

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Default Energy Service Rate

Docket No. DE 09-180

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER RE: SUPPLIER SIDE AGREEMENT

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 responses to a data request propounded by the Staff. The request asks for detailed information pertaining to a transaction between PSNH and a coal supplier which contains confidential commercial and financial information. In support of its Motion for Protective Order, PSNH says the following:

1. The data request is as follows:

NSTF-03 Q- STAFF-010

Question:

Reference Technical Statement, Item 2. Please provide an explanation as well as supporting documentation for the "credit book-out from a supplier for a non-delivery of prior scheduled coal delivery." Please also demonstrate how the \$2.3 million of lower costs was determined.

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 and fuel 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). In this case PSNH and the supplier have entered into a specific side agreement with precise pricing terms. The supplier may not be willing to enter into similar deals with customers less constant than PSNH. Disclosure of the terms will likely result in no other arrangement such as this one.

WHEREFORE PSNH respectfully requests the Commission to issue an order preventing the public disclosure of the response to NSTF-03, Q-STAFF-010 and to order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

May 27 2010
Date

By: Gerald M. Eaton
Gerald M. Eaton
Senior Counsel
780 North Commercial Street
Post Office Box 330
Manchester, New Hampshire 03105-0330
(603) 634-2961

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 electronically pursuant to N.H. Code Admin. Rule Puc §. 203.11(a) the persons on the attached Service List.

May 27, 2010
Date

Gerald M. Eaton
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