

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

Public Service Company of New Hampshire d/b/a Eversource Energy

Docket No. DE 20-XXX

2020 Least Cost Integrated Resource Plan

MOTION FOR CONFIDENTIAL TREATMENT AND PROTECTIVE ORDER

Public Service Company of New Hampshire d/b/a Eversource Energy, (“Eversource” or the “Company”) respectfully requests, pursuant to Puc 203.08, that the New Hampshire Public Utilities Commission (“Commission”) grant confidential treatment and issue an appropriate protective order to protect from public disclosure certain confidential information provided by the Company in this proceeding. Specifically, the Company requests that the Commission issue an order requiring confidential treatment for certain confidential energy infrastructure information, including information that is deemed Critical Energy Infrastructure Information (“CEII”) under Federal law, and certain substation status information as described below. In support of this motion, the Company states as follows:

1. In Order No. 26,362 (June 3, 2020) in Docket No. DE 19-139, the Commission approved a settlement agreement between Eversource, the Commission Staff and the Office of the Consumer Advocate (“OCA”) pertaining to the “more limited filing” made Eversource relating to a Least Cost Integrated Resource Plan (“LCIRP”) submission. Among the various terms approved by the Commission was that a “complete” LCIRP was to be filed on or by October 1, 2020 along with various other items identified in that settlement. The LCIRP filing made contemporaneously with the submission of this

motion satisfies the obligations set out the in the settlement agreement and the Commission's order.

2. Included in the Company's filing are numerous documents that contain confidential information regarding the configuration and status of the Eversource electric system. By this motion, Eversource requests that the Commission issue an order protecting that information from disclosure. Of note, the information for which Eversource seeks protection is essentially identical to the information for which it sought confidential treatment in Docket No. DE 19-139, and for which confidential treatment was granted in Order Nos. 26,350 (April 23, 2020) and 26,371 (June 22, 2020).

3. Consistent with the Commission's orders, the documents accompanying the Company's submission have redacted information relating to maps and one-line diagrams depicting critical infrastructure of Eversource, as well as switching and status information pertaining to the Company's substation assets. Specifically, the identified information on Appendices H, I, L-1, L-2, and L-3 contain information in one or more of these categories of sensitive information. Consistent with the Commission's orders, transformer rating and loading information has not been redacted. Lastly, for clarity, as with its prior filings, the Company maintains the position that certain information which would describe the criticality of certain facilities or equipment (such as by revealing the number and/or type of customers served by that equipment) should be confidential. However, Eversource has understood from the Commission's rulings that maintaining that information as confidential would not be supported. Accordingly, that information has not been redacted, despite Eversource's position.

4. In determining whether the information identified in the relevant 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 (December 30, 2011) at 11-12. The first step is to determine if there is a privacy interest at stake that would be invaded by the disclosure. If such an interest is at stake, the second step is to determine if there is a public interest in disclosure. The Commission has stated that disclosure should inform the public of the conduct and activities of its government; if the information does not serve that purpose, disclosure is not warranted. *Electric Distribution Utilities*, Order No. 25,811 (September 9, 2015) at 5. If both of these steps are met, the Commission balances the privacy interest with the public interest to determine if disclosure is appropriate. *Public Service Company of New Hampshire*, Order No. 25,167 (November 9, 2010) at 11-12. As noted by the Commission in Order No. 26,350, a statement of potential harm from disclosure is to accompany the request for confidential treatment.

5. Identified in Appendices H, I, L-1, L-2, and L-3 of Eversource's filing is information that falls into two categories, both of which should, in Eversource's assessment, remain confidential. The first category of information specified on the redacted pages concerns substation and system configuration information (including maps and one-line diagrams), as well as similar descriptive information regarding substations, and includes information that qualifies as CEII under Federal law. That is, the information describes how substations are set up and configured, what downstream loads are served (including the loads of other utilities), and how critical, or not, a

particular substation is to serving load in a given area. The second category is information about switching instructions or other actions that might be required in the event of a fault or equipment failure. Again, this is information describing the equipment within a substation, as well as how the Company might need to respond in the event of the failure of that equipment, whether caused by accident or malice. Eversource contends that it has a strong interest in the confidentiality of both categories of information because that material could be used to understand the most effective ways to damage or destroy critical equipment as well as means of impeding or devastating the methods of recovering from such damage. Release of this material would pose a substantial security risk to the continued provision of reliable and safe electric service and to the long-term integrity of Eversource's electric system. Accordingly, Eversource has a very high interest in maintaining the confidentiality of that information.

6. As to the public's interest in the identified information, Eversource contends that it is slight. Revealing information about the configuration and operation of substations would do little, if anything, to inform the public generally. In particular, having that information would do little to nothing to inform the public about the conduct and activities of the Commission. Accordingly, the public interest is minimal.

7. The third step in the analysis is to balance the relevant interests. In Eversource's view, the substantial security risks, when balanced against the modest public interest, tips the scale in favor of confidentiality. Furthermore, the Commission concluded only a few months ago in Order Nos. 26,350 and 26,371 that such information is rightly to be held as confidential for the same reasons set out in this motion. Nothing

has changed in the intervening months to change the relevant considerations and conclusion regarding confidential treatment of this information.

WHEREFORE, the Company respectfully requests that the Commission:

- A. Grant this Motion and issue an appropriate protective order; and
- B. Grant such further relief as is reasonable and appropriate.

Respectfully submitted this 1st day of October 2020.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a Eversource Energy

By its Attorney,



Matthew J. Fossum, Esq.
Senior Regulatory Counsel
Eversource Energy Service Company
780 N. Commercial Street
Manchester, NH 03010
603-634-2961
Matthew.Fossum@Eversource.com