

DE 00-087

GRANITE STATE ELECTRIC COMPANY

Revised Default Rate Proposal
for the Period May 1, 2000 - October 31, 2000

Order Approving Motion for Confidential Treatment

O R D E R N O. 23,486

May 22, 2000

I. **PROCEDURAL HISTORY**

On April 17, 2000, the Petitioner, Granite State Electric Company (Granite State or the Company), filed with the New Hampshire Public Utilities Commission (Commission) a proposal for the implementation of Revised Default Service for the period May 1, 2000 through October 31, 2000. On May 1, 2000, the Commission issued Order No. 23,453 approving the Company's implementation of Default Service effective May 1, 2000 through October 31, 2000, and ordered the Company to file a compliance tariff with the Commission on or before May 10, 2000, in accordance with N.H. Admin. Rules, Puc 1603.02(b). The Commission also ordered that the rates were subject to reconciliation depending on the outcome of the investigation opened by the Order, and adopted a procedural schedule for discovery, testimony and hearing.

On May 8, 2000, Granite filed a Motion for Confidential Treatment, pursuant to NH Admin. Rules Puc 203.04

and 204.06, with respect to Staff Data Request 1-1, issued April 26, 2000, relating to the contract with the wholesale supplier, Southern Company (Southern), for Default Service. Although the Retail Price is not confidential, Granite avers that the contract includes competitive energy pricing and contract terms that are commercially sensitive information and for which confidential treatment is appropriate. Granite maintains that disclosure of the information could be harmful to Southern's competitive position and could chill its willingness to participate in providing energy service in New Hampshire in the future.

II. COMMISSION ANALYSIS

The Commission recognizes that the information contained in the aforementioned data response is confidential information pertaining to "confidential, commercial or financial information" of which Granite and Southern have taken steps to avoid disclosure, and which could adversely affect the business position of one or both of the Parties in the future. All of the information requested has been, or will be, made available to the Commission and the Commission Staff.

Based on Granite's representations, and there being no objection from any other party, under the balancing test we have

applied in this case and in prior cases, e.g., *Re NET (Auditel)*, 80 NH PUC 437 (1995), *Re Eastern Utilities Associates*, 76 NH PUC 236 (1991), we find that the benefits to Granite and Southern of non-disclosure in this case outweigh the benefits to the public of disclosure. The information, therefore, is exempt from public disclosure pursuant to RSA 91-A:5,IV and Puc 204.06.

Based upon the foregoing, it is hereby

ORDERED, that Granite's Motion for Confidential Treatment with respect to information provided in response to Staff Data Request No. 1-1 is APPROVED; and it is

FURTHER ORDERED, that the determination as to protective treatment made herein is subject to the ongoing authority of the Commission, on its own motion or on the motion of Staff, any party or any other member of the public, to reconsider this Order in light of RSA 91-A, should circumstances so warrant.

By order of the Public Utilities Commission of New
Hampshire this twenty-second day of May, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary