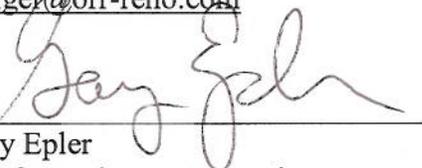
WHEREFORE, Northern respectfully requests that this honorable Commission:

- A. Issue an appropriate order that exempts from public disclosure and otherwise protects the confidentiality of the documents and information identified herein; and
- B. Grant such additional relief as it deems appropriate.

Respectfully submitted,
NORTHERN UTILITIES, INC.

By its attorneys,

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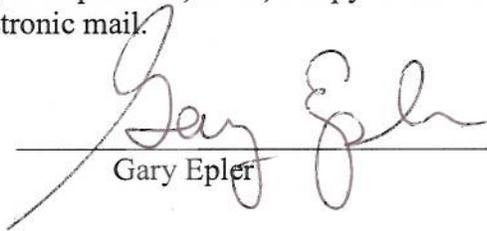


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Date: September 14, 2012

Certificate of Service

I hereby certify that on this 14th day of September, 2012, a copy of the within Motion was sent to the Service List via electronic mail.



Gary Epler

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