

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

DG 17-070

NORTHERN UTILITIES, INC.

**MOTION FOR PROTECTIVE ORDER
AND CONFIDENTIAL TREATMENT**

NOW COMES Northern Utilities, Inc. (“Northern” or the “Company”) and, pursuant to NH RSA 91-A:5, IV and N.H. Code of Administrative Rules (“N.H. Admin. Rules”) Puc 203.08, respectfully moves the New Hampshire Public Utilities Commission (“Commission”) to issue a protective order which accords confidential treatment to the following information contained in documents filed with the Company’s Petition for Rate Adjustments: (a) The detail of the revenues from the Company’s special contract customers in Revenue Requirement Workpapers 1.1 and 1.2 of witness David L. Chong.; and (b) Certain Company Officers’ Compensation contained in the Volume of Supplemental Filing Requirements pursuant to N.H. Code of Administrative Rules Puc 1604.01(a)(14). Northern has filed this information with the Commission and submitted it to the Office of Consumer Advocate with the understanding it will be maintained as confidential until the Commission rules on the within Motion.

In support of this Motion, Northern states as follows:

1. In support of its rate case filing in this docket, Northern has provided the detail of the revenues from the Company’s special contract customers in Revenue Requirement Workpapers 1.1 and 1.2 of witness David L. Chong. Northern seeks to protect this

information from public disclosure in order to protect Northern's competitive position as well as that of its special contract customers. Release of the above-described confidential information would likely result in harm to Northern in the form of being disadvantaged in price negotiations with customers or potential customers who have alternative options, whether from bypass, alternative fuel supplies, or from direct competitors. Public knowledge of the confidential information would impair Northern's future bargaining positions and thus its ability to obtain the maximum possible contribution to fixed costs. Northern must be able to maximize such contributions to fixed costs, as this benefits its firm ratepayers.

2. In accordance with N.H. Code of Admin. Rules Puc 1604.01(a)(14) Northern has submitted documents containing officer compensation and benefit information. The compensation of Northern's officers (the Company's President and three Senior Vice-Presidents) who are also officers of Northern's parent, Unitil Corporation, is public information which is annually disclosed in the Company's Proxy Statement filed with the federal Securities and Exchange Commission. The Company does not seek to protect this information from disclosure. The compensation of the remaining officers (the Company's Controller, Treasurer, four Vice-Presidents and Secretary), however, who are not officers of the parent, is not disclosed or publicly available. Public disclosure of the compensation and benefit information for these employees could harm Northern's ability to negotiate the terms of employment for its current and future employees. Moreover, allowing the Company's competitors access to such information could allow competitors and unfair advantage in competing to retain similar management and executive employees.

3. In determining whether confidential, commercial or financial information within the meaning of RSA 91-A:5, IV is exempt from public disclosure, the Commission employs

the analysis articulated in *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008) and *Lamy v. N.H. Public Utilities Commission*, 152 N.H. 106 (2005). Under this analysis the Commission first determines “whether the information is confidential, commercial or financial information, ‘and whether disclosure would constitute an invasion of privacy.’” *Unitil Energy Systems, Inc.*, DE 10-055, Order No. 25,214 (April 26, 2011), p. 35. If a privacy interest is implicated, the Commission then balances the asserted private confidential, commercial or financial interest against the public’s interest in disclosures in order to determine if disclosure would inform the public of the government’s conduct. *Id.* If it does not, then “disclosure is not warranted.” *Id.*

4. The above-described information meets the foregoing test. For the reasons presented above, all of the information is clearly confidential, commercial or financial, and disclosure of it would pose harm and constitute an invasion of privacy. Because such disclosure will not inform the public of the government’s conduct, the information should be protected.

5. Northern notes that it is providing the confidential information described herein directly to the Office of Consumer Advocate (“OCA”), as required by RSA 363:28, VI. Provision of these materials to the OCA offers assurance to the public that this information will be subject to investigation, discovery and analysis by that office, as well as by the Staff of the Commission, and that the results of such review will be provided to the Commission for its consideration.

6. Northern requests that the Commission issue an order protecting the above-described information from public disclosure and prohibiting copying, duplication, dissemination or disclosure of it in any form. Northern requests that the protective order also

extend to any discovery, testimony, argument or briefing relative to the confidential information.

WHEREFORE, Northern respectfully requests that the Commission:

A. Issue an appropriate order that exempts from public disclosure and otherwise protects as requested above the confidentiality of the above-described information designated confidential submitted herewith; and

B. Grant such further relief as may be just and appropriate.

Respectfully submitted

NORTHERN UTILITIES, INC.

By its Attorney:



Dated: June 5, 2017

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Certificate of Service

I hereby certify that on June 5, 2017, a copy of the foregoing Petition was hand delivered to the Office of Consumer Advocate.



Gary Epler