

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket No. DG 17-198

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.
D/B/A LIBERTY UTILITIES

**Petition to Approve Firm Transportation Agreements and the
Granite Bridge Project**

Motion for Protective Order

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“EnergyNorth”), through counsel, respectfully moves the Commission pursuant to Puc 203.08 for a protective order precluding the disclosure of certain pricing estimates from Tennessee Gas Pipeline (TGP) contained in the *Second Supplemental Direct Testimony of Francisco C. DaFonte and William R. Killeen* (the “Second Supplemental Testimony”), also filed this date.

In support of this motion, EnergyNorth represents as follows:

1. The Second Supplemental Testimony includes the evidence that supports the Company’s request for approval of a contract between EnergyNorth and TGP (the “TGP Contract”).
2. The supporting evidence includes references to TGP pricing information that the Commission has already ruled in this docket to be confidential, similar TGP pricing information not specifically addressed by that prior order, and other information from which one could calculate the confidential TGP pricing information.¹ The confidential information appears in the Second Supplemental Testimony at Bates 21 – 26, and Bates 35 - 39.

¹ Note that the Company does not seek confidential treatment of *any* part of the TGP Contract.

3. Applying the three factor *Belknap*² test, and following the precedent of several prior orders, the Commission ruled to be confidential “the estimated cost to upgrade the Concord Lateral pipeline” that was included in EnergyNorth’s initial filing in this docket. Order No. 26,166 at 2, 6 (Aug. 1, 2018). TGP provided these cost estimates in the format of dollars per dekatherm (\$/Dth), thus the Order granted confidential treatment to TGP pricing in statements such as the following: “The daily rates provided by Tennessee to EnergyNorth for expanding the TGP Concord Lateral ranged from ■■■ to ■■■ per Dth.” *Direct Testimony of William R. Killeen and James M. Stephens*, filed 12/22/2017, at Bates 176.
4. The Second Supplemental Testimony includes a number of references to the very same TGP pricing estimates addressed in the Order. Those pricing estimates thus remain confidential.
5. The Second Supplemental Testimony also includes pricing estimates that TGP provided to EnergyNorth in addition to those addressed in the Order, some of which pricing was for the cost to upgrade the Concord Lateral and, more recently, TGP provided price estimates for existing capacity on the Concord Lateral, which capacity first became available in late 2019.
6. This additional TGP pricing is from the same party (TGP) and is for the same services (the right to transport natural gas on TGP’s Concord Lateral). The Company thus incorporates by reference its prior arguments and analysis, which the Order adopted in granting confidential treatment. Thus, the additional TGP pricing is entitled to confidential treatment for precisely the same reasons cited in the Order.
7. Finally, EnergyNorth seeks confidential treatment of other numbers in the Second

² *Lambert v. Belknap County Convention*, 157 N.H. 375, 382-83 (2008).

Supplemental Testimony because public disclosure of those non-TGP figures would betray the confidential TGP pricing. That is, one could “back into” the confidential TGP pricing unless selected non-TGP information is also kept confidential. Thus, the basis for confidential treatment of the non-TGP information is precisely the same as for the TGP information because it is the TGP information that is being protected.

8. The specific information that is subject to this motion appears in the Second Supplemental Testimony at Bates 21 - 26, and Bates 35 - 397, and has been appropriately shaded in the confidential version and redacted in the public version.

WHEREFORE, EnergyNorth respectfully requests that the Commission:

- A. Grant this Motion for Protective Order and Confidential Treatment; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,
Liberty Utilities (EnergyNorth Natural Gas) Corp., d/b/a
Liberty Utilities
By its Attorney,



Date: July 31, 2020

By: _____
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Certificate of Service

I certify that on July 31, 2020, a copy of this Motion has been electronically forwarded to the service list.



Michael J. Sheehan