

3. Attachment 1 to NHGC's supplemental response to NHPUC 1-7 consists of an off-site storage agreement which contains certain pricing information that is competitively sensitive, proprietary and confidential to NHGC and its supplier.

4. R.S.A. 91-A:5(IV) expressly exempts from the public disclosure requirements of the Right-to-Know law, R.S.A. 91-A, any records pertaining to "confidential, commercial or financial information." The statute generally provides open access to public records but specifically recognizes that "records that would be within the scope of a privilege against discovery or used as evidence recognized by the court" may be protected from public disclosure. The Commission's rule on confidential treatment of public records, Puc 203.08, also recognizes that confidential, commercial or financial information may be appropriately protected from public disclosure pursuant to an order of the Commission.

5. Certain information contained in Attachment 1 should be protected from public disclosure because it is the result of negotiations between NHGC and its off-site storage supplier and, as such, is competitively sensitive, proprietary and confidential information. Disclosure of the information may compromise NHGC's supplier's competitive position by releasing confidential business information that is not otherwise available to its competitors or potential customers. Accordingly, release of this pricing information could cause NHGC's supplier economic harm by providing an advantage to its competitors.

6. NHGC makes a commitment to suppliers to maintain the confidentiality of their pricing data in the discovery process by seeking protective treatment from the Commission. Disclosure of this sensitive and proprietary pricing information could have a chilling effect on future competitive solicitations and could adversely affect NHGC's ability to negotiate favorable

terms for its future suppliers. Accordingly, NHGC submits that this information is well within the scope of "confidential, commercial or financial information" contemplated by R.S.A. 91-A:5(IV) and N.H. Admin. Rules, Puc 203.08, and accordingly, should be protected from public disclosure. The determination whether to disclose confidential information involves a balancing of the public's interest in full disclosure with the countervailing commercial or private interests for non disclosure. Union Leader v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997).

WHEREFORE, NHGC respectfully requests that the Commission issue an order protecting the confidential information specified herein from public disclosure.

Respectfully submitted,

NEW HAMPSHIRE GAS CORPORATION

By its attorney,



Meabh Purcell
Holland & Knight LLP
10 St. James Avenue
Boston, MA 02116
(617) 305-2141
meabh.purcell@hklaw.com

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STATE OF NEW HAMPSHIRE

BEFORE THE
PUBLIC UTILITIES COMMISSION

NEW HAMPSHIRE GAS)
CORPORATION)
2012-2013 WINTER PERIOD)
COST OF GAS ADJUSTMENT)

DG 12-284

CERTIFICATE OF SERVICE

I certify that I have caused a copy of the within to be served on each of the individuals on the Service List on file with the Secretary of the New Hampshire Public Utilities Commission.

Dated at Boston, Massachusetts, this 22nd day of October, 2011.



Meabh Purcell

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