

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Re: EnergyNorth Natural Gas, Inc. d/b/a National Grid NH

Docket DG 08-009

**MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT  
REGARDING RESPONSES TO STAFF'S DATA REQUESTS**

EnergyNorth Natural Gas, Inc. d/b/a National Grid NH ("National Grid")

respectfully requests that the Commission issue a protective order regarding certain materials in the above-referenced proceeding. In support of its motion, National Grid states as follows:

1. National Grid has provided confidential information in response to the following Staff data request in the above-captioned matter, subject to its right to seek a suitable protective order from the Commission pursuant to N.H. Code of Admin. Rules Puc 203.08.

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| Staff 1-3 <sup>1</sup> : | Provide a copy of the contract, fee agreement or other document that describes all the terms of the engagement of the consultants and attorneys, including but not limited to the price terms, used in this case. |
|--------------------------|---|

2. The response to this data request contains billing information and responses to requests for proposals ("RFPs") that constitute confidential commercial information and, therefore, are exempt from public disclosure under the New Hampshire Right to Know Act, RSA 91-A. Furthermore, National Grid has a contractual obligation to keep the billing information provided by consultants and experts in the RFP responses confidential.

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<sup>1</sup> This data request is part of those data requests relating to rate case expense.

3. National Grid's response to this request requires protection because the information being produced is not publicly available and disclosing this information would put consultants at a competitive disadvantage by divulging to their competitors the rates they charge for their services. This disclosure could adversely affect National Grid because consultants could be discouraged from working with National Grid if doing so would result in the release of information that would give their respective competitors an unfair advantage in future business transactions.

4. The foregoing information constitutes confidential information of National Grid. National Grid does not disclose this information to anyone outside of its corporate affiliates and their representatives.

5. Redacted and unredacted copies of the information referred to above have been provided to the Commission staff and the Office of Consumer Advocate prior to the filing of this motion. National Grid has redacted only the billing rates and certain dollar amounts that would allow a reader to determine the billing rates. By this motion, National Grid is seeking a protective order covering the unredacted copies.

6. Release of the information that National Grid seeks to protect could result in a competitive disadvantage for National Grid in the form of fewer bidders competing for consulting services. If the Commission does not protect the unredacted copies from disclosure, National Grid's ability to obtain future bids could be significantly impaired because consultants may refrain from bidding if doing so would place confidential, competitive information at risk of public disclosure. If National Grid were to receive fewer bids as a result of this public disclosure, customers would ultimately bear the burden of the lost savings that would otherwise result from a robust bidding process. In

addition, the Company, the Commission and customers could be harmed to the extent that qualified consultants were among those who chose not to bid and provide services.

7. RSA 91-A:5, IV expressly exempts from the public disclosure requirements of Chapter 91-A any records pertaining to "confidential, commercial or financial information." The Commission has the authority to protect the information described above pursuant to N.H. Code of Admin. Rules Puc 203.08.

8. National Grid requests that the Commission issue a protective order granting this motion and protecting from public disclosure the confidential commercial information described above. Copying, duplication, dissemination or disclosure in any form should be prohibited and the protected materials should be returned at the conclusion of the proceeding or destroyed on terms acceptable to National Grid. The protective order should also be extended to any discovery, testimony, argument or briefing relative to the confidential information.

WHEREFORE, National Grid respectfully requests that the Commission:

- A. Issue an order protecting the information described above; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

ENERGYNORTH NATURAL GAS, INC.  
D/B/A NATIONAL GRID NH

By Its Attorneys

McLANE, GRAF, RAULERSON &  
MIDDLETON, P.A.

Date: September 14, 2009

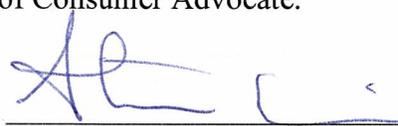
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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Protective Order and Confidential Treatment has been forwarded to the Office of Consumer Advocate.

Dated: September 14, 2009

  
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Steven V. Camerino