STATE OF NEW HAMPSHIRE BEFORE THE PUBLIC UTILITIES COMMISSION

UNITIL ENERGY SYSTEMS, INC. Petitioner)))	DOCKET NO. DE 08-015
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MOTION FOR CONFIDENTIAL TREATMENT AND PROTECTIVE ORDER

Unitil Energy Systems, Inc. ("UES" or the "Company") respectfully requests that the New Hampshire Public Utilities Commission (the "Commission") grant a protective order for certain confidential information, consistent with R.S.A. 91-A:5(IV) and N.H. Admin. Rules, Puc 203.08. Specifically, UES requests that the Commission issue an order requiring confidential treatment for the following material:

(i) The billing rates and number of hours provided in the copies of the invoices submitted by its outside attorneys for work in connection with UES' default service solicitations and contained in the Confidential Attachment attached to the Response to Record Request No. 1.

In support of this motion, UES states as follows:

1. UES seeks protection from public disclosure of the information described above because it is confidential commercial and financial information. The invoices provided in response to the record request contain confidential information concerning the compensation to be paid by UES. This information is not publicly disclosed by the Company's outside counsel nor is it available from other public sources. Disclosure of the compensation information contained in the copies of invoices and billing rates, may detrimentally impact upon the attorneys' relationships and ongoing work on behalf of

other clients, and their ability to solicit further engagements from these clients and other potential clients.

- 2. R.S.A. 91-A:5(IV) expressly exempts from the public disclosure requirements of the Right-to-Know law, R.S.A. 91-A, any records pertaining to "confidential, commercial or financial information." The Commission's rule on confidential treatment of public records, Puc 203.08, also recognizes that confidential, commercial or financial information may be appropriately protected from public disclosure pursuant to an order of the Commission.
- disclosure requirements of the Right-to-Know law, R.S.A. 91-A. This statute generally provides open access to public records, but the Commission has recognized that the determination whether to disclose confidential information involves a balancing of the public's interest in full disclosure with the countervailing commercial or private interests for non-disclosure. UES submits that the interests in support of a protective order outweigh the public's interest in full disclosure. This is particularly the case in this instance as all of this confidential information is being made available to the Commission Staff and the Office of Consumer Advocate in order to provide an opportunity to review and examine it. Moreover, redacted versions of all of these documents have been provided as well, and much information concerning the underlying matters at issue is available in these documents, as well as in the Company's responses to the Staff's data requests.
- 4. In considering a similar motion by UES in docket DE 07-035, the

 Commission did not find the public's interest in review of this financial, commercially

sensitive information sufficient to outweigh the benefit derived from maintaining the confidentiality of such information, and granted protective treatment of the information regarding billing rates, while allowing disclosure of the invoice totals. See Order No. 24,746, *Slip Op.* at p. 10. UES is not requesting confidential treatment of the invoice totals, only the hourly rates and number of hours worked. The invoice totals are disclosed in the public (redacted) versions of the responses.

WHEREFORE, UES respectfully requests that the Commission issue an order protecting the confidential information specified herein from public disclosure.

Respectfully submitted,

UNITIL ENERGY SYSTEMS, INC.

By its Attorney,

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Dated: April 2, 2008