

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Least Cost Integrated Resource Plan

Docket No. DE 10-261

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR
PROTECTIVE ORDER RE: RENEWABLE ENERGY CERTIFICATE PRICES**

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH") hereby requests protective treatment for attachments to a data request propounded in the above-captioned matter. PSNH contends that the information is confidential pricing information and should be protected from public disclosure.

In support of its Motion for Protective Order, PSNH says the following:

1. The data request is OCA Set No. 1, Q-OCA-052 is as follows:

Question:

Referring to Section X-C, PSNH's Renewable Strategy, starting on page 141, please provide a list of all proposals PSNH has received for the purchase of RECs, for a period in excess of one year, relating to years after 2010. Please provide the basis and workpapers underlying the analysis PSNH conducted to determine its response.

2. The spreadsheet attachments to the response contain confidential pricing terms for contracts entered into with suppliers of Renewable Energy Certificates (RECs) and pricing offers made by REC suppliers.

3. The Commission must use a balancing test in order to weigh the importance of creating an open 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 disclosure would cause to the owners of the facilities certified to produce New Hampshire RECs. 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). For the RECs already acquired under contract the same consideration for confidentiality attaches. The Commission has already afforded confidential treatment for the terms of REC purchase arrangements with Lempster Wind, LLC (Docket No. DE 08-077), Pinetree Power, Inc. and Pinetree Power-Tamworth Inc. (Docket DE No. 07-125).

5. PSNH would be at a competitive disadvantage if the prices and offers for the sale of RECs were made public or provided to competitive supplier intervenors and merchant generators. REC suppliers might be less interested in dealing with PSNH if they knew their prices and offers would be reported publicly. TransCanada Power Marketing Limited and TransCanada Hydro Northeast, Inc. (“TransCanada”), Granite Ridge Energy L.L.C. (“Granite Ridge”), New England Powder Generators Association (“NEPGA”) and Freedom Energy Logistics, LLC /Halifax America Energy Company, LLC (“FEL/HAEC”) are participants in the power supply market at a wholesale and retail level. As participants in the market, they may need to secure RECs in order bid on power supply contracts or to supply individual PSNH customers.

6. The Commission may limit the scope of intervention to certain issues; therefore, it is not unjust or unreasonable to restrict the dissemination of the confidential attachments to TransCanada, Granite Ridge, NEPGA, and FEL/HAEC. RSA 541-A:32 III. PSNH takes measures not to disclose this pricing information and it is not disclosed in the ISO NE GIS System.

WHEREFORE PSNH respectfully requests the Commission to issue an order preventing the public disclosure of the attachments to OCA data Request OCA-01, Q-OCA-052, to limit the disclosure to OCA and Staff of the Commission, and to order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

March 18 2011
Date

By: Gerald M. Eaton
Gerald M. Eaton
Senior Counsel
780 North Commercial Street
Post Office Box 330
Manchester, New Hampshire 03105-0330
(603) 634-2961

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.

March 18 2011
Date

Gerald M. Eaton
Gerald M. Eaton