

State of New Hampshire
Public Utilities Commission

Docket No. DG 17-048

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.
d/b/a LIBERTY UTILITIES**

Distribution Service Rate Case

Motion for Protective Order Related to Discovery Responses

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities, through counsel, respectfully moves the Commission pursuant to Puc 203.08 for a protective order precluding the disclosure of certain data responses and confidential attachments provided to Staff and the OCA during discovery in this matter.

In support of this motion, Liberty represents as follows:

1. Liberty notified the parties pursuant to Puc 203.08 to consider the data responses and attachments listed below to be confidential without then filing a motion. The rule allows such a claim of confidentiality:

In lieu of immediately filing a motion for confidential treatment, a party providing a document to the commission staff in discovery that the party wishes to remain confidential shall accompany the submission with a written statement that:

(1) The party submitting such documents has a good faith basis for seeking confidential treatment of the documents pursuant to this rule; and

(2) Such party intends to submit a motion for confidential treatment regarding such documents at or before the commencement of the hearing in such proceedings.

Puc 203.08(d).

2. The rule requires the party asserting confidentiality to file a motion to ensure the documents remain confidential:

Documents submitted to the commission or staff accompanied by a written statement pursuant to (d) shall be treated as confidential, provided that the party submitting the documents thereafter files a motion for confidential treatment at or prior to the commencement of the hearing in the proceeding.

Puc 203.08(e).

3. Liberty thus files this motion for confidential treatment of the following data responses and attachments:

- a. Confidential Attachment Staff 1-1.2.xlsx (consultant's proprietary model), Confidential Response to Staff 1-10, and Confidential Attachment Staff 1-10.4 (iNATGAS pricing, usage);
- b. Confidential Attachment Staff 2-5 and 2-6 (specific salary information);
- c. Response, Supplemental Response, and Confidential Attachment Staff 2-41 (potential Keene customer information);
- d. Confidential Attachments Staff 3-3, 3-4, and 3-5 (Keene employee information);
- e. Confidential Attachment Staff 5-4.3 (customer use), Confidential Attachment Staff 5-16, Confidential Attachment Staff 5-17.1, 5-17.2, and 5-17.3, Confidential Attachment Staff 5-36, Confidential Attachment Staff 5-50.a, and Confidential Response to Staff 5-56 (employee salary information);
- f. Confidential Attachment Staff 6-8 (employee engagement survey);
- g. Confidential Attachment Staff 8-7 (employee health benefits by name), Confidential Attachment Staff 8-23 (severance pay), Confidential Attachment Staff 8-28 and Confidential Attachment Staff 8-49.b (compensation data);
- h. Confidential Attachment Staff Tech 1-7, Response and Confidential Attachment Staff Tech 1-17, 1-17.1 and 1-17.2, Confidential Attachment Staff Tech 1-19, Confidential Attachment Staff Tech 1-26, Confidential Attachment Staff Tech 1-42 (compensation information);

- i. Confidential Response to OCA Tech 2-1 and 2-2 (training staff salary information); and
- j. Confidential Attachment Staff Tech 3-12.c (customer usage), and Confidential Attachment Staff Tech 3-18.b (payroll).

4. The rule requires a motion for confidential treatment to contain “a detailed description of the types of information for which confidentiality is sought,” reference to the legal support for confidentiality, a “statement of the harm that would result from disclosure,” and “any other facts relevant to the request for confidential treatment.” Puc 203.08(b).

5. Since each data response contains the information required by the rule, the public versions of those responses are attached to this motion and incorporated by reference in support of this motion.

6. The OCA and Commission Staff were very recently provided a draft of this motion and both assent to the relief sought.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Grant confidential treatment to the data responses and attachments listed above; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a
Liberty Utilities



Date: March 5, 2018

By: _____

Michael J. Sheehan, Senior Counsel #6590
116 North Main Street
Concord, NH 03301
Telephone (603) 724-2135
michael.sheehan@libertyutilities.com

Certificate of Service

I hereby certify that on March 5, 2018, a copy of this Motion has been electronically forwarded to the service list in this docket.

A handwritten signature in black ink, appearing to read "M. Sheehan", is written above a horizontal line.

Michael J. Sheehan