

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Reconciliation of Stranded Costs and Energy Service

Docket No. DE 10-121

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR
PROTECTIVE ORDER RE: NEWINGTON STATION COSTS AND REVENUES

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH") hereby requests protective treatment for the response to a data request in the above-captioned matter. PSNH contends that the information is confidential financial information and should be protected from public disclosure.

In support of its Motion for Protective Order, PSNH says the following:

1. The data request STAFF Set No. 1, Q-STAFF-007 is as follows:

Question:

Please provide a schedule identifying the total 2008 costs and revenues associated with Newington Station similar to the response to STAFF-01, Q-STAFF-009 in DE 09-091. Please list individually the items included in the cost and revenue categories.

2. The position of Newington Station in PSNH's resource mix is pivotal. PSNH must balance the market price of Newington's fuels (#6 residual fuel oil or natural gas) with the market price of purchased power when planning ahead or deciding on a day to day basis whether to operate Newington Station. The details on revenue requirements found in the response are not publically available elsewhere, including from ISO New England which must adhere to the confidentiality provisions of the ISO New England Information Policy.

3. The Commission must use a balancing test in order to weigh the importance of creating an open 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).

4. The limited benefits of disclosing the information outweigh the harm done by disclosing the information. PSNH would be put at a disadvantage with respect to suppliers of PSNH's supplemental power because the data contained in the response provide a benchmark to the decisions PSNH makes to run Newington Station or to purchase supplemental power. If suppliers knew the actual costs and operation of Newington Station, PSNH may not be able to arrange supplies of supplemental power that maximize savings to customers.

5. PSNH is in competition with competitive suppliers and wholesale generators for the ability to acquire supplies of power; therefore, PSNH would be at a competitive disadvantage if the details of the analyses were made public or provided to competitive supplier intervenor. TransCanada Power Marketing Limited and TransCanada Hydro Northeast, Inc. (“TransCanada”) are participants in the power supply market at a wholesale and retail level. As participants, TransCanada may bid on power supply contracts or to supply individual PSNH customers. TransCanada's interests appear to be focused on PSNH's supplemental power purchasing activities. *Petition to Intervene on Behalf of TransCanada*, at ¶ 4. As stated above, Newington Station's cost information is critical to PSNH's decisions to purchase supplemental energy or generate from Newington Station.

Until the Commission determines the scope of intervention for New Hampshire Sierra Club ("NHSC") and Conservation Law Foundation ("CLF"), PSNH is reserving its decision to supply the confidential response to those intervenors.

6. The Commission may limit the scope of intervention to certain issues; therefore, it is not unjust or unreasonable to restrict the dissemination of the Newington Cost and Revenues information to TransCanada, NHSC and CLF. RSA 541-A:32 III. PSNH does not circulate such revenue requirements information specific to a particular plant widely within the Company and such analyses are not disclosed outside of PSNH. The Commission has previously afforded protective treatment to operational information and revenue requirements of Newington Station. *Re: PSNH*, Docket No. DE 08-066, Order No. 24,931, slip op. at 13; *Re: PSNH*, Docket No. DE 09-091, Order No. 25,060, slip op. at 17.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of response o the above-listed Data Request, and to order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

July 2 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 served pursuant to N.H. Code Admin. Rule Puc §203.11.

July 2 2010
Date

Gerald M. Eaton
Gerald M. Eaton

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Witness: David A. Errichetti, William H. Smagula
Request from: New Hampshire Public Utilities Commission Staff

Question:

Please provide a schedule identifying the total 2008 costs and revenues associated with Newington Station similar to the response to STAFF-01, Q-STAFF-009 in DE 09-091. Please list individually the items included in the cost and revenue categories.

Response:

The attached table summarizes Newington's 2009 revenue requirements and wholesale market revenues.

** The requested information is being filed under the Motion for Protective Order dated July 2, 2010.