

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. DW 21-115

Pennichuck Water Works, Inc. – Anheuser-Busch, LLC

**MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT OF
CUSTOMER ACCOUNT INFORMATION**

NOW COMES, Pennichuck Water Works, Inc. (PWW) in accordance with N.H. Admin. Rule Puc 203.08 and RSA Chapter 91-A, and hereby respectfully motions the New Hampshire Public Utilities Commission (Commission) to grant confidential treatment to customer account information provided as part of PWW’s reconciliation in this proceeding. In support of this motion, PWW states as follows:

1. On June 4, 2021, PWW filed a petition for approval of a fifth special contract (Fifth Contract) between itself and Anheuser-Busch, LLC (AB).
2. During the pendency of the Commission’s review of the Fifth Contract, the Commission approved temporary extensions of the fourth contract between AB and PWW. See Order Nos. 26,496 (July 7, 2021) and 26,599 (March 30, 2022).
3. On July 1, 2022, the Commission approved a settlement agreement and Fifth Contract between AB and PWW. The Commission also approved a reconciliation of the fourth and Fifth Contract such that the new rates of the Fifth Contract would apply back to July 1, 2021.
4. As part of that reconciliation, on September 22, 2022, the Commission issued an information request for AB’s bills for the period of reconciliation (2021 to 2022). On October 3, 2022, PWW filed copies of confidential and public-redacted versions of those bills, marked pursuant to N.H. Code Admin. Rule Puc 201.04.

5. The portions of the bills that were marked as confidential contain sensitive customer account information that PWW and AB do not disclose and in which AB has a privacy interest. RSA 91-A:5, IV exempts from public disclosure information “whose disclosure would constitute invasion of privacy”. An invasion of privacy analysis, in turn, requires an evaluation of three factors: (1) whether there is a privacy interest at stake that would be invaded by disclosure; (2) whether there is a public interest in disclosure; and (3) a balance of the public’s interest in disclosure and the interests in non-disclosure. *Lamy v. N.H. Pub. Util. Comm’n*, 152 N.H. 106, 113 (2005). 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 25,167 (November 9, 2010) at 3-4.

6. The Commission has historically found customer account information worthy of protection under this balancing test. See *Unitil Energy Systems, Inc.*, Docket No. DE 21-030, Order No. 26,623 (May 3, 2022); *Pennichuck East Utility, Inc.*, Docket No. DW 18-090, Order No. 26,213 (January 24, 2019); *EnergyNorth Natural Gas, Inc. d/b/a National Grid NH*, Docket No. DG 10-017, Order No. 25,208 (March 23, 2011). Here, while disclosure of part of AB’s account information was necessary to understand the reconciliation among the various accounts and in that regard informed the public, disclosure of the full account information could lead to a breach of privacy or make the accounts more vulnerable to cyber attack. For that reason, PWW avers that AB and PWW’s privacy interests in the full account number outweighs the public’s interest in seeing the full account number. PWW notes that ordinarily, it would have also sought

protection of the customer's name and address on the basis of invasion of privacy; however, because this proceeding involved one, well-known customer, it was not possible to protect this customers' identity. For that reason, the customer bills were not redacted to protect the name and address involved.

7. In conclusion, PWW requests the Commission issue a protective order consistent with existing precedent so as to prevent public disclosure of the above-described customer account information.

WHEREFORE, PWW respectfully requests the Commission:

- A. Grant its motions for protective treatment; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By Its Attorney,

Date: October 3, 2022

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion for protective order and confidential treatment has been forwarded this day by electronic transmission to the Docket-Related Service List for this proceeding.

Dated: October 3, 2022

Marcia A. Brown
Marcia A. Brown