

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. DW 17-___

Pennichuck Water Works, Inc.
Special Contract with Pennichuck East Utility, Inc.

**MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT OF
CUSTOMER CONSUMPTION DATA**

Pennichuck Water Works, Inc. (“PWW”), in accordance with N.H. Admin. Rule Puc 203.08, and hereby moves the New Hampshire Public Utilities Commission (“Commission”) to grant confidential treatment to certain customer-specific consumption data contained in the Cost of Service Study (“COSS”) filed in this matter. In support of its motion, PWW states as follows:

1. PWW seeks Commission approval of a special contract with Pennichuck East Utility, Inc. (“PEU”) for the provision of wholesale water supply to PEU.
2. As part of its investigation of the cost to provide PEU with wholesale water supply, PWW conducted a COSS.
3. The COSS evaluated water usage from PWW’s customers including water usage by PWW’s special contract customers, and in particular, water usage by Anheuser-Busch, Inc. See Attachment DLW-1, Schedule 5, Customer Allocation Factors.
4. Anheuser-Busch, Inc. considers its water usage information associated with its business operations to be confidential and commercially sensitive information.
5. RSA 91-A:5, IV expressly exempts from the Chapter 91-A public disclosure requirements any “records pertaining to internal personnel practices [and] confidential, commercial or financial information...” NH RSA 91-A:5, IV.

6. The Commission employs a multi-part analysis to determine whether certain information qualifies for confidential treatment: (1) whether the information sought is confidential, commercial, or financially information; and (2) whether disclosure of that information would constitute an invasion of privacy. *EnergyNorth Natural Gas, Inc. d/b/a National Grid NH*, DG 10-017, Order No. 25,208 at 7-8 (March 23, 2011). An invasion of privacy analysis, in turn, requires an evaluation of three factors: (1) whether there is a privacy interest at stake that would be invaded by disclosure; (2) whether there is a public interest in disclosure; and (3) a balance of the public's interest in disclosure and the interests in non-disclosure. *Lamy v. N.H. Pub. Util. Comm'n*, 152 N.H. 106 109 (2005).

7. The Commission has previously concluded that a privacy interest exists in Anheuser-Busch, Inc.'s water consumption and cost data and that disclosure would reveal internal business decisions and financial information which could harm Anheuser-Busch, Inc. and otherwise damage its competitive position. See, *Pennichuck Water Works, Inc.*, Docket No. DW 10-091, Order No. 25,278 at 12-13 (October 21, 2011). Further, the Commission concluded that there is no indication that disclosure of the information would inform the public about the workings of the Commission. *Id.* In balancing the interests of Anheuser-Busch, Inc. and the public, the Commission concluded the privacy interests in non-disclosure outweighed the public's interest in disclosure and the Commission granted the request to protect Anheuser-Busch, Inc.'s consumption data. *Id.*

8. The information protected in Order No. 25,278 is the same type of consumption and cost data that PWW seeks to protect in the instant motion.

WHEREFORE, Pennichuck Water Works, Inc. respectfully requests the Commission:

- A. Grant this motion for protective order and confidential treatment of customer-specific consumption data; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By Its Attorney,

Date: April 24, 2017

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion for protective order and confidential treatment has been forwarded this day by first class mail and by electronic transmission to the Office of the Consumer Advocate.

Dated: April 24, 2017

Marcia A. Brown
Marcia A. Brown