

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire

Petition for Approval of PPA with Laidlaw Berlin BioPower, LLC

Docket No. DE 10-195

OBJECTION TO MOTION FOR CONFIDENTIAL TREATMENT

NOW COMES Concord Steam Corporation and objects to Public Service Company of New Hampshire's ("PSNH") *Motion for Confidential Treatment* and states as follows:

I. BACKGROUND

1. PSNH seeks confidential treatment of its Responses to Staff Data Requests 1-17, 1-18, 5-4 and 5-6.

2. Staff Data Requests 1-17, 1-18 and 5-6 relate to bids or proposals made to PSNH for the sale of renewable energy, capacity and RECs. This information is critical to participation in this proceeding. PSNH has already disclosed proposals by Concord Power and Clean Power to provide energy, capacity and RECs at lower prices than PSNH's proposed PPA with Laidlaw. Concord Steam understands that PSNH's responses contain additional proposals and analysis which may demonstrate that the Laidlaw PPA is above-market and therefore not in the public interest or fails to satisfy the other relevant criteria under RSA 362-F:9.

3. Staff Data Request 5-4 relates to the sale of RECs produced by Schiller Station. This information is also critical to participation in this proceeding. Under RSA 362-F:9, PSNH may petition for approval of multi-year contracts that are necessary to meet its "reasonably projected renewable portfolio requirements and default service needs." PSNH's ability to generate energy and RECs at Schiller has a direct impact on the need to meet its "projected

renewable portfolio requirements and default service needs.” It also bears directly on whether PSNH will have undue control over the market to provide RECs to meet its requirements.

II. OBJECTION TO CONFIDENTIAL TREATMENT

4. PSNH asserts that disclosure could result in competitive damage to PSNH and the bidders and hamper PSNH’s ability to engage suppliers in competitive bidding in the future. However, PSNH has already publicly disclosed proposals from Clean Power and Concord Steam in July 2009 along with a comparison of the two proposals to the Laidlaw PPA in its response to Staff Data Request 1-32.

5. Concord Steam has offered to allow PSNH to provide the requested information pursuant to a protective order to its legal counsel and experts and not Concord Steam’s principals or any person that would use the information for competitive bidding. Concord Steam has also offered to allow PSNH to redact the names of the entities making the bids or proposals be redacted.

6. PSNH has refused to provide the requested information asserting that disclosure to “outside counsel is tantamount to giving it to the competitors themselves”. PSNH’s assertions are unfounded. Counsel for Concord Steam has complied with protective orders in proceedings before this Commission and in other proceedings on a regular basis.

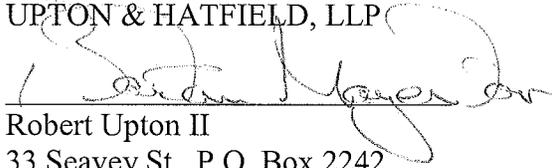
7. The Commission’s rules contemplate that confidential information will be provided to parties subject to a protective order as necessary to protect its confidentiality. *See e.g.* 203.08 (j) (“[w]hen necessary to protect the confidentiality of material entitled to such treatment under this section, the commission shall include in its protective order a directive that all parties receiving the material shall also treat it as confidential.”).

WHEREFORE, Concord Steam objects to PSNH's Motion for Confidential Treatment and respectfully prays the Commission:

- A. Deny the Motion;
- B. Order PSNH to provide to Concord Steam the information and documents sought in Staff 1-17, 1-18, 5-4 and 5-6;
- C. In the alternative enter a Protective Order limiting disclosure of the information and documents to counsel for Concord Steam and its expert witnesses and providing for redaction of any names of competitors to Concord Steam contained in the documents;
- D. Grant such other relief as justice may require.

Respectfully submitted,
Concord Steam Corporation
By its attorneys
UPTON & HATFIELD, LLP

By:


Robert Upton II
33 Seavey St., P.O. Box 2242
N. Conway, NH 03860-2242
(603) 356-3332

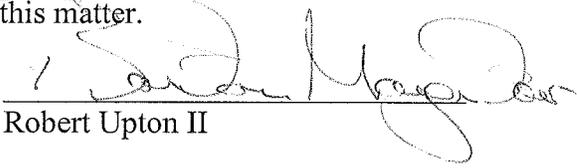
and

Justin C. Richardson
159 Middle St.
Portsmouth, NH 03801
(603) 436-7046

Dated: November 23, 2010

Certificate of Service

I hereby certify that on this 23rd day of November, 2010, a copy of the foregoing Objection has been forwarded to the Service List in this matter.


Robert Upton II