

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

**PENNICHUCK EAST UTILITY, INC.
PETITION FOR AUTHORITY TO ISSUE LONG TERM DEBT
STATE REVOLVING LOAN FUND AMENDMENT**

**DW 14-
MOTION FOR CONFIDENTIAL TREATMENT**

Pennichuck East Utility, Inc. (“PEU” or the “Company”), asks the New Hampshire Public Utilities Commission (the “Commission”), pursuant to PUC 203.08, to grant confidential treatment to certain bid information included as an attachment to the testimony of John J. Boisvert in this proceeding. The information concerns the itemized bids of several contractors to perform the main replacement project for the W&E community water system.

Disclosure of this information would cause competitive harm to the Company, and potentially have a detrimental effect on the Company’s competitive bidding efforts in the future, because it could both discourage potential bidders and affect bidding strategies in ways that would increase costs to be borne by customers. The redacted information is not publicly available, and disclosing it would put the selected contractor and the other bidders at a competitive disadvantage in their industry by divulging the prices they charge for their services and harming their competitive position when bidding or negotiating for business in the future.

RSA 91-A:5, IV states that records pertaining to “confidential, commercial, or financial information” are exempt from public disclosure when such disclosure would constitute an invasion of privacy. The Commission routinely protects bid information and per-unit pricing, respectively, when it reviews default service bids and rate case expenses. See, for example, *Unitil Energy systems, Inc.*, Order No. 25,648 (April 11, 2014) Docket No. DE 14-061 and *Aquarion Water Works Company of New Hampshire, Inc.* Order No. 25,856 (October 22, 2013) Docket No. DW 12-085. The bid information submitted by contractors to perform the W&E main replacement merits protection for the same reasons that the Commission protects bid information from providers of electric default service and that it protects the hourly rate information of attorneys and consultants who participate in competitive bidding. The Commission has balanced the interest that a utility and its service providers have in the confidentiality of their bids and their hourly rates, i.e., per-unit pricing, against the public’s interest in the disclosure of such information and determined that confidentiality outweighs disclosure. The Commission has also determined that disclosure of such information would not inform the public about the workings of the Commission.

Accompanying this motion are redacted and unredacted copies of the information referred to above, prepared in accordance with Puc 201.04. The identities and bids of the unsuccessful bidders have been redacted and the per-unit costs of the successful and unsuccessful bidders have been redacted as well. For the reasons stated above, the Company asks that the Commission grant this motion and protect from public disclosure the confidential, commercial information described herein.

WHEREFORE, the Company respectfully requests that this Commission:

- (a) Issue an order protecting the information described above; and
- (b) Grant such other relief as may be just and equitable.

Respectfully submitted,

PENNICHUCK EAST UTILITY, INC.

By Its Attorneys

DEVINE, MILLIMET & BRANCH
PROFESSIONAL ASSOCIATION

Dated: November 14, 2014

By: 

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