

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

**Concord Steam Corporation Cost of Energy
DG 14-233**

Concord Steam Corporation's Motion for Protective Order and Petition for
Waiver of N.H. Code Admin. Rules Puc 201.04 re: Cost of Energy

Pursuant to RSA 91 – A:5, IV, and New Hampshire Code Admin. Rules Puc 203.08, Concord Steam Corporation (Company) hereby requests protective treatment for the response to a data request in the above captioned matter. The information is confidential financial and business information and should be protected from public disclosure. Also, the Company requests, pursuant to N.H. Code Admin. Rules Puc 201.05, waiver of the redaction requirements of N.H. Code Admin. Rules Puc 201.04(b) and (c), so that the data response for which confidentiality is sought may be withheld in full.

In support of its motion for protective order and waiver petition, the Company says the following:

1. The data request Staff 1 – 16 is as follows:

16. Please provide responses to the following inquiries regarding the Company's operations, propounded pursuant to NH RSA 374:4 (Duty to Keep Informed), with an accompanying motion for confidential treatment, if appropriate to protect confidential business information:

(a) Please provide a narrative description of what protocols Concord Steam has developed for managing a catastrophic failure of its boiler(s) or other major plant components, especially during the heating season, with special attention to the ongoing provision of safe and reliable service to its customers.

(b) Please provide a narrative description of Concord Steam's current business plan, with special attention to: (i) its plans to comply with pollution-control requirements; (ii) its expectations for maintaining access to adequate financing for its capital investment needs; (iii) the overall operational status of its current physical plant at Pleasant Street, and its business relationships with the State of New Hampshire and the City of Concord, and their respective agencies; (iv) expected rate changes and bill impacts; and (v) a five year timeline of financings, start and end dates of capital improvements and rate changes.

2. The future business plans and possible alternatives the Company has described in its response to Staff 1-16 are not definite and are still being developed. The premature release of these plans could be detrimental to the Company's interests. Customers, employees, and the competition could react negatively to this information and damage the Company.

3. The Commission must use a balancing test in order to weigh the importance of creating an open record of this proceeding with the harm from disclosure of confidential, financial or competitive information. "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).

4. The Company could suffer negative effects should the confidential information contained in its response to Staff 1-16 be made public. Employees may choose to seek employment elsewhere, and customers may choose to convert to a competitive supplier of energy prematurely. This information is not disclosed publicly outside of the Company.

5. Staff has requested that the Company respond to its data request 1-16 in advance of the Cost of Energy hearing to be held on October 8, 2014 (by today, October 2, 2014). In order to expedite the submission of this critical information to Staff, pursuant to RSA 374:4, the Company requests that the Commission waive the redaction requirements of Puc 201.04(b) and (c) pursuant to Puc 201.05, and withhold the Company's response to Staff 1-16 in full. The prompt submission of this confidential material, without the time expense of redaction, is in the public interest, and will not disrupt the orderly and efficient resolution of matters before the Commission.

Wherefore Concord Steam Corporation respectfully requests the Commission issue an order preventing the public disclosure of response to the above listed data request, to prevent dissemination of the confidential materials, to grant a waiver of Puc 201.04, and to order such further relief as may be just and equitable.

Respectfully submitted,
Concord Steam Corporation

10/2/14

Date

Peter Bloomfield

By :
Peter Bloomfield
President

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached motion for protective order and petition for waiver to be served pursuant to N.H. Code Admin. Rules Puc 203.11.

10/2/14
Date

Peter Bloomfield
By :
Peter Bloomfield