

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DOCKET NO. DW 17-128
PENNICHUCK EAST UTILITIES, INC.

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. 26,179 (October 4, 2018). The supporting invoices comprise, among other items, invoices from Rath, Young & Pignatelli (“RYP”), which contain competitively sensitive hourly billing rate information.

Disclosure of hourly billing rate information will cause competitive harm to PEU’s attorneys, 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 PEU’s attorneys 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. Information that would allow a reader to determine the billing rates of the Company’s attorneys, including hourly rates and the number of hours worked, has been redacted. PEU does not seek confidential treatment of the total amounts billed by its attorneys; 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
Rath, Young and Pignatelli, P.C.

Dated: November 5, 2018

By: 
Richard W. Head

Certificate of Service

I hereby certify that on this 5th day of November 2018, the foregoing was delivered to the Commission and served electronically on all parties to the service list.


Richard W. Head