

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

**Docket No. DM 12-075**

**ELECTRICITY NH, LLC**

**Registration as a Competitive Electric Power Supplier**

**ASSENTED-TO MOTION FOR PROTECTIVE ORDER  
AND CONFIDENTIAL TREATMENT**

NOW COMES Electricity NH, LLC, d/b/a E.N.H. Power (“E.N.H. Power”), by and through its undersigned attorneys, and, pursuant to RSA 91-A:5, IV and N.H. Admin. Rule Puc 203.08(b), respectfully moves the New Hampshire Public Utilities Commission (“the Commission”) to issue a protective order which accords confidential treatment to certain information described below and submitted herewith. In support of this Motion, E.N.H. Power states as follows:

1. E.N.H. Power is filing contemporaneously with this Motion, a media plan for its provision of Competitive Electric Power Supplier (“CEPS”) services to residential customers in New Hampshire.

2. E.N.H. Power seeks protective treatment for this plan, which describes its future plans for marketing in the state of New Hampshire. This information has been designated in the unredacted copies of the letter which is submitted herewith in accordance with N.H. Admin. R. Puc 201.04.

3. The above-referenced information is sensitive confidential and commercial information regarding E.N.H. Power’s future marketing plans. Competitive suppliers do not share this type of information publically, and given the current environment for CEPS

services, requiring such disclosure would create an unfair competitive situation. As such, the information is entitled to be protected from public disclosure under RSA 91-A:5, IV.

4. In determining whether confidential, commercial or financial information within the meaning of RSA 91-A:5, IV is exempt from public disclosure, the Commission employs the analysis articulated in *Lambert v. Belknap County Convention*, 157 N.H. 375(2008) and *Lamy v. N.H. Public Utilities Commission*, 152 N.H. 106 (2005). Under this analysis the Commission first determines “whether the information is confidential, commercial or financial information, ‘and whether disclosure would constitute an invasion of privacy.’” *Unitil Energy Systems, Inc.*, DE 10-055, Order No. 25,214 (April 26, 2011), p. 35. If a privacy interest is implicated, the Commission then balances the asserted private confidential, commercial or financial interest against the public’s interest in disclosure in order to determine if disclosure would inform the public of the government’s conduct. *Id.* If it does not, then “disclosure is not warranted.” *Id.*

5. E.N.H. Power meets this test as the information it seeks to protect is clearly commercial and confidential. This information is used in a commercial enterprise and is safeguarded for commercial and competitive purposes. Disclosure of information concerning a company’s media plan can compromise that company’s ability to compete in the marketplace, and is information which is not typically disclosed to competitors. Given that E.N.H. Power is participating in an intensely competitive industry, it would be an invasion of E.N.H. Power’s privacy and competitively harmful to E.N.H. Power if its competitors were able to obtain access to E.N.H. Power current plans. Because such disclosure will not inform the public of the government’s conduct, the information should be protected.

6. E.N.H. Power requests that the Commission issue an order protecting the above-described information from public disclosure and prohibiting copying, duplication, dissemination or disclosure of it in any form. E.N.H. Power requests that the protective order also extend to any discovery, testimony, argument or briefing relative to the confidential information.

7. The undersigned has contacted Staff Attorney Alex Speidel who has assented to the relief sought herein.

WHEREFORE, E.N.H. Power respectfully requests that this honorable Commission:

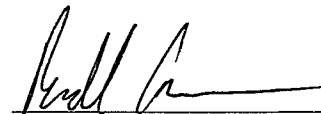
A. Issue an appropriate order that exempts from public disclosure and otherwise protects the confidentiality of the information designated confidential that is contained in the media plan; and

B. Grant such additional relief as it deems appropriate.

Respectfully submitted,

**Electricity NH, LLC**  
By its Attorneys,  
**ORR & RENO, P.A.**

By:



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Dated: July 27, 2012

Certificate of Service

I hereby certify that a copy of the foregoing Motion has, on this 27th day of July, 2012, been either sent by first class mail postage prepaid or by electronic mail to persons listed on the Service List.



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Rachel Goldwasser

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