

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Reconciliation of Energy Service and Stranded Costs for 2012

Docket No. DE 13-108

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR
CONFIDENTIAL TREATMENT REGARDING
STAFF QUESTION 1-7

Pursuant to RSA 91-A:5, IV and N.H. Code Admin. Rules Puc 203.08, Public Service Company of New Hampshire ("PSNH") hereby requests protective treatment for a portion of the response to data request 1-7 propounded by the Staff on PSNH. PSNH asserts that its responses contain confidential commercial information eligible for protection from public disclosure under RSA 91-A:5. In support of its Motion for Confidential Treatment, PSNH says the following:

1. With respect to data request Staff 1-7, that request reads as follows:

Reference Shelnitz testimony, Attachment MLS-4, page 14, lines 25 – 29. Please provide supporting calculations for each of the fuel price adjustments shown on these lines.

2. Data request Staff 1-7 seeks information, in part, about the Initial Wood Prices for certain biomass-fired generating facilities from which PSNH purchases electricity pursuant to purchased power agreements ("PPAs"), and certain adjustments to those prices. PSNH provided a response to the data request where the Initial Wood Prices and adjustments to them were redacted, but otherwise the response was not redacted. PSNH now seeks confidential treatment for the redacted portions of the response.

3. Before granting confidential treatment, the Commission must determine if there is a privacy interest to protect. *See Public Service Company of New Hampshire*, Order No. 25,187 (Dec. 29, 2010) at 8, *citing, Lambert v. Belknap County Convention*, 157 N.H. 375, 382 (2008).

Then the Commission will determine whether there is a public interest in disclosure. *Public Service*, Order No. 25,187 at 8. If both of these steps are met, the Commission will use a balancing test to weigh the importance of keeping the record public against the harm from disclosure of the material for which protection is requested. *Id.*

4. Disclosure of the fuel pricing information in these PPAs could, as the Commission has noted previously, impair the ability of PSNH and the generators in negotiation of any future agreements. *See Public Service Company of New Hampshire*, Order No. 24,839 (April 4, 2008) at 9-10. Accordingly, there is a privacy interest to protect. In that there is a privacy interest in the above described information, the Commission must determine whether there is any public interest in disclosure of the information. “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*, Order No. 25,187 at 8. The Commission has previously concluded that there is a measure of public interest in the information in the PPAs. *See Public Service Company of New Hampshire, et al.* Order No. 25,294 (November 23, 2011) at 12. Accordingly, PSNH turns to the final step of the analysis.

5. With respect to the balancing of interests, PSNH contends that the privacy interest outweighs any public interest and that confidential treatment is proper. In analyzing these PPAs previously, the Commission noted that disclosure of the Initial Wood Prices:

could undermine the [generators’] ability to negotiate with wood suppliers for the lowest wood prices going forward during the term of the Wood PPAs, and thus harm the [generators’] competitive position with respect to obtaining wood supply, which could, in part, cause PSNH’s ratepayers to pay more for the energy to be purchased under the PPAs than they otherwise would. For this reason, we conclude that the appropriate balance tips in favor of non-disclosure of the Initial Wood Prices.

Public Service Company of New Hampshire, et al. Order No. 25,294 (November 23, 2011) at 14. There has been no change in facts or circumstances that warrants a change from that earlier determination. Accordingly, PSNH requests confidential treatment of Staff 1-7 consistent with its redactions.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the redacted information in the response to Staff 1-7 and to order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

January 16, 2014
Date

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

January 16, 2014
Date


Matthew J. Fossum