

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Default Energy Service Rate

Docket No. DE 09-180

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION
FOR PROTECTIVE ORDER RE: SCHILLER UNIT 5 WARRANTY ISSUES

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 a report to be filed herewith concerning certain warranty issues regarding the operation of Schiller Unit 5 and the performance of certain components supplied by the contractor, Alstom Power, Inc. ("Alstom") PSNH asserts that the contents of the report is confidential commercial information potentially eligible for protection from public disclosure under RSA 91-A:5,(IV). In support of its Motion for Protective Order, PSNH says the following:

1. This proceeding included the review of unit outages that occurred at PSNH's generating facilities during 2008. Mr. Michael D. Cannata, Jr. filed testimony marked as Exhibit 5 which included a recommendation that PSNH file a report by February 1, 2010 that discussed warranty and performance issues involved with the boiler island constructed at Schiller Unit 5. The report would also include PSNH's efforts to reach resolution of these issues with Alstom, the contractor who installed the wood-fired boiler, and the final resolution of its claims. The Stipulation and Settlement filed in this proceeding (Exhibit No. 6), adopted this recommendation and the Commission approved the Stipulation and Settlement in Order No. 25,060.

2. The report contains the substance of several performance claims and issues resulting from components procured and supplied as part of the construction of the boiler island at Schiller Station Unit No. 5. Not all of these claims have been resolved. While no litigation has been commenced, Alstom and PSNH are attempting to address these issues in the context of confidential negotiations.

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 [predecessor to Puc § 203.08], 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. PSNH believes that Alstom and PSNH can more easily resolve their contractual and warranty issues if the content of their respective claims are kept confidential.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the report on Schiller Unit No. 5 performance and warranty issues and order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

February 1 2010
Date

By: Gerald M. Eaton

Gerald M. Eaton

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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

February 1 2010
Date

Gerald M. Eaton
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