

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket No. DG 19-161

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.
d/b/a LIBERTY UTILITIES

Distribution Service Rate Case

Motion for Protective Order and Confidential Treatment Regarding Compensation Information

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“EnergyNorth” or the “Company”), through counsel, respectfully moves the New Hampshire Public Utilities Commission, pursuant to Puc 203.08 to grant confidential treatment to certain compensation information required by Puc 1604.01 that is included with the Company’s rate case filing made this date.

In support of this motion, the Company states as follows:

1. Puc 1604 requires a petitioning utility to file a number of documents with its rate case, including “[a] list of officers and directors of the utility and their compensation for the last 2 years.” Puc 1604.01(a)(14).

2. The Company included in its Puc 1604 filing seven copies of the confidential version and one public copy of the single-page document (Bates I-168) that contains the salary and compensation information for officers and directors of EnergyNorth as required by Puc 1604.01(a)(14), and as further specified in Order No. 26,271 (July 10, 2019) (the “Compensation Information”).

Motion for Confidential Treatment

3. EnergyNorth seeks confidential treatment of the Compensation Information regarding the Company's directors, the current and former President, and the current and former Secretary/Treasurer because the Company holds that information in confidence and has not previously made the information available to the public.

4. Protective treatment of the Compensation Information is appropriate because the individuals have a privacy interest in their compensation and there is no corresponding public interest that tips the balance in favor of disclosure. RSA 91-A:5, IV (exempted from disclosure are "Records pertaining to internal personnel practices; confidential, commercial, or financial information," and "personnel ... files whose disclosure would constitute invasion of privacy").

5. In Order No. 26,271, the Commission applied the three-step test from *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008), to an identical filing of EnergyNorth's affiliate, Liberty Utilities (Granite State Electric) Corp, and determined that the individual-specific information identified in this filing should enjoy confidential treatment, but that the Company should publicly disclose aggregated compensation information:

Liberty's public report shall include: (1) the individual compensation information for Ian Robertson, whose 2017 information has already been disclosed in this docket, updated for 2018 information when that becomes public; (2) aggregate information for each class of Director (i.e. Directors, Directors - Class I, and Directors - Class II) with an indication which, if any, of the category of director contains Ian Robertson's compensation in the aggregate information; and (3) aggregate information for the other two officers (President and Secretary/Treasurer). For all this information, Liberty shall disaggregate the compensation information by three types, per Puc 1604.01(a)(14), as discussed above, and provide the amount and percentage charged to Liberty Utilities (Granite State Electric) Corp.

Order No. 26,271 at 6.

6. EnergyNorth's filing in this docket follows the Commission's directive quoted above – it redacts the individual information and provides the aggregated compensation information of the three categories (Class I Directors, Class II Directors, and EnergyNorth officers). The Company will update Mr. Robertson's 2019 information when that becomes public.

7. For the reasons explained in Order No. 26,271, the Company asks that the Commission again grant confidential treatment to the individual compensation information, in light of the rules governing confidentiality and in light of the Company's disclosure of the aggregated data.

WHEREFORE, EnergyNorth respectfully requests that the Commission:

- A. Grant the Compensation Information protective 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: November 27, 2019

By: _____
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Certificate of Service

I hereby certify that on November 27, 2019, a copy of this motion has been electronically forwarded to the service list in this docket.



Michael J. Sheehan