

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Default Energy Service Rate

Docket No. DE 08-113

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER RE: RGGI AUCTION DETAILS

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH" or the "Company") hereby requests protective treatment for the response to a data request propounded by the Staff. The request asks for information regarding PSNH's participation in a recent auction for carbon dioxide allowances pursuant to the Regional Greenhouse Gasses Initiative. PSNH believes such information is highly sensitive commercial and financial information. In support of its Motion for Protective Order, PSNH says the following:

1. The data request is as follows:

NSTF-01 Q- STAFF-004

Question:

Reference Baumann testimony, page 7, lines 11-17. Did PSNH participate in the September 25, 2008 RGGI auction? If so, how many allowances did PSNH acquire? Based on the results of that auction, will PSNH be adjusting its estimated RGGI compliance costs? Please explain why or why not. Will PSNH be participating in the December 2008 auction?

2. 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).

3. 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. The operator of the auction conducts the auction process in a strictly confidential manner in that no information is publicly disclosed as to what parties participated or did not, how many allowances were purchased at the auction and at what price. All details as to transactions of allowances in the secondary market are also kept strictly confidential by the operator. The reason is that the market is limited, and the operator is trying to avoid market manipulation. PSNH believes such manipulation may increase the cost of allowances PSNH must acquire which in turn will harm PSNH's customers. Therefore, PSNH has followed the same practice and has kept this information confidential. Pricing terms with power suppliers and fuel 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).

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the response to NSTF-01, Q-STAFF-004 and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

October 23, 2002
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 hand delivered or sent electronically pursuant to N.H. Code Admin. Rule Puc §. 203.11(a) the persons on the attached Service List.

October 23 2008
Date

Gerald M. Eaton
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