

THE STATE OF NEW HAMPSHIRE  
before the  
PUBLIC UTILITIES COMMISSION

CORE ENERGY EFFICIENCY PROGRAMS FOR 2010

Docket No. DE 09-170

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR  
PROTECTIVE ORDER RE: CUSTOMER-SPECIFIC DATA- RFP PROPOSALS

Pursuant to RSA 91-A:5, IV 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 attachments to data request propounded by the Staff. The request asks for copies of the proposals made by PSNH's customers from 2003 through 2008 under the company-specific Request For Proposal ("RFP") Program. PSNH believes these proposals are customer specific information entitled to confidential treatment under RSA 91-A:5, IV. In support of its Motion for Protective Order, PSNH says the following:

1. The data request is as follows:

STAFF-01, Q-STAFF-053-REV01

Question:

Reference Page 41-42. Please answer the following questions about the C&I RFP program: Please provide the timeline of the program including the bidding process to the completion and evaluation under this program. Please provide list of all participants in C&I RFP program with the project size and incentive received. Please provide copies of the last two year's submitted proposal (both winners and rejected ones) under this program.

Response:

As requested at the Technical Session, attached are copies of the proposals made for the RFP Program for years 2003 through 2008.

This information is customer-specific information about measures requested to be installed, estimated costs, and customer consumption. This information is not made

public or shared with any persons outside the Company without the customers' permission. For the reason stated below, this information should not be disclosed publicly.

2. The Commission must use a balancing test in order to weigh the importance of keeping the record of this proceeding public with the harm from disclosure of customer-specific information. "Under administrative rule Puc 204.06, [predecessor to Puc 203.08] 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). The limited benefits of disclosing the information outweigh the harm done to the customers.

3. PSNH is bound by commission rule not to disclose customer specific information. Under N.H. Code Admin. Rule Puc 2004.08

(a) No CEPS, aggregator or electric distribution company shall release confidential customer information without written authorization from the customer, unless otherwise required by law.

(b) Confidential customer information shall include but not be limited to:

- (1) Customer name, address and telephone number;
- (2) Customer usage data; and
- (3) Customer payment information.

Although this rule applies to the sharing of information with competitive electric suppliers, it codifies a long-standing practice of PSNH and Commission policy.

4. The fact that these customers have chosen to participate in energy efficiency programs indicates that energy is a significant portion of their operating expenditures. Disclosure of consumption and payment matters could reveal

customers' confidential financial information. There may be a chilling effect upon customers' participation in future RFP invitations.

5. The fact that these customers are commercial customers does not diminish their need for confidential treatment. In *Brian Lamy v. Public Utilities Commission*, 152 N.H. 106 (April 11, 2005), the Supreme Court found that commercial customers had no protected privacy interest in their names and addresses that were already part of a public record, i.e. the E-1 Reports filed with the Commission. The customer specific data to be provided in the instant response regarding these customer's historical sales data and proposals to the RFP Program have yet to become part of the public record. The Commission has in the past agreed with PSNH that the limited benefits of disclosing participation in energy efficiency programs is outweighed by the potential deterrent that disclosure would have on participation by these customers and the resulting loss of the public benefits conferred on all customers by the efficiency improvements made by large customers. *Re Public Service Company of New Hampshire*, Docket No. DR 97-183, Order No. 22,788, 82 NH PUC 808 (November 18, 1997).

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the response to STAFF-01, Q-STAFF-053-REV01, and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

December 8, 2009  
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 served pursuant to N.H. Code Admin. Rule Puc §203.11.

December 9, 2007

Date

Gerald M. Eaton

Gerald M. Eaton

Public Service Company of New Hampshire  
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Data Request STAFF-01  
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Witness: Thomas R. Belair  
Request from: New Hampshire Public Utilities Commission Staff

**Question:**

Reference Page 41-42. Please answer the following questions about the C&I RFP program: Please provide the timeline of the program including the bidding process to the completion and evaluation under this program. Please provide list of all participants in C&I RFP program with the project size and incentive received. Please provide copies of the last two year's submitted proposal (both winners and rejected ones) under this program.

**Response:**

As requested at the Technical Session, attached are copies of the proposals made for the RFP Program for years 2003 through 2008.

(PSNH Response)

\* Bulk material provided to NHPUC only.

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This response contains customer confidential data. As such, the response (bulk material, 84 pages double sided) is being provided to Requestor and Commission only.