

**STATE OF NEW HAMPSHIRE  
BEFORE THE PUBLIC UTILITIES COMMISSION  
THE HAMPSTEAD AREA WATER COMPANY, INC.**

**DW 20-117 & DW 23-020**

**MOTION FOR CONFIDENTIAL TREATMENT**

The Hampstead Area Water Company, Inc. (“HAWC” or the “Company”) respectfully moves the New Hampshire Public Utilities Commission (the “Commission”) for confidential treatment of legal invoices submitted in support of its request for Step I and Step II rate case expense recovery that are “protected under the attorney-client privilege or the attorney work product doctrine” pursuant to Puc 203.08 and RSA 91-A:5, XXI, or are otherwise protected as confidential business information not publicly available.

In support of this motion, HAWC states as follows:

1. Pursuant to Commission Rule 203.08(a), the Commission provides for confidential treatment of documents “upon a finding that the document or documents are entitled to such treatment pursuant to RSA 91-A:5, or other applicable law based upon the information submitted pursuant to (b) below.” Rule 203.08 (b) further states “A motion for confidential treatment submitted pursuant to this rule shall contain:
  - (1) The documents, specific portions of documents, or a detailed description of the types of information for which confidentiality is sought;
  - (2) Specific reference to the statutory or common law support for confidentiality;and
  - (3) A detailed statement of the harm that would result from disclosure and any other facts relevant to the request for confidential treatment.

2. To determine if a document or information falls within the scope of RSA 91-A:5, IV, the New Hampshire Supreme Court and the Commission apply a three-step balancing. *Lambert v. Belknap County Convention*, 157 NH 375, 382-83 (2008); *Abenaki Water Company*, Order No. 26,840 (November 13, 2015) at 2. The Commission first inquires whether the information involves a privacy interest and then asks if there is a public interest in disclosure. In the above captioned dockets and contained within the exhibits attached to the Company's request for rate case expense recoupment for Step I and Step II is confidential information in which the Company argues there is a significant privacy interest which there is no public interest that merits its disclosure. The Commission then balances the competing interests between the public and the Company and decides whether disclosure is appropriate. *Id.* 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. *Until Corp. and Northern Utilities, Inc.*, Order No. 26,014, 94 NH PUC 484, 486 (2009). In the present case, there is no indication that disclosure of the timecards of the Company's employees would inform the public about the workings of the Commission.
3. The Legislature amended RSA 91-A:5 by the addition of subsection XII which expressly provides that "[r]ecords protected under the attorney client privilege or the attorney work product doctrine" are exempt from public disclosure. *RSA 91-A:5, XII*. Bill, invoices, and timecards containing a description of legal services are considered confidential in the absence of a waiver of privilege. The Company points to *Hampton Police Ass'n, Inc. v. Town of Hampton*, 162 NH 7,16 (2011) which holds billing records that reveal "the specific nature of the services provided" are exempt from disclosure.

4. Relative to the specific harm that would result from disclosure and any other facts relevant to the request for confidential treatment, the Company points to there are other matters contained on the submitted timecards that are outside of the scope of the Commission and have no bearing on the matter the rate case. They are internal matters that otherwise would not be in the public view and would be harmful to further business dealings of the Company as well as the other Companies the employees work for.
5. Pursuant to Puc 203.08, the Company prepared a redacted copy of the invoices in support of its request for recovery of rate case expenses for the public and prepared a confidential copy for the Commission and the Department of Energy.

WHEREFORE, The Hampstead Area Water Company, Inc., respectfully requests the PUC grant this motion.

Respectfully submitted,

THE HAMPSTEAD AREA WATER COMPANY, INC.

/s/ Anthony S. Augeri, Esq.

Anthony S. Augeri, Esq.,  
Heidi K. Tombarello, Esq.

Dated: December 7, 2023

Certificate of Service

I certify that a copy of the foregoing document was served via the PUC's docket-related service list for this proceeding this 7<sup>th</sup> day of December 2023.

/s/ Anthony S. Augeri, Esq.

Anthony S. Augeri, Esq.