

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

**RE: ENERGINORTH NATURAL GAS, INC.
D/B/A KEYSpan ENERGY DELIVERY NEW ENGLAND**

DOCKET NO. DG 07-101

**MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT
OF PROPRIETARY INFORMATION**

EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England ("KeySpan") respectfully requests that the Commission issue a protective order giving confidential treatment to certain computer source code and ancillary computer files in response to a Staff data request in this docket. In support of its motion, KeySpan states as follows:

1. In this docket, the Company is requesting approval of a 20 year firm transportation contract (the "Proposed Agreement") with Tennessee Gas Pipeline Company ("TGP") that would provide the Company with up to 30,000 MMBtu/day of incremental pipeline capacity commencing November 1, 2009. If approved by the Commission, the Proposed Agreement would require TGP to complete a comprehensive upgrade of the Concord lateral pipeline serving the Company's distribution system in New Hampshire in order to make the incremental capacity available (the "Concord Lateral Upgrade").

2. The Company recently attended a technical session with the Commission Staff during which the Staff sought additional discovery on the computer model the Company used to evaluate the proposed Concord Lateral. Specifically, Staff data request Tech 1-3 requested: "Please provide the text files for the LP model used by the Company to evaluate the proposed Concord Lateral and any potential alternative projects."

3. The text files for the requested LP model were developed internally by KeySpan and have commercial value. If the LP model is publicly disclosed, third parties could take the model and sell it, or services based upon it, to gain a commercial advantage. Essentially, such disclosure would be giving away KeySpan's own work product resulting in a commercial disadvantage to it.

4. KeySpan maintains that the LP model it has developed constitutes confidential commercial information. KeySpan does not disclose this information to anyone outside of its corporate affiliates and their representatives. KeySpan is therefore taking the necessary steps by filing this motion to protect its proprietary model.

5. RSA 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 has the authority to protect the information described above pursuant to N.H. Code of Admin. Rules Puc 203.08.

6. KeySpan requests that the Commission issue a protective order granting this Motion and protecting from public disclosure the confidential commercial information described above. Copying, duplication, dissemination or disclosure in any form, or a derivative form, should be prohibited and the protected materials should be returned at the conclusion of the proceeding or destroyed on terms acceptable to KeySpan. The protective order should also be extended to any discovery, testimony, argument or briefing relative to the confidential information.

7. Because Staff is utilizing an outside consultant in this proceeding, KeySpan also requests that the consultant be prohibited from using the confidential information for any purpose other than for services provided to this Commission and, specifically, that the consultant

(1) return to the Commission or KeySpan at the conclusion of the consultant's services all copies, notes and other materials containing any of the confidential information and (2) be prohibited from using the confidential information for any other client it may have or for its own purposes.

8. No copies of the materials sought to be protected from disclosure are being provided with this motion because the Company is seeking confidential treatment of the entire LP model and the document is being provided to the Staff at this time as discovery material only and not as part of the record in this proceeding.

9. Counsel for KeySpan has contacted both counsel for the Commission staff and the Office of the Consumer Advocate (OCA) seeking their consent to this Motion. Counsel for the Staff has indicated that the Staff assents to the relief requested in this motion. The OCA takes no position on the relief requested.

WHEREFORE, KeySpan respectfully requests that the Commission:

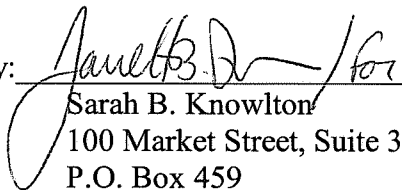
- A. Issue an order protecting the information described above; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

ENERGYNORTH NATURAL GAS, INC. D/B/A
KEYSPAN ENERGY DELIVERY NEW
ENGLAND

By Its Attorneys

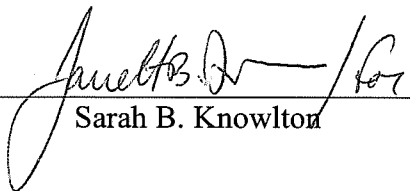
MCLANE, GRAF, RAULERSON &
MIDDLETON, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been forwarded to all parties on the service list in this docket.

Dated:


Sarah B. Knowlton