

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 RESPONSE TO DATA REQUEST STAFF 2-3**

EnergyNorth Natural Gas, Inc. d/b/a National Grid NH ("National Grid NH") 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 NH has provided confidential information in response to the Staff Rate Case Expense Data Request 2-3 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. Staff 2-3 stated "Reference Response to Staff 1-3. Please provide a copy of the Company's annual agreement with Hewitt Associates for services related to pension and OPEB matters under which rate case expenses were incurred."
2. The response to this data request contains billing information that constitutes confidential commercial information and, therefore, is exempt from public disclosure under the New Hampshire Right to Know Act, RSA 91-A. National Grid NH has previously requested a protective order for documents provided in response to Data Request Staff 1-3, which is referenced in Data Request Staff 2-3.
3. National Grid NH's response to this request requires protection because the information being produced is not publicly available and disclosing this information

would put Hewitt Associates at a competitive disadvantage by divulging to its competitors the rates it charges National Grid NH and its affiliates for its services. This disclosure would adversely affect National Grid NH and its affiliates because Hewitt Associates and other consultants could be discouraged from working with them if doing so would result in the release of information that gives their respective competitors an unfair advantage in future business transactions.

4. The foregoing information constitutes confidential information of National Grid NH and its affiliates, who do not disclose this information to anyone outside of their corporate affiliates and 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 NH has redacted only the billing rates and certain dollar amounts that either constitute the consultant's confidential fee quote or would allow a reader to determine or approximate the consultant's billing rates. By this motion, National Grid is seeking a protective order covering the unredacted copies.

6. The information being protected would be of little interest to the public since it relates to the overall cost that Hewitt Associates bills to National Grid USA, National Grid NH's parent company, for a broad array of services. The services that relate to the data request at issue in this motion are a very small subpart of that overall engagement. The data request issued by Staff simply seeks to confirm the basis for certain limited charges that were included as rate case expense in this rate proceeding. Providing such information on an unprotected basis would be of little or no benefit, but the inability of National Grid NH to protect confidential, competitively sensitive

information of its service providers would harm those service providers and, ultimately, could harm National Grid NH as well.

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 NH. The protective order should also be extended to any discovery, testimony, argument or briefing relative to the confidential information.

WHEREFORE, National Grid NH 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.

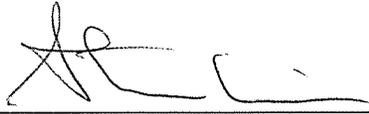
Respectfully submitted,

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

By Its Attorneys

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

Date: October 2, 2009

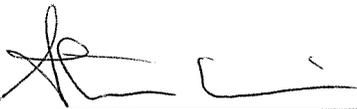
By: 

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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: October 2, 2009



Steven V. Camerino