

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DG 17-152**

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.  
d/b/a LIBERTY UTILITIES**

**Least Cost Integrated Resource Plan**

**Order Granting Confidential Treatment**

**ORDER NO. 26,159**

**July 17, 2018**

In this order, the Commission finds that certain supplier and pricing information filed by Liberty is confidential and exempt from public disclosure.

**I. PROCEDURAL HISTORY**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty) is a natural gas distribution utility that serves customers in more than 30 municipalities in New Hampshire. On October 2, 2017, Liberty filed a Least Cost Integrated Resource Plan (LCIRP) pursuant to RSA 378:38-39. At the same time, Liberty requested confidential treatment of certain information contained in Appendix 6 to its LCIRP. No party has objected to Liberty's motion.

Liberty's motion and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2017/17-152.html>.

**II. LIBERTY'S POSITION**

Liberty claims that the pricing, delivery, and financial terms with its suppliers are commercially sensitive and that disclosure would hinder the Company's ability to negotiate

favorable commercial terms with suppliers in the future. Liberty also asserts that customers would be harmed if any future suppliers were aware of certain pricing and other key terms upon which the Company was willing to conduct business. According to Liberty, its suppliers have requested confidential treatment of the information. Liberty believes that the harm that would occur if the information were disclosed outweighs the public's interest in the information.

## **II. COMMISSION ANALYSIS**

The New Hampshire Supreme Court and the Commission apply a three-step test to determine whether information falls within the scope of RSA 91-A:5, IV. *Lambert v. Belknap County Convention*, 157 N.H. 375, 382-83 (2008); *Aquarion Water Co. of N. H., Inc.*, Order No. 25,863 at 2 (February 1, 2016) (citations omitted). Under the *Lambert* test, the Commission first inquires whether the information involves a privacy interest and then asks if there is a public interest in disclosure. *See* Order No. 25,863 at 2. Finally, the Commission balances those competing interests and decides whether disclosure is appropriate. *Id.* When the information involves a privacy interest, 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. *Id.*

The Commission has previously determined that information relating to the terms of gas supply agreements negotiated by a jurisdictional gas distribution company constitutes sensitive commercial information that warrants confidential treatment. *See EnergyNorth Natural Gas, Inc. d/b/a Keyspan Energy Delivery New England*, Order No. 24,323 at 24 (May 7, 2004); *Northern Utilities, Inc.*, Order No. 23,964 at 3 (May 3, 2002) (citing *EnergyNorth Natural Gas, Inc. d/b/a Keyspan Energy Delivery New England*, Order No. 23,950 (April 12, 2002)); *see also Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities*, Order No. 25,861 (January 22, 2016) (protecting Tennessee Gas Pipeline Company, LLC,-related pricing

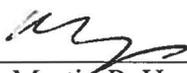
information contained in the Supply Path Precedent Agreement filed by Liberty). We have recognized that this kind of information is sensitive commercial information in a competitive market. *See EnergyNorth Natural Gas, Inc.*, Order No. 23,021 at 1 (September 21, 1998).

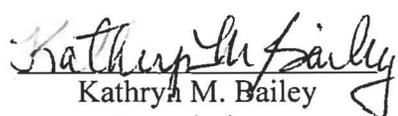
We have reviewed the information for which Liberty seeks protection. We find that the limited pricing, delivery, and financial information redacted in Appendix 6, constitutes confidential and commercial information under RSA 91-A:5, IV. We further find that disclosure of the information would likely cause substantial harm to the competitive position of Liberty, its suppliers, and its customers in future negotiations and transactions. *See EnergyNorth Natural Gas, Inc. d/b/a Keyspan Energy Delivery New England*, Order No. 24,531 at 24 (October 21, 2005). While the public may have some interest in the information – such as to aid in its understanding of the Commission’s analysis of Liberty’s LCIRP – we find that the public’s interest is outweighed by the commercial harm that disclosure would cause to Liberty, its suppliers, and its customers. Accordingly, we grant Liberty’s motion.

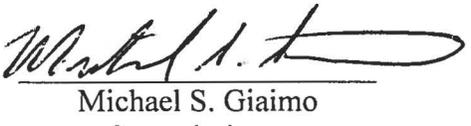
**Based upon the foregoing, it is hereby**

**ORDERED**, that Liberty’s motion for confidential treatment is GRANTED.

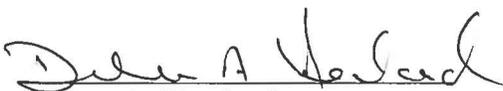
By order of the Public Utilities Commission of New Hampshire this seventeenth day of July, 2018.

  
 \_\_\_\_\_  
 Martin P. Honigberg  
 Chairman

  
 \_\_\_\_\_  
 Kathryn M. Bailey  
 Commissioner

  
 \_\_\_\_\_  
 Michael S. Giaimo  
 Commissioner

Attested by:

  
 \_\_\_\_\_  
 Debra A. Howland  
 Executive Director