

DE 98-124

**NORTHERN UTILITIES, INC.**

**Gas Restructuring  
To Address Unbundling and Competition in the Gas Industry**

**Order Granting Motion for Protective  
and Confidential Treatment**

**O R D E R    N O.    24,120**

**January 31, 2003**

**I.    PROCEDURAL HISTORY**

On November 12, 2002, Northern Utilities, Inc. (Northern), a public utility engaged in the business of distributing natural gas in New Hampshire, filed with the New Hampshire Public Utilities Commission (Commission) its proposed Peaking Service Demand Charge and supporting information. Also on November 12, 2002, Northern filed a Motion for Protective Order and Confidential Treatment (Motion) in which it requested confidential treatment of certain information, pursuant to RSA 91-A:5,IV, Puc 204.06.

Specifically, Northern requests confidential treatment of information supporting its calculation of a proposed Peaking Service Demand Charge. This supporting information is also contained in contracts between Northern and its winter service wholesale suppliers regarding pricing and gas volumes.

In support of its Motion, Northern states that: (1) The information relates to terms pursuant to which Northern acquires certain of its peaking supplies; (2) Disclosure of the information could harm such winter service suppliers and their affiliates in negotiations with other gas utilities; (3) Release of this information would likely result in competitive disadvantage for Northern in the form of less advantageous or more expensive gas supply contracts; and (4) Northern does not disclose this information to the public, has taken measures to prevent dissemination of the information in the ordinary course of business and maintains this information in confidence.

## **II. COMMISSION ANALYSIS**

The Commission has previously afforded confidential treatment to Peaking Service Demand Charge supporting information, as filed by Northern in this docket. *Northern Utilities, Inc.* 86 NH PUC 801 (2001.)

Again, we recognize that the Peaking Service Demand Charge supporting information is important to the Commission's tracking of the development of competition in the gas industry. We require Northern to track its costs for the services and its participation in those services competitively priced so that the Commission may monitor the development of competition, and the reasonableness of the proposed fees.

We also recognize that the Peaking Service Demand Charge supporting information contained in the instant filing is sensitive commercial information in a competitive market. Thus, based on Northern's representations, under the balancing test we have applied in prior cases, e.g., Re NET (Auditel), 80 NH PUC 437 (1995), Re Eastern Utilities Associates, 76 NH PUC 236 (1991), and EnergyNorth Natural Gas, Inc., 85 NH PUC 631 (2000), we find that the benefits to Northern of non-disclosure in this case outweigh the benefits to the public of disclosure. The Commission finds the information exempt from public disclosure pursuant to RSA 91-A:5, IV and N.H. Admin. Rules, Puc 204.06.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the Motion for Protective Order and Confidential Treatment of Northern Utilities, Inc., as it relates to the Peaking Service Demand Charge supporting information, as described above, is GRANTED; and it is

**FURTHER ORDERED**, that in future filings, Northern shall continue to submit, concurrent with its request for confidential treatment, both redacted and unredacted filings which the Commission shall protect from disclosure during the pendency of its review of the request for confidentiality, pursuant to N.H. Admin. Rules, Puc 204.06; and it is

**FURTHER ORDERED**, that protective treatment of this information shall extend to its inclusion in any discovery,

testimony, argument or briefing submitted in this docket; and it is

**FURTHER ORDERED**, that this Order is subject to the ongoing authority of the Commission, on its own motion or on the motion of Staff or any party or any other member of the public, to reconsider this Order in light of RSA 91-A, should circumstances so warrant.

By order of the Public Utilities Commission of New Hampshire this thirty-first day of January, 2003.

---

Thomas B. Getz  
Chairman

---

Susan S. Geiger  
Commissioner

---

Nancy Brockway  
Commissioner

Attested by:

---

Debra A. Howland  
Executive Director and Secretary