

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-139

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a
EVERSOURCE ENERGY**

2019 Least Cost Integrated Resource Plan

Order Granting Revised Request for Confidential Treatment and Protective Order

ORDER NO. 26,370

June 22, 2020

In this order, the Commission grants Eversource's Motion for Confidential Treatment and Protective Order dated May 21, 2020, regarding substation status information included in Eversource's 2019 Least Cost Integrated Resource Plan filing.

I. PROCEDURAL HISTORY

On August 23, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) filed its 2019 least cost integrated resource plan (LCIRP) required by Order No. 26,262. Eversource also filed a Motion for Confidential Treatment and Protective Order relating to one-line diagrams and maps, information on transformer ratings and loading, information about the status of bulk substations,¹ and certain personnel information (Motion). Commission Staff (Staff) objected to Eversource's Motion.

On April 22, 2020, the Commission issued Order No. 26,350, granting in part, and denying in part, Eversource's Motion. The Commission granted the Motion with respect to personnel data, and one-line diagrams and maps containing bulk substations, but denied the Motion with respect to bulk transformer capacity and loading information. The Commission also directed Eversource to

¹ The North American Electric Reliability Council defines the bulk electric system as those facilities with a voltage of 100kV or more. North American Electric Reliability Council Definition Reference Document. (April 2014) Page 67.

file a revised request for confidential treatment of certain bulk substation status information within 30 days. On May 21, Eversource filed a Revised Motion for Protective Order and Confidential Treatment (Revised Motion) relating to bulk substation status information, as well as a lesser-redacted version of the confidential documents complying with the directives in Order No. 26,350.

The Revised Motion and other docket filings, except any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at <http://www.puc.state.nh.us/Regulatory/Docketbk/2019/19-139.html>.

II. EVERSOURCE REVISED MOTION

Eversource's Revised Motion identified two categories of substation status information that the Company asserted warrants confidential treatment.² Revised Motion at 4. The first related to information describing certain substations, including how they are configured, what downstream loads are served, and other related information. *Id.* The second related to "information about switching instructions or other actions that might be required in the event of a fault or equipment failure."³

Eversource asserted that the redacted materials "could be used to understand the most effective ways to damage or destroy critical equipment as well as potential means of impeding or devastating the methods of recovering from such damage." *Id.* at 4-5. Eversource further asserted that releasing the materials "would pose a substantial security risk to the continued provision of

² With respect to bulk substation transformer loading and rating information that now appears unredacted in the revised filing, Eversource suggested that the Commission "will be responsible for addressing any acts or events involving improper use of that, or similar, information once revealed." Motion at ¶ 3. If the Company had good reason to request rehearing of the Commission's decision regarding that information, it was incumbent upon the Company — pursuant to its obligation to provide safe and reliable service — to seek rehearing. The Company took no such action.

³ Information relative to the two categories of substation information that the Company asserted warrants confidential treatment can be found on Bates pages 26, 27 (footnote), 28-34, 57-60, 63, 73-74, 92, 94, 99, 143, 147-48 of Eversource's lesser-redacted LCIRP (filed May 21, 2020).

reliable and safe electric service and to the long term integrity of Eversource's electric system." *Id.* at 5.

Eversource suggested the potential harm associated with releasing the information at issue provides strong support for these materials remaining confidential. *Id.* Eversource also suggested release of the information would not inform the public about the activities of the Commission. *Id.* Finally, Eversource suggested that when balancing the security risks of release against the modest public interest in favor of disclosure, the scale tips in favor of confidential treatment. *Id.*

III. COMMISSION ANALYSIS

Under RSA 91-A:5, IV, records "pertaining to internal personnel practices; confidential, commercial, or financial information ... and other files whose disclosure would constitute invasion of privacy" are exempt from disclosure. In determining whether documents are entitled to an exemption from disclosure under RSA 91-A, the Commission applies a three-step analysis to determine whether information should be protected from public disclosure. *See Lambert v. Belknap County Convention*, 157 N.H. 375 (2008); *see also Public Service Company of New Hampshire*, Order No. 25,313 at 11-12 (December 30, 2011). The first step is to determine whether there is a privacy interest at stake. The second step is to determine whether there is a public interest in disclosure. If both a privacy interest and public interest are identified, the third step of the Commission's analysis is to balance the asserted privacy interest with the public's interest in disclosure.

We agree with Eversource's assertions that the disclosure of information at issue, including substation configuration and description information, as well as switching instructions and other

strategies to address load during times of equipment failure, presents a substantial security risk and could be used as a means to damage or destroy critical equipment.

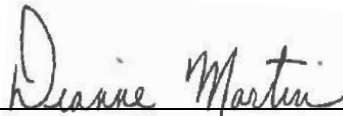
We also agree with Eversource that the public’s interest in disclosure is minimal. The location of bulk substation equipment, and strategies to address load during times of equipment failure, have minimal impact on the costs that are reviewed for prudence by the Commission prior to their recovery in customer rates. Given that disclosure would not inform the citizens regarding the activity of the Commission in any meaningful way, the public’s interest in disclosure of this information is minimal.

Balancing the significant security risks associated with disclosure of this information against the minimal public interest in disclosure, we find that the substation status information at issue warrants confidential treatment and grant Eversource’s Revised Motion.

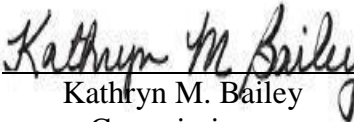
Based upon the foregoing, it is hereby

ORDERED, that Eversource’s Revised Motion for Protective Order and Confidential Treatment is GRANTED as to the substation status information identified by the Company.


By order of the Public Utilities Commission of New Hampshire this twenty-second day of June, 2020.



Dianne Martin
Chairwoman

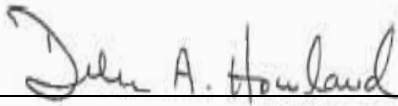


Kathryn M. Bailey
Commissioner



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Attested by:



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Service List - Docket Related

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