

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Public Service Company of New Hampshire

Investigation of Merrimack Station Scrubber Costs and Cost Recovery

Docket No. DE 11-250

**MOTION FOR PROTECTIVE ORDER
AND
CONFIDENTIAL TREATMENT REGARDING
INDEPENDENT ENGINEER'S REPORT**

Public Service Company of New Hampshire (“PSNH” or the “Company”), in accordance with Puc 203.08, hereby moves the New Hampshire Public Utilities Commission (the “Commission”) to grant confidential treatment to certain portions of Attachment WHS-2 to the pre-filed testimony of Mr. William H. Smagula, P.E., dated June 15, 2012, relating to PSNH’s Clean Air Project at Merrimack Station. Attachment WHS-2 comprises “Independent Engineer’s Initial Project Review Reports” prepared by R. W. Beck, Inc. (the “Independent Engineer’s Reports”).

In support of this motion, PSNH states as follows:

1. On June 8, 2006, “AN ACT relative to the reduction of mercury emissions,” 2006 N.H. Laws Chapter 105 (the “Scrubber Law”) took effect. By that law, the General Court imposed an unmistakable legislative mandate for PSNH to install and have operational scrubber

technology to control mercury emissions at Merrimack Units 1 and 2 no later than July 1, 2013.
RSA 125-0:13, I.

2. On June 26, 2012, the Commission approved a procedural schedule in this cost recovery proceeding requiring the filing of PSNH's testimony on June 15, 2012. That schedule had been previously agreed to by the parties to this proceeding.

3. Pursuant to that procedural schedule, on June 15, 2012, PSNH submitted pre-filed testimony which included the testimony of William H. Smagula, P.E. Appended to Mr. Smagula's testimony was an attachment identified as Attachment WHS-2. Attachment WHS-2 comprises "Independent Engineer's Initial Project Review Reports" prepared by R. W. Beck, Inc. (the "Independent Engineer's Reports "). In his testimony at pages 15-16, Mr. Smagula states: "PSNH engaged R. W. Beck Inc. to provide an Independent Engineer's assessment of the Project, acting in a role often referred to as Owner's Engineer. The scope of the R. W. Beck independent reviews included engineering, procurement, construction, startup, commissioning, and performance testing phases of the Clean Air Project. R. W. Beck prepared an Initial Report covering the period up to October 2009 with monthly site visits and reports issued thereafter. Copies of available reports are included as Attachment WHS-02." PSNH seeks confidential treatment of certain information that was contained in the Independent Engineer's Reports.

4. PSNH submits this Motion for Protective Order and Confidential Treatment in order to protect from disclosure the following information which constitutes confidential,

commercial, or financial information: bid information, including the identity of bidders who participated in the Scrubber contracting process but were not selected as the winning bidder.

5. In this proceeding, the Commission has previously determined that protective treatment is appropriate for this category of information. *See* Order No. 25,332 dated February 6, 2012 at 17: “[W]e find that public disclosure of the names of the bidders who did not win a Scrubber contract from PSNH will not materially advance the public’s understanding of the Commission’s analysis of the prudence of the Scrubber project costs. Because we find no public interest in disclosure, our analysis of the confidentiality of this information ends.”

6. Since the Commission has previously ruled on the confidential nature of this category of information, PSNH relies upon, and incorporates by reference, the legal arguments contained in its “Motion for Protective Order and Confidential Treatment” dated January 20, 2012, filed in Docket No. DE 08-103, which led to the issuance of Order No. 25,332.


WHEREFORE, PSNH respectfully requests that the Commission:

- A. Grant this Motion for Protective Order and Confidential Treatment; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire


Dated: July 25, 2012

By: _____

Robert A. Bersak
Assistant Secretary and Associate General Counsel
Public Service Company of New Hampshire
780 No. Commercial Street, P.O. Box 330
Manchester, NH 03105-0330
(603) 634-3355
Robert.Bersak@PSNH.com

Certificate of Service

I hereby certify that a copy of this Motion for Protective Treatment and Confidential Treatment has been served electronically on the persons on the Commission's service list in this docket in accordance with Puc 203.11 this 25th day of July, 2012.



Robert A. Bersak