

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

**PENNICHUCK EAST UTILITY, INC.
DOCKET NO. DW 13-126**

MOTION FOR CONFIDENTIAL TREATMENT

Pennichuck East Utility, Inc. (“PEU” or the “Company”), asks the New Hampshire Public Utilities Commission (the “Commission”), pursuant to PUC 203.08, to grant confidential treatment to hourly billing rate information for legal services. PEU submits its rate case expenses in the above-referenced proceeding, including supporting invoices, pursuant to Order No. 25,696 (July 25, 2014). The supporting invoices comprise, among other items, invoices from Devine, Millimet & Branch, Paul Buffum, and Raftelis Financial Consultants, Inc, which contain confidential and competitively sensitive hourly billing rate information.

Disclosure of this hourly billing rate information will cause competitive harm to the Company’s attorneys and cost of service consultants, and could potentially have a detrimental effect on the Company’s competitive bidding efforts in the future. The information is not publicly available, and disclosing it would put the Company’s attorneys and consultants at a competitive disadvantage by divulging to their competitors the rates they charge for their services and harm its competitive position when bidding or negotiating for business in the future.

Accompanying this motion are redacted and confidential copies of the information referred to above, prepared in accordance with Puc 201.04. Only information that would allow a reader to determine the billing rates of the Company’s attorneys or cost of service

consultants, including hourly rates and the number of hours worked, has been redacted.

Pennichuck does not seek confidential treatment of the total amounts billed, therefore, those amounts will remain publicly available if the Commission grants this motion.

RSA 91-A:5, IV states that records pertaining to “confidential, commercial, or financial information” are exempt from public disclosure when such disclosure would constitute an invasion of privacy. The Commission has routinely recognized that this exemption applies to hourly billing rate information. *See, Unitil Energy Systems, Inc.*, Order No. 24,746, 92 NHPUC 109,114 (2007) and *Aquarion Water Works Company of New Hampshire, Inc.*, Order No.25,586 (October 22, 2013). The Commission has balanced the interest that a utility and its service providers have in the confidentiality of hourly billing information against the public’s interest in the disclosure of such information and determined that confidentiality outweighs disclosure. The Commission has also determined that disclosure would not inform the public about the workings of the Commission. Furthermore, the Commission has determined that disclosure of such information would likely result in a competitive disadvantage for a utility’s attorneys or other consultants. Finally, the Commission has concluded that disclosure of total invoice amounts is sufficient to inform the public of a utility’s expenses.

For the reasons stated above, the Company asks that the Commission grant this motion and protect from public disclosure the confidential, commercial information described herein.

WHEREFORE, PEU respectfully requests that the Commission:

- A. Issue an order protecting the information described above; and
- B. Grant such other relief as may be just and equitable.

Respectfully submitted,

PENNICHUCK EAST UTILITY, INC.

By Its Attorneys

DEVINE, MILLIMET & BRANCH
PROFESSIONAL ASSOCIATION

Dated: August 15 2014

By: 

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