

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Re: Granite State Electric Company d/b/a National Grid

Docket DE 09-135

**MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT
REGARDING EMPLOYEE PAYROLL INFORMATION**

Granite State Electric Company d/b/a National Grid (“National Grid”), in accordance with Puc 203.08, hereby moves the New Hampshire Public Utilities Commission to grant confidential treatment to employee payroll information provided to the Commission in response to a Staff audit. In support of its motion, National Grid states as follows:

1. On July 31, 2009, National Grid filed with the Commission its Low-Income Electric Assistance Program Budget for the 2009-2010 program year, which included National Grid’s ongoing administrative costs, the Community Action Agencies’ program administrative costs, and National Grid’s October 2009 – September 2010 kWh sales forecast for New Hampshire. On September 22, 2009, the Commission entered Order No. 25,015 approving the 2009-2010 Program Budgets of National Grid and various other utilities.
2. The Commission’s Audit Staff issued audit requests to National Grid relating to the EAP Program. Audit Request 6 seeks a twelve-month G/L history of National Grid’s incremental expenditures, which would include expenditures relating to Community Action Agency fees, external marketing expenses, and employee payroll costs. National Grid’s response to Audit Request 6 includes three attachments providing (i) a summary of costs by each expenditure category, (ii) backup information for external marketing expenses, and (iii) backup

information for employee payroll costs. While the summary of costs and backup information for external marketing expenses are not confidential, the backup information for the employee payroll costs includes timesheets for a National Grid employee and thus is confidential financial information that requires protective treatment.

3. RSA 91-A:5, IV expressly exempts from the Chapter 91-A public disclosure requirements any “records pertaining to internal personnel practices [and] confidential, commercial or financial information. . . .” NH RSA 91-A:5, IV. In particular, “[i]t is a long-standing practice of the Commission to grant confidential treatment to compensation data as to specific utility employees who are not officers.” *Pennichuck Water Works, Inc.*, 91 NH PUC 562, 562 (2006) (citing *Union Telephone Co*, 81 NH PUC 525, 526 (1996); *Pennichuck Water Works, Inc.*, 86 NH PUC 764, 765 (2001)). With respect to non-officer employee compensation data, it is sufficient that the utility maintains the privacy of such information in its own files for RSA 91-A:5, IV to apply. *See Pennichuck Water Works, Inc.*, 91 PUC at 562.

4. The employee payroll cost information provided in response to Audit Request 6 falls squarely within the RSA 91-A:5, IV exemption because it relates to internal personnel practices and is confidential financial information that reveals compensation data for a non-officer National Grid employee. It is National Grid’s general practice to safeguard such information and maintain it in confidence for the benefit of its employees. The release of the information to the public would result in the identification of employee wages which would invade the privacy of a National Grid employee.

5. The Commission has previously recognized and ruled that protective treatment is warranted where disclosure of employee compensation data could cause harm to a utility by

making it easier for other companies to recruit the employees away from the utility and by potentially causing discord among the utility's employees. *See Pennichuck Water Works, Inc.*, 91 NH PUC at 562; *Pennichuck Water Works, Inc.*, 86 NH PUC at 764-75.

6. Thus, whereas the release of such financial information to the public would not advance any substantial public benefit, it would invade the privacy of those National Grid employees involved in this matter and could affect National Grid's hiring capability. Based upon the foregoing, National Grid requests that the Commission issue a protective order granting this motion and protecting from public disclosure the confidential financial information described above.

WHEREFORE, National Grid respectfully requests that the Commission:

- A. Issue a protective order to prohibit disclosure of the employee payroll cost information submitted in response to Audit Request 6 as described above; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

GRANITE STATE ELECTRIC COMPANY
D/B/A NATIONAL GRID

By Its Attorneys

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

Date: October 28, 2010

By: 
Sarah B. Knowlton, Esq.
100 Market Street, Suite 301
Portsmouth, NH 03801
Telephone (603) 334-6928
sarah.knowlton@mclane.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Protective Order and Confidential Treatment for Employee Payroll Data has been forwarded to the parties on the Commission's service list in this docket by electronic mail on October 28, 2010.

Dated: October 28, 2010



Sarah B. Knowlton