

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Default Energy Service Rate

Docket No. DE 07-096

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER RE: SUPPLIER CONTRACTS AND
BILATERAL POWER CONTRACTS

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH" or the "Company") hereby requests protective treatment for the response to two data requests propounded by the Staff. The responses contain coal and transportation supply contracts plus the individual prices for bilateral power purchases. PSNH further requests that access to this confidential information be restricted to the Staff and the Office of Consumer Advocate and not supplied to the other interveners. In support of its Motion for Protective Order, PSNH says the following:

1. The data requests are as follows:

NSTF-01 Q- STAFF-012

Question: Reference Attachment RAB-2, page 3, line 5. Please provide copies of coal supply and transportation contracts in effect for 2008 and future years. Have any credit requirements or other significant terms changed in the contracts compared to those that were previously in effect? If so, please provide details.

NSTF-01 Q- STAFF-020

Question: Reference Attachment RAB-2, page 3, lines 24-25. For the known purchases, please provide a list of the contracts including the dates they were executed, the duration of the contracts, the quantity purchased and the purchase prices.

The attachments to Response No. 12 are all of the coal contracts and the rail transportation contract that will be in effect for the upcoming Default Energy Service rate period. The response to Request No. 20 includes the months, prices and quantities of power secured through bilateral purchases that have been arranged for supplying supplemental power.

2. The Commission must use a balancing test in order to weigh the importance of keeping open the record of this proceeding with the harm from disclosure of confidential financial or competitive information. “Under administrative rule Puc 204.06, the Commission considers whether the information, if made public, would likely create a competitive disadvantage for the petitioner; whether the customer information is financially or commercially sensitive, or if released, would likely constitute an invasion of privacy for the customer; and whether the information is not general public knowledge and the company takes measures to prevent its' dissemination.” *Re Northern Utilities, Inc.*, 87 NH PUC 321, 322, Docket No. DG 01-182, Order No. 23,970 (May 10, 2002).

3. The limited benefits of disclosing the information outweigh the harm done by disclosing the information and the potential harm to the owners of the facilities from disclosure. Pricing terms with power suppliers have traditionally been kept confidential. *See, Re EnergyNorth Natural Gas, Inc. dba KeySpan Energy Delivery New England*, Docket No. DG 03-068, Order No. 24,167, 88 NH PUC 221 , 226 (2003).

4. Release of this information would put PSNH at a disadvantage with respect to negotiations in the future with coal suppliers and suppliers of supplemental power. Traditionally these contracts and purchase power agreements have been kept confidential to protect both parties. Fewer suppliers may want to negotiate future supply contracts if they assume that the information in the final contract will be made public. Fewer suppliers means a less competitive arena in which PSNH procures coal and supplemental power supplies.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the responses to NSTF-01, Q-STAFF-012 and NSTF-01, Q-STAFF-020 to restrict any disclosure of the response to interveners other than Staff or the Office of Consumer Advocate and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

Nov 27 2007

Date

By: Gerald M. Eaton

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be hand delivered or sent by First Class U.S. Mail, postage prepaid, to the persons listed on the attached cover letter.

Nov 27 2007

Date

Gerald M. Eaton

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