

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

**NORTHERN UTILITIES, INC.
Petition for Approval of Fourth Amendment
of Special Firm Gas Transportation Agreement
With Foss Manufacturing Company, LLC**

DG 10-034

MOTION FOR PROTECTIVE ORDER

NOW COMES Northern Utilities, Inc., (“Northern”), by and through its undersigned attorneys, and, pursuant to RSA 91-A:5, IV and N.H. Admin.Rule, PUC 203.08, respectfully moves the New Hampshire Public Utilities Commission (“Commission”) to issue a protective order which accords confidential treatment to certain information described below and submitted herewith. Specifically, Northern requests that the Commission issue an order requiring that the following documents filed herewith be treated as confidential commercial information, and not be made part of the public record or available for public disclosure: Attachment to Response to Request No. Staff 1-4; Response to Request No. Staff 1-5; Attachment to Response to Request No. Staff 1-7; and Attachment to Response to Request No. Staff 1-8. However, notwithstanding the relief requested herein, Northern is making this information available on a confidential basis to the Commission Staff and the Office of Consumer Advocate.

In support of this Motion, Northern states the following:

1. Northern seeks protective treatment for the above-referenced documents, and in particular for the various references to the agreed-upon monthly rates and charges paid by Foss Manufacturing Company, LLC (“Foss” or “the Customer”) under the

special contract, the Customer's monthly gas usage information, the Customer's annual savings under the special contract, the results of Northern's marginal cost analysis, and Northern's value of service analysis.

2. The above-referenced documents contain competitively sensitive commercial information that Northern does not disclose to anyone outside of its corporate organization or authorized representatives. As such, the information is entitled to be protected from public disclosure under RSA 91-A:5, IV. *See also* RSA 350-B ("Uniform Trade Secrets Act").

3. Northern seeks to protect this information from public disclosure in order to protect Northern's competitive position as well as the Customer's. Release of the above-described confidential information would likely result in harm to Northern in the form of being disadvantaged in price negotiations with customers or potential customers who have alternative options, whether from bypass, alternative fuel supplies, or from direct competitors. Public knowledge of the confidential information would impair Northern's future bargaining positions and thus its ability to obtain the maximum possible contribution to fixed costs. Northern must be able to maximize such contributions to fixed costs as this benefits its firm ratepayers.

4. Under the balancing test set forth in *Union Leader Corp. v. New Hampshire Housing Fin. Auth.*, 142 N.H. 540 (1997), the above-described interests of Northern and its customers in non-disclosure outweigh the public's interest in gaining access to the information. The Commission has employed this test when it accorded protective treatment to similar information in 1999 with regard to this Customer's and Northern's initial Special Contract, *see Re Northern Utilities*, DG 99-171, Order No.

23,370, 84 NH PUC 695 (December 20, 1999), and again in 2005 with regard to the Amended Special Contract. *See Re Northern Utilities, Inc.*, DG 05-065, Order No. 24,478, 90 NH PUC 263 (July 1, 2005).

5. Northern has filed this motion for a protective order to allow this confidential commercial information to be made available to Commission Staff and the Consumer Advocate during this proceeding, subject to the requested order from the Commission that such information should be accorded confidential treatment.

6. Northern requests that the Commission issue an order protecting this information from disclosure until such time as a party should appear and request such information, at which time the Commission can weigh the competing interests of Northern's need to continue to protect this information from disclosure against any other party's expressed claim for disclosure.

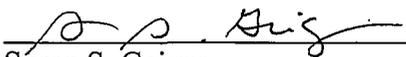
WHEREFORE, Northern respectfully requests that this honorable Commission:

A. Issue an appropriate order that exempts from public disclosure and otherwise protects the confidentiality of the information designated confidential in the documents submitted herewith; and

B. Grant such additional relief as it deems appropriate.

Respectfully submitted,
NORTHERN UTILITIES, INC.
By its attorneys,
Orr & Reno, P.A.

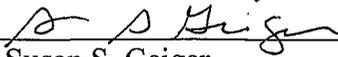
Dated: March 8, 2010



Susan S. Geiger
One Eagle Square
Concord, New Hampshire 03301
603-223-9154
sgeiger@orr-reno.com

Certificate of Service

I hereby certify that a copy of the foregoing Motion has on this 8th day of March, 2010 been sent by electronic mail to persons listed on the Service List.



Susan S. Geiger

637728_1.DOC