

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

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

**DOCKET NO. DW 13-128
PITTSFIELD AQUEDUCT COMPANY, INC.**

**DOCKET NO. DW 13-130
PENNICHUCK WATER WORKS, INC.**

MOTION FOR CONFIDENTIAL TREATMENT

Pennichuck East Utility, Inc. (“PEU”), Pittsfield Aqueduct Company Inc. (“PAC”), and Pennichuck Water Works, Inc. (“PWW”) (collectively, the “Companies”), ask the New Hampshire Public Utilities Commission (the “Commission”), pursuant to PUC 203.08, to grant confidential treatment to hourly billing rate information for legal and consulting services, as well as a not-to-exceed price for consulting services. The Companies submitted the confidential and competitively sensitive billing information as part of the response to the Office of Consumer Advocate’s (“OCA”) Data Request 4-1, for a copy of the contract between the Companies and Devine, Millimet, which applied to all three proceedings, and as part of the response to PUC Staff’s Data Request 4-4, for a copy of PEU’s contract with Raftelis Financial, which applied only to Docket No. DW 13-126. Pursuant to Puc 203.08 (d), the Companies filed unredacted versions of the agreements along with a statement that they had a good faith basis for seeking confidential treatment and would submit a motion for confidentiality accordingly.

Disclosure of the hourly billing rate information and not-to-exceed price will cause competitive harm to the Companies’ attorneys and cost of service consultants, and could potentially have a detrimental effect on the Companies’ competitive bidding efforts in the

future. The information is not publicly available, and disclosing it would put the Companies' 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 Companies' attorneys or cost of service consultants, including hourly rates and the number of hours worked, has been redacted. The Companies do 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 Companies ask that the Commission grant this motion and protect from public disclosure the confidential, commercial information described herein.

WHEREFORE, the Companies 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.
PITTSFIELD AQUEDUCT COMPANY, INC.
PENNICHUCK WATER WORKS, INC.

By Its Attorneys

DEVINE, MILLIMET & BRANCH
PROFESSIONAL ASSOCIATION

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By: 

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