

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Petition for Approval and Long Term and Short Term Debt

Docket No. DE 10-122

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER
RE: DRAFT NORTHEAST UTILITIES OPERATING COMPANY CREDIT 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 response to a data request in the above-captioned matter. PSNH contends that the information is confidential business and 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 OCA Set No. 1, Q-OCA -007 is as follows:

Question:

Ms. Weber’s testimony on Bates page 000104, line 24 refers to an expected new unsecured Revolving Credit Agreement. Please provide the new agreement and summarize any changes from the previous agreement.

PSNH originally provided a summary of the terms and conditions of the new Credit Agreement approved by the PSNH Board of Directors under a Motion for Protective Order dated July 16, 2010. A draft of the new Credit Agreement and a redlined copy showing changes from the prior agreement are now available and are attached hereto.

2. The NU Operating Companies, including PSNH, have not yet signed the new Credit Agreement. PSNH anticipates entering into the new agreement shortly, but the new agreement is still subject to negotiation. The draft of the proposed Credit Agreement is confidential and competitive information which falls within the exemption from public disclosure of RSA 91-A:5, IV and N.H. Admin. Rules, Puc 203.08. Public disclosure of this information could adversely impact PSNH’s negotiating position and ability to obtain the most favorable terms and

conditions possible. Under these circumstances, the limited benefits of disclosing the information outweigh the harm done by disclosing the information.

3. No party or intervenor to this proceeding will be prejudiced by the protection of this information because each such party can obtain access to this data (on a confidential basis) in accordance with the terms of a Protective Order in this docket. Federal securities law prohibits the parties and intervenors in this docket (who obtain access to this data pursuant to a Protective Order) from using this material non-public data to influence decisions to sell or purchase shares of NU stock.

4. 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...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).

5. The Commission has in the past provided protective treatment for similar information. In *Re Unitil Energy Systems, Inc.*, 88 NH PUC 342 (2003), the Commission granted a motion for protective treatment of details of Unitil's lines of credit with specific outside banks, including amounts borrowed and the rates charged. In *Re Unitil Energy Systems, Inc.*, 91 NH PUC 356, 358 (2006), the Commission granted protective treatment to certain utility information based on the possibility that its release “could compromise UES' financial position and affect UES stock performance and ability to obtain reasonable credit on reasonable terms, all to the detriment of UES and its customers.”

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

Respectfully submitted,
Public Service Company of New Hampshire

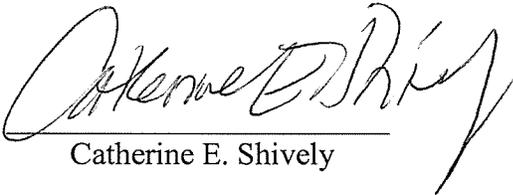
September 10, 2010

By: 
Catherine E. Shively
Senior Counsel

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached "Motion for Protective Order Regarding Northeast Utilities Operating Company Credit Agreement" September 10, 2010 in NHPUC Docket No. DE 10-122 to be served pursuant to N.H. Code Admin. Rule Puc §203.8 and §203.11.

September 10, 2010


Catherine E. Shively