

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

INTEGRYS ENERGY SERVICES, INC.	:	
RE-REGISTRATION AS A COMPETITIVE	:	DOCKET NO. DM 11-284
ELECTRIC SUPPLIER	:	

**INTEGRYS ENERGY SERVICES, INC.'S
MOTION FOR PROTECTIVE ORDER
RE: AGGREGATOR REPORT**

Pursuant to RSA 91-A:5(IV) and N.H. Code Admin. Rules Puc 203.08, Integrys Energy Services, Inc. ("Integrys" or the "Company") hereby requests protective treatment for the aggregator report that the Company submitted to the New Hampshire Public Utilities Commission ("Commission") in connection with its application for re-registration as a Competitive Electric Supplier ("Application"). In support of this Motion for Protective Order, Integrys states the following:

1. In its Application, Integrys seeks re-registration as a Competitive Electric Supplier. In support of the Application, Integrys submitted a listing of the aggregators with whom it does business and the number of customers that Integrys has enrolled through each of these aggregators in New Hampshire ("Aggregator Report"). This Aggregator Report contains confidential, commercial information and should be eligible for protection from public disclosure pursuant to RSA 91-A:5(IV).

2. Documents exempt from public disclosure include: "Records pertaining to . . . confidential, commercial, or financial information. . . ." RSA 91-A:5(IV). To determine whether certain information falls under this exemption and qualifies for protective treatment, the Commission applies a three-step analysis. *See Public Service of New Hampshire, Petition for*

Approval of Power Purchase Agreement with Laidlaw Berlin BioPower, LLC, Order No. 25,174 (Nov. 24, 2010) (citing *Lamy v. N.H. Pub. Utils. Comm'n*, 152 N.H. 106 (2005)), at 11. First, the Commission evaluates whether there is a privacy interest at stake that would be invaded by the disclosure; second, if a privacy interest is at stake, the Commission assesses the public's interest in disclosure; and third, when there is a public interest in disclosure, that interest is balanced against any privacy interests in nondisclosure. *Id.* at 12.

3. The Company has a significant privacy interest in the information contained in the Aggregator Report. Release of this information would put Integrys at a competitive disadvantage as it would provide the Company's competitors with information regarding the entities with which the Company does business and the volume of that business.

4. There is not a public interest in the information contained in the Aggregator Report that would warrant public disclosure. "Disclosure that informs the public of the conduct and activities of its government is in the public interest; otherwise disclosure is not warranted." *Public Service Company of New Hampshire, Reconciliation of 2009 Energy Service and Stranded Cost Recovery Charges*, Order No. 25,167 (Nov. 9, 2010), at 3. In this case, there is nothing in the Aggregator Report that informs the public of the conduct and activities of its government; rather, the information contained in the Aggregator Report pertains to the conduct and activities of private parties. Thus, there is not a public interest warranting disclosure.

5. Lastly, the harm to the Company outweighs the need for public disclosure. "Under administrative rule Puc 204.06 [predecessor to Puc 203.08], 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." *Northern Utilities, Inc., Rate Case*, Order No. 23,970 (May 10, 2002), at 3.

6. As discussed above, the Company would suffer a competitive disadvantage if the commercially sensitive information contained in the Aggregator Report were disclosed. This information is maintained as confidential by the Company and is not otherwise disclosed. Moreover, there is no overriding public interest that would warrant disclosure of the information contained in the Aggregator Report.

WHEREFORE, the Company respectfully requests that the Commission:

- (a) Issue an order protecting the information described above;
- (b) Hold the information described above in a secure location within the Commission's offices and not disclose such information to the public or any of the parties in this proceeding other than the Commission without the Company's consent; and
- (c) Grant such other and further relief as may be just and equitable.

Dated: December 29, 2011

Respectfully submitted,
INTEGRYS ENERGY SERVICES, INC.



By: _____
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Its Attorneys

Certificate of Service

I hereby certify that a copy of this Motion for Protective Order (without confidential material) has this day been sent electronically or by first class mail to all parties on the service list.

A handwritten signature in black ink, appearing to read "Joey Lee Miranda". The signature is written in a cursive, flowing style.

Joey Lee Miranda

Dated: December 29, 2011

Integrus Energy Services, Inc.'s aggregator report.

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*The numbers of customers is representative of the number of active customers with a start date through December 2011.