

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

RE: ENERGNORTH NATURAL GAS, INC.
D/B/A NATIONAL GRID NH

WINTER 2008-09 COST OF GAS

DOCKET NO. DG 08-106

**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 certain of Staff's data requests 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.

- A. Staff 1-3: This response provides the bidder list responses to an RFP issued by National Grid for gas supply contracts.
- B. Staff 1-4 This response provides terms, conditions, and prices regarding the Granite Ridge Energy peaking supply.
- C. Staff 1-7 This response provides monthly invoice data for multiple contracts, including the Distrigas FVS 301 and FCS 064 contracts as well as National Grid's portion of an LNG contract shared with certain affiliated entities.
- D. Tech 1-3 This response discusses certain confidential factors—both price related and non-price related—used in determining what bidder would best meet National

Grid's requirements with regardin to the awarding of a particular gas supply contract.

E. Tech 1-5 This response summarizes bidder responses to an RFP issued by National Grid for a gas supply contract to satisfy the Commission's seven day storage rule.

2. The foregoing responses to data requests contain pricing information and responses to requests for proposals ("RFPs") that constitute confidential commercial information and, therefore, is 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 information provided by potential gas suppliers in the RFP responses confidential. Any release of the information contained in these responses is likely to have a negative impact on the robustness of the responses and information provided to National Grid in future RFPs. This information is of the same nature as other information for which the Commission has routinely provided protective treatment in numerous cost of gas and other proceedings.

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

4. 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. By this motion, National Grid is seeking a protective order covering the unredacted copies.

5. Release of the information that National Grid seeks to protect is likely to result in a competitive disadvantage for National Grid in the form of less advantageous or more expensive gas supply contracts. Suppliers possessing the confidential information

described above would be aware of National Grid's expectations regarding gas supply costs and other contract terms, and would be unlikely to propose to supply such goods and services on terms significantly more advantageous to National Grid. If National Grid were to receive less favorable agreements due to public disclosure, customers would ultimately bear the burden of the increased costs.

6. 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.

7. 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.

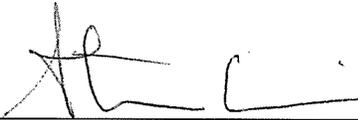
Respectfully submitted,

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

By Its Attorneys

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

Date: October 21, 2008

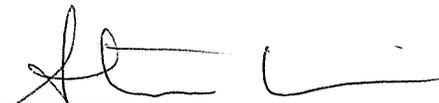
By: _____

Steven V. Camerino, Esq.
11 South Main Street, Suite 500
Concord, NH 03301
Telephone (603) 226-0400
Email: steven.camerino@mclane.com

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 21, 2008

_____
Steven V. Camerino

2461091.1
Oct 18 2008 01:35 PM