

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket No. DG 23-067

LIBERTY UTILITIES (EnergyNorth Natural Gas) CORP. d/b/a LIBERTY

Petition for Permanent Rates

**Motion for Protective Treatment**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (“Liberty” or the “Company”), through counsel, respectfully moves the New Hampshire Public Utilities Commission (“Commission”) pursuant to Puc 203.08 to grant protective treatment of certain confidential compensation information required pursuant to Puc 1604.01 which is included with the Company’s Petition for Permanent Rates made on this date.

In support of this motion, Liberty states as follows:

1. Puc 1604 requires a petitioning utility file certain 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 has marked or redacted the page in this filing (Bates I-081) that contains the confidential salary and compensation information for officers and directors of Liberty as required by Puc 1604.01(a)(14), and as further specified in Order No. 26,271 (July 10, 2019) (the “Compensation Information”).

3. Liberty seeks confidential treatment of the Compensation Information regarding the Company's directors and officers 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 "[r]ecords 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 the 2019 rate case of the Company's affiliate (Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities) and determined that the individual-specific compensation information provided in response to Puc 1604.01(a)(14) should enjoy protective 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. Liberty's filing in response to Puc 1604.01(a)(14) follows the Commission's directive quoted above by redacting the individual compensation information and providing the aggregated compensation information of the three categories. The Company has disclosed Mr. Banskota's compensation information without redaction because, as CEO of Algonquin Power & Utilities Corp., his compensation has been previously disclosed pursuant to the laws governing publicly traded companies.
7. For the reasons explained in Order No. 26,271, the Company asks that the Commission again grant protective treatment to the individual confidential compensation information, in light of the rules governing confidentiality and in light of the Company's disclosure of aggregated data.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Grant the Company's request for protective treatment of certain confidential compensation information; and
- B. Grant such other relief as is just and reasonable and consistent with the public interest.


Respectfully submitted,  
Liberty Utilities (Granite State Electric) Corp., d/b/a  
Liberty

By its Attorneys,



Date: July 27, 2023

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Certificate of Service

I hereby certify that on July 27, 2023, a copy of this Motion has been forwarded to the service list.

A handwritten signature in cursive script, appearing to read "M. Sheehan".

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Michael J. Sheehan