

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire's
Petition for Approval Power Purchase Agreements with
Pinetree Power, Inc. and Pinetree Power-Tamworth, Inc.

Docket No. DE 07-

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER

By separate cover dated today, Public Service Company of New Hampshire ("PSNH") filed a petition for approval of two power purchase agreements with Pinetree Power, Inc. and Pinetree Power-Tamworth, Inc. Pursuant to RSA 91-A:5, IV(Supp.) and N.H. Code Admin. Rules Puc § 204.06, PSNH hereby requests protective treatment for (i) certain terms and conditions which PSNH considers confidential to avoid impairing PSNH's ability to negotiate additional agreements and (ii) commercially sensitive production and financial information relating to the projects. certain confidential terms and conditions contained in two unredacted copies of the "Transaction Confirmations" enclosed herewith. In support of its Motion for Protective Order, PSNH says the following:

1. Beginning in the year 2008, PSNH must obtain and retire certain New Hampshire Renewable Energy Certificates ("NH RECs") pursuant to Chapter RSA 362-F Electric Renewable Portfolio Standard. 2007 NH Laws 26. Pursuant to that obligation, PSNH has entered into two transactions with Pinetree Power, Inc. and Pinetree Power-Tamworth, Inc. which call for the purchase of energy, capacity and NH RECs at negotiated prices. The transactions call for purchases of these products for up to three years.

2. PSNH would like to be able to use the structure of these arrangements to purchase additional renewable power and NH RECs. PSNH does not want to be at a competitive disadvantage in future negotiations with renewable power generators, which would result if the structure and terms of these agreements became public. Also, certain terms contained in these agreements are plant specific and are considered commercially sensitive to the owners of the two generating facilities.

3. The Commission must use a balancing test in order to weigh the importance of keeping open the record of this proceeding with the harm from disclosure of confidential financial or competitive information. "Under administrative rule Puc 204.06, the Commission considers whether the information, if made public, would likely create a competitive disadvantage for the petitioner; whether the customer information is financially or commercially sensitive, or if released, would likely constitute an invasion of privacy for the customer; and whether the information is not general public knowledge and the company takes measures to prevent its' dissemination." *Re Northern Utilities, Inc.*, 87 NH PUC 321, 322, Docket No. DG 01-182, Order No. 23,970 (May 10, 2002).

4. The limited benefits of disclosing the information outweigh the harm done by disclosing the information and the potential harm to the owners of the facilities from disclosure. Pricing terms with power suppliers have traditionally been kept confidential. *See, Re EnergyNorth Natural Gas, Inc. dba KeySpan Energy Delivery New England*, Docket No. DG 03-068, Order No. 24,167, 88 NH PUC 221 , 226 (2003). PSNH would be put at a negotiating disadvantage in the future through disclosure of the terms of these transactions. Disclosure of the terms of these transactions would become the floor of any future negotiations with other renewable suppliers. PSNH would be able to obtain power, capacity and NH RECs at terms no more favorable than these terms. Furthermore, the confidential terms contain confidential, plant specific information pertaining to the Pinetree Power and Pinetree Power-Tamworth facilities.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the confidential terms of the transactions between PSNH and Pinetree Power, Inc. and Pinetree Power-Tamworth, Inc., and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

November 20, 2007
Date

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be served pursuant to N.H. Code Admin. Rule Puc §203.11.

November 20 2007
Date

Gerald M. Eaton
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