

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Reconciliation of Stranded Cost Recovery Charge and Energy Service for 2009

Docket No. DE 10-121

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER RE: RECS SALES

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 attachment to a response to a data request propounded by the Staff. The attachment to the response contains prices for sales of Renewable Energy Certificates (RECs) during 2009. PSNH further requests that access to this confidential information be restricted to the Staff and the Office of Consumer Advocate and not supplied to the interveners. In support of its Motion for Protective Order, PSNH says the following:

1. The data request is as follows:

NSTF-01 Q- STAFF-005

Question:

Reference Baumann testimony, Attachment RAB-4, page 11. Please provide documentation and calculations for the 2009 REC sales supporting the calculation of the average sales price of \$39.22/MWh.

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 proceeds of the sale of RECs are flowed through to PSNH’s energy service customers unless retained under the sharing arrangements approved by the Commission in the Schiller Unit 5 conversion proceeding. Sales of RECs help to defray the cost of the conversion of Schiller Unit 5 to burn wood chips. *See*, Docket No. DE 03-166. Sales agreements for RECs typically contain elaborate provisions for protecting the confidentiality pricing terms in the agreement. RECs are traded in an open market. Both buyers and sellers take steps to have the price, quantity other sales terms to remain confidential. Disclosure of this information to the public would put PSNH at a competitive disadvantage in future sales of RECs. PSNH hopes to negotiate future contracts for sales of RECs at the highest possible price. Disclosure of the individual prices paid in 2009 may hinder PSNH’s ability to negotiate future sales of RECs at the highest possible price. Disclosure of REC price information has been afforded protective treatment in the past. *See*, Docket No. DE 09-180, Order No. 25,061, slip op. at 27 (December 31, 2009).

4. Intervenor New Hampshire Sierra Club’s (“NHSC”)petition for intervention does not mention RECs but focuses on the Merrimack II turbine replacement difficulties. *See*, NHSC Petition for Intervention at page 3. Intervenor Conservation Law Foundation’s (“CLF”) petition for intervention is to “protect its members’ substantial environmental and public health impacts for PSNH use of its generation resources and market purchases to supply its customers”. CLF Petition at ¶ 4. REC sales do not appear to be included in the scope of issues raised in the NHSC or CLF intervention petitions. TransCanada Power Marketing Limited and TransCanada Hydro Northeast, Inc.(“TransCanada”) are participants in the power supply market on a wholesale and retail level. As participants, TransCanada may be required to acquire and retire RECs to cover their own renewable portfolio obligations in New Hampshire and other states. TransCanada’s interests appear to

be focused on PSNH's supplemental power purchasing activities and not PSNH's REC sales experience. Petition to Intervene on Behalf of TransCanada, at ¶ 4. Disclosure of confidential REC sales information to a supplier who also needs to acquire RECs for its power supply activities should not be allowed. The Commission may limit the scope of intervention to certain issues; therefore, it is not unjust or unreasonable to restrict the dissemination of the REC sales information to NHSC, CLF and TransCanada. RSA 541-A:32 III.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the response to NSTF-01, Q-STAFF-005 to restrict any disclosure of the response to Staff or the Office of Consumer Advocate and not to interveners, and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

July 2 2010
Date

By: 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.

July 2 2010
Date

Gerald M. Eaton
Gerald M. Eaton

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Data Request STAFF-01
Dated: 06/16/2010
Q-STAFF-005
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Witness: Robert A. Baumann
Request from: New Hampshire Public Utilities Commission Staff

Question:
Reference Baumann testimony, Attachment RAB-4, page 11. Please provide documentation and calculations for the 2009 REC sales supporting the calculation of the average sales price of \$39.22/MWh.

Response:
Please see attached spreadsheet supporting the calculation of the average REC sales price of \$39.22/MWh.

** The requested information is being filed under the Motion for Protective Order dated July 2, 2010.