

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DE 17-124

PUBLIC SERVICE OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

Auction of Electric Generation Facilities

**COMMENTS OF INTERVENER TOWN OF NEW HAMPTON REGARDING THE
TREATMENT OF CONFIDENTIAL DATA**

NOW COMES Intervener Town of New Hampton ("the town") in the captioned Docket and hereby submits its Comments on the treatment of confidential data as set forth in the *Order of Notice* in this docket dated August 3, 2017 ("the Order of Notice").

1. The Order of Notice set forth the schedule which the Commission intends to follow in addressing J.P. Morgan's and Eversource's *Petition to Approve Sales of Assets* ("the petition"). The first technical session is to be held ten days after the filing of the petition.

2. The Order of Notice provides that the Commission will follow the same procedures in treating confidential auction data as it employed in Docket 02-075 (sale of Seabrook Station), specifically referencing Order 24,050 therein. Order 24,050 in turn referenced the more specific procedures set forth in Order 23,986 in the same docket. These 2002 Orders provided that access to confidential auction data, to include the bidding documents submitted by losing bidders, would be provided to those the Commission deemed appropriate. The Commission determined that intervenors are entitled to such access. It further held that access and use of the confidential auction data would be subject to a protective order and information disclosing the bidders' identities would be redacted.

3. The Town's concern with these procedures, which was voiced by the

undersigned at the August 18, 2017 Prehearing Conference, is the timing of the release of confidential information. Various parties discussed the issues involved in identifying confidential information on the bidding documents and the uncertainty as to when the documents would be ready for disclosure. The undersigned specifically asked whether the confidentiality issues would be resolved prior to the filing of the petition so that the documents would be made available when the petition was filed; the Town requires the full ten day time period between filing and the first technical session to fully evaluate both the winning bid and the losing bids.

4. While Mr. Speidel responded that the schedule could be "extended a little" if the information was not available at filing, a commitment was not made as to when the bidding documents would be available or whether any extension would provide ten days, at a minimum, for review. The Town specifically requests that the proposed schedule be extended by the number of days after the petition is filed that all bidding documents are available for review. The ten day period is hardly excessive given the volume of documents to review.

5. The Town does not believe, at this time, that it is necessary to know the identity of the losing bidders. However, it reserves the right to request such information in the event J.P. Morgan's decision to reject a bid which allocates a higher price to Ayers Island than the winning bid is based on factors other than price and it is not possible to evaluate the reasonableness of the rejection without knowing the identity of the bidder.

6. The town reserves its right to raise further issues regarding the treatment of confidential auction data should they arise.

Respectfully submitted,

TOWN OF NEW HAMPTON

By Its Attorneys,
MITCHELL MUNICIPAL GROUP, P.A.

Dated: 8/22/17

By: 
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Certificate of Service

I hereby certify that I served a copy of these Comments pursuant to Puc 203.11 to the current service list in this Docket and in DE 16-817 this 22nd day of August, 2017.

By: 
Judith E. Whitelaw