

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

GRANITE STATE ELECTRIC COMPANY D/B/A NATIONAL GRID

DOCKET NO. DE 10-020

MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT

NOW COMES Granite State Electric Company d/b/a National Grid (“National Grid” or “Company”) and hereby moves pursuant to N.H. Code of Administrative Rules Puc 203.08 for confidential treatment by the Commission with respect to the Transaction Confirmation and Master Power Agreement between National Grid and the winning supplier, Hess Corporation (“Hess”) to provide Default Service to the Large Customer Group for the three-month period August 1, 2010 through October 31, 2010. The Company also requests confidential treatment for the Default Service Procurement Summary (“RFP Summary”) set forth in Schedule MMJ-2, the REC RFP summary previously provided to Staff, the Company's analysis comparing changes in electric and gas futures costs to changes in procurement costs set forth in Schedule MMJ-3, and the RPS Compliance Adders set forth in Schedule MMJ-5. In support of this Motion, National Grid states as follows:

1. National Grid and Hess entered into an agreement whereby Hess committed to provide, among other things, service to the Large Customer Group for the three-month period August 1, 2010 through October 31, 2010.

2. The Transaction Confirmation with Hess, the RFP Summary, the Company's analysis comparing futures costs, and the RPS Compliance Adders are being provided as separate schedules to the testimony of Ms. Janzen in the above-captioned docket.

3. The REC RFP summary, which was previously provided to Staff, is being filed with the Commission concurrently with this Motion. The REC RFP summary contains a chart and other information summarizing the bids received as a result of RFPs that were issued for NH RPS Law compliance. The REC RFP summary also contains the Company's evaluation of those bids and the number of RECs required for compliance purposes.

4. The Transaction Confirmation and Master Power Agreement, the RFP Summary, the REC RFP summary, the analysis comparing futures costs, the RPS Compliance Adders, and the calculation of commodity costs at the retail meter contain competitive energy pricing and contract terms which are commercially sensitive, the disclosure of which could be harmful to the competitive position of Hess and participants in the RFP which could chill the willingness of these suppliers to participate in providing energy services in New Hampshire in the future. In negotiating power supply contracts in New Hampshire, competitive suppliers are sensitive to the protection of information they deem confidential or commercially sensitive. The parties have taken steps to avoid disclosure of this information and the disclosure of such information could adversely affect the business position of the parties in the future.

5. N.H. Code of Administrative Rules Puc 203.08 provides in pertinent part that “the Commission shall upon motion issue a protective order providing for the confidential treatment of one or more documents upon a finding that the document or documents are entitled to such treatment pursuant to RSA 91-A:5, or other applicable law based upon the information submitted pursuant to Puc 203.08(b).”

6. Documents exempted from public disclosure under RSA 91-A:5, IV include “records relating to ...confidential, commercial, or financial information ...” In addition, RSA 91-A:5, IV exempts from public disclosure “other files whose disclosure would constitute an invasion of privacy.”

7. As the Commission has previously recognized in Order 24,000 (June 27, 2002) as well as Order 23,486 (May 22, 2000), Order 23,681 (April 19, 2001), and Order 23,834 (November 2, 2001), the information contained within wholesale power contracts for Default Service is “confidential, commercial, or financial information” and that disclosure of such information could adversely affect the business position of the parties in the future. The same rationale for protecting the Transaction Confirmation and Master Power Agreement from public disclosure applies to the information contained within the RFP Summary, the REC RFP summary, the Company's analysis comparing futures costs, the RPS Compliance Adders, and the calculation of commodity costs at the retail meter.

8. For the reasons stated above, the Transaction Confirmation and Master Power Agreement, the RFP Summary, the REC RFP summary, the Company's analysis comparing futures costs, the RPS Compliance Adders, and the calculation of commodity costs at the retail meter qualify for confidential treatment under state law and Commission rules and, as such, should be protected from disclosure.

WHEREFORE, National Grid respectfully requests that the Commission:

A. Issue an order protecting the information described above;

- B. Hold the information described above in a secure location within the Commission's offices, and not disclose such information to the public or any of the parties in this proceeding other than the Commission without National Grid's consent; and
- C. Grant such other and further relief as may be just and equitable.

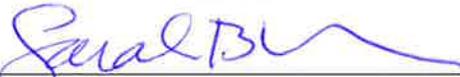
Respectfully submitted,

GRANITE STATE ELECTRIC COMPANY D/B/A
NATIONAL GRID

By Its Attorneys

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

Date: June 14, 2010

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 all parties on the service list.

Dated: June 14, 2010



Sarah B. Knowlton