

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Default Energy Service Rate for 2012

Docket No. DE 11-215

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER RE: MAJOR MAINTENANCE SCHEDULE

Pursuant to RSA 91-A:5, IV 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 response contains the dates and duration of planned maintenance outages at PSNH's major generating stations during 2012 the upcoming Default Energy Service period. PSNH asserts that the maintenance schedule is confidential commercial information potentially eligible for protection from public disclosure under RSA 91-A:5, IV. PSNH requests protection through 2012. In support of its Motion for Protective Order, PSNH says the following:

1. The data request is as follows:

NSTF-01 Q- STAFF-008

Question:

Regarding September 23, 2011 Filing. Reference Attachment RAB-2, page 3. Please provide a schedule, by generating unit, of the planned maintenance outages during the twelve month ES period. Please include a description of the work to be performed as well as the estimated costs and duration of each outage.

Attached to the response is a schedule of the weeks when the planned maintenance outages are scheduled to be performed with the precise days when each outage is planned to begin and end. PSNH submits this information to the Independent System Operator for New England (ISO New England); however, this information is kept confidential and not shared with the public or other participants. Also included is the dates when PSNH plans to begin the maintenance outage and when

included is the dates when PSNH plans to begin the maintenance outage and when the Company expects to complete the outage. PSNH's estimated costs and description of the work to be performed is also contained in the attachment to response to Q-STAFF-008. The outage schedule, cost estimates and description of the work to be performed is not disclosed outside of the Company.

2. Before granting confidential treatment, the Commission must determine if there is a privacy interest of PSNH's to protect. Then the Commission determines if there is a public interest in disclosure. If both of these steps are met then the Commission will use a balancing test in order to weigh the importance of keeping the record public with the harm from disclosure of the material for which protection is requested. Docket No. DE 10-121, Order No. 25,167, slip op. at 3-4; DE 10-257, Order No. 25187, slip op. at 8, *citing, Lambert v. Belknap County Convention*, 157 N.H. 375, 382 (2008).

3. PSNH has a privacy interest in the information regarding planned maintenance outages. Release of this information to the public places PSNH at a distinct disadvantage when it plans to purchase energy to supplement its supply to customers during times when major generating stations are undergoing planned maintenance. This disadvantage persists as long as PSNH is supplying Default Energy Service and as long as PSNH owns generation. This disadvantage would harm PSNH's customers directly, as PSNH should always be in a position to negotiate purchases of replacement power at the lowest possible cost. If PSNH's major maintenance schedule becomes public information, the competitive market will know the distinct periods when PSNH must supplement its normal energy needs to replace the production from major generating stations that are out of service due to scheduled maintenance.

4. Disclosure of the costs estimated for these major maintenance activities and a description of the work to be performed may allow potential outside

contractors interested in bidding on the work to learn what PSNH plans to pay for their services. If this information enters the public arena months before the outage work is scheduled, PSNH may not be able to negotiate service agreements with outside maintenance contractors at any lower costs than the estimates contained in the attachment to Q-STAFF-008.

5. As described in paragraphs 2 and 3 above, PSNH has a privacy interest in the information not being disclosed. Disclosure may raise costs to customers for replacement power when the plants are down and for the costs of the outages being available to potential outside bidders for that work. “Disclosure that informs the public of the conduct and activities of its government is in the public interest; otherwise disclosure is not warranted.” Order No. 25,167, slip op. at 4. PSNH uses these costs to compute its estimated default service rate. “The public disclosure of these costs would allow for a detailed understanding of the various cost components in ES rates.” Order No. 25,187 at 9. It is arguable, therefore, that there is some public interest in disclosure of the details of the Company’s planned maintenance for 2012; however, disclosure sheds little light on how the Commission conducts its activities.

6. Clearly the harm outweighs the need for public disclosure or providing this response to the interveners in this proceeding. “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). A similar motion was granted in the previous Default Energy Service rate setting proceeding. Docket DE 10-257, Order No. 25,061, slip op. at 28 (December 31, 2009).

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the response to NSTF-01, Q-STAFF-008 until the end of 2012 and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

November 16, 2011
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.

November 16, 2011
Date

Gerald M. Eaton
Gerald M. Eaton

Public Service Company of New Hampshire
Docket No. DE 11-215

Data Request STAFF-01
Dated: 10/28/2011
Q-STAFF-008
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Witness: William H. Smagula
Request from: New Hampshire Public Utilities Commission Staff

Question:

Regarding September 23, 2011 Filing. Reference Attachment RAB-2, page 3. Please provide a schedule, by generating unit, of the planned maintenance outages during the twelve month ES period. Please include a description of the work to be performed as well as the estimated costs and duration of each outage.

Response:

Attached* please find a table reflecting the requested outage schedule, outage duration, estimated cost and description of the planned maintenance outage work by generating unit to be performed during the twelve month ES period.

[Click here to show Attachments](#)

Version: 1

* The requested information is being filed under the Motion for Protective Order dated November 4, 2010.

[Edit History](#)

** The requested information is being filed under the Motion for Protective Order dated 11/16/11.