

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DM 11-075

PNE ENERGY SUPPLY, LLC

Registration as a Competitive Electric Supplier

Order Granting Motion for Confidential Treatment

ORDER NO. 25,512

May 16, 2013

On February 15, 2013, PNE Energy Supply, LLC (PNE) filed a motion pursuant to N.H. Code Admin. Rules Puc 203.08 for confidential treatment of certain portions of PNE's letter to the Commission dated February 15, 2013, and the accompanying affidavit of Howard Plante, President of PNE, also dated February 15, 2013. According to PNE, the information for which confidential treatment is sought pertains to the short-term competitive strategy and operations of PNE, which, PNE asserts, is highly commercially sensitive information that is not public knowledge.

Under RSA 91-A:5, IV records of "confidential, commercial or financial information" are exempted from disclosure, and the New Hampshire Supreme Court has supplied a balancing test for determining whether certain documents meet this designation. *See, e.g., Union Leader Corp. v. N.H. Housing Fin. Auth.*, 142 N.H. 540, 552-54 (1997); *Lambert v. Belknap County Convention*, 157 N.H. 375, 382-83 (2008).

We must first consider whether disclosure of the information PNE seeks to protect involves a privacy interest. We find that PNE has a privacy interest in its short-term competitive strategy and business operations outlined in its letter of February 15, 2013, and the

accompanying affidavit of Mr. Plante. We next consider whether the public has an interest in disclosure of this information. This information pertains to PNE's internal business strategy; moreover, the Commission does not regulate the retail prices offered by competitive electric power suppliers such as PNE. Thus, the information will provide little understanding of the conduct of the Commission's regulatory activities. As a result, the public has a limited interest in the disclosure of the information. Finally, we balance the public's interest in disclosure against the privacy interests at stake to determine whether the disclosure is warranted. In this case we find that the privacy interest of PNE in this commercial information outweighs the interests of the public in disclosure. Accordingly, we grant PNE's motion for confidential treatment and note that our determination is subject to reconsideration in the future upon our own motion or by the request of any party. *See* N.H. Code Admin. Rules Puc 203.08(k).

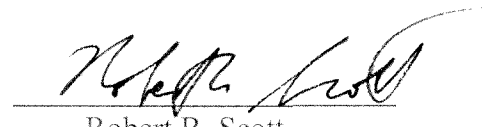
Based upon the foregoing, it is hereby

ORDERED, that PNE's motion for confidential treatment is GRANTED as discussed herein.

By order of the Public Utilities Commission of New Hampshire this sixteenth day of May, 2013.


Amy L. Ignatius (KNS)
Chairman


Michael D. Harrington
Commissioner


Robert R. Scott
Commissioner

Attested by:


Debra A. Howland
Executive Director

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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