

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

Public Service Company of New Hampshire d/b/a Eversource Energy

Docket No. DE 19-139

2019 Least Cost Integrated Resource Plan

**REVISED MOTION FOR CONFIDENTIAL TREATMENT AND PROTECTIVE
ORDER**

Public Service Company of New Hampshire d/b/a Eversource Energy, (“Eversource” or the “Company”) respectfully requests, pursuant to Puc 203.08, that the New Hampshire Public Utilities Commission (“Commission”) grant confidential treatment and issue an appropriate protective order to protect from public disclosure certain confidential information provided by the Company in this proceeding. Specifically, the Company requests that the Commission issue an order requiring confidential treatment for certain substation status information as described below. In support of this motion, the Company states as follows:

1. On August 23, 2019, Eversource made a filing in the instant docket as it was described by Order No. 26,262 (June 14, 2019) in Docket No. DE 15-248. Along with that submission, Eversource filed a motion for confidential treatment of certain information. Specifically, Eversource sought confidential treatment of one-line diagrams and maps, information on transformer ratings or loading, information about the status of bulk substations, and certain personnel information. On October 14, 2019, the Staff partially objected to Eversource’s motion for confidential treatment. The Staff took no position relative to the personnel information identified by Eversource (Staff Objection at

footnote 1), and did not specifically reference the one-line diagrams and maps. Staff, however, did object to confidential treatment of the other transformer and substation information identified by Eversource.

2. On April 23, 2020, the Commission issued Order No. 26,350 granting, in part, and denying, in part, Eversource's motion. The Commission granted Eversource's requests relative to the one-line diagrams and maps¹ and as to the personnel information. Order No. 26,350 at 10-11, 12-13. The Commission denied Eversource's requests as to the transformer loading and rating information. Order No, 26,350 at 11. On the "status" information, the Commission noted that different types of information may require differing levels of confidential treatment, but the Commission lacked sufficient clarity to rule upon Eversource's requests at that time. The Commission, therefore, directed Eversource "to file a revised request that: (1) identifies the type of substation status information for which it seeks confidential treatment; and (2) provides a detailed statement of harm associated with each type of substation status information, consistent with Puc 203.08(b)(3)." Order No. 26,350 at 12. The Commission further ordered that Eversource "refile the documents at issue with redactions that are consistent with the findings above, as well as its revised request for confidential treatment of bulk substation status information within 30 days of this order." Order No. 26,350 at 13. This filing represents the revised request as described by the Commission and it is accompanied by revised documents consistent with the Commission's ruling.

¹ The basis for the Commission's ruling relative to the one-line diagrams and maps was not entirely clear to Eversource. Accordingly, Eversource has submitted a motion for reconsideration and/or clarification relative to that issue contemporaneously with this motion.

3. Consistent with Order No. 26,350, the revised documents accompanying this motion retain the redactions relative to the personnel information as well as the maps and one-line diagrams. Further, though the Company continues to consider it sensitive information because it can reveal the critical nature of a substation or transformer, prior redactions pertaining to transformer loadings and ratings have been removed as ordered by the Commission. For clarity, the transformer information is being revealed to comply with the Commission's order, and Eversource anticipates that the Commission will be responsible for addressing any acts or events involving improper use of that, or similar, information once revealed. Additional redactions, such as those pertaining to customer counts, have also been removed based on the Company's analysis of the Commission's order and the high likelihood the Commission would not find such information to be confidential. Again, the Company maintains the position that information which would describe the criticality of certain facilities or equipment (such as by revealing the number and/or type of customers served by that equipment) should be confidential. However, Eversource has understood from the Commission's rulings that continuing to maintain that information as confidential would not be supported. The redactions remaining, other than those described above, are addressed in this motion.

4. In determining whether documents are entitled to an exemption from disclosure under RSA 91-A, the Commission applies a three-step analysis to determine whether information should be protected from public disclosure. *See Lambert v. Belknap County Convention*, 157 N.H. 375 (2008); *see also Public Service Company of New Hampshire*, Order No. 25,313 (December 30, 2011) at 11-12. The first step is to determine if there is a privacy interest at stake that would be invaded by the disclosure. If

such an interest is at stake, the second step is to determine if there is a public interest in disclosure. The Commission has stated that disclosure should inform the public of the conduct and activities of its government; if the information does not serve that purpose, disclosure is not warranted. *Electric Distribution Utilities*, Order No. 25,811 (September 9, 2015) at 5. If both of these steps are met, the Commission balances the privacy interest with the public interest to determine if disclosure is appropriate. *Public Service Company of New Hampshire*, Order No. 25,167 (November 9, 2010) at 11-12. As noted by the Commission in Order No. 26,350, a statement of potential harm from disclosure is to accompany the request for confidential treatment.

5. Identified on Bates pages 26, 27 (footnote), 28-34, 57-60, 63, 73-74, 92, 94, 99, 143, 147-48 of Eversource's revised filing is information that falls into two categories, both of which should, in Eversource's assessment, remain confidential. The first category of information specified on those pages concerns substation configuration information, as well as similar descriptive information regarding substations. That is, the information describes how substations are set up and configured, what downstream loads are served (including those of specific customers or other utilities), and how critical a particular substation is to serving load in a given area. The second category is information about switching instructions or other actions that might be required in the event of a fault or equipment failure. Again, this is information describing the equipment within a substation, as well as how the Company might need to respond in the event of the failure of that equipment, whether such failure is caused by accident or malice.

6. Eversource contends that it has a strong interest in the confidentiality of the identified information because that material could be used to understand the most

effective ways to damage or destroy critical equipment as well as potential means of impeding or devastating the methods of recovering from such damage. Release of this material would pose a substantial security risk to the continued provision of reliable and safe electric service and to the long-term integrity of Eversource's electric system.

Accordingly, Eversource has a very high interest in maintaining the confidentiality of that information.

7. As to the public's interest in the identified information, Eversource contends that it is slight. Revealing information about the configuration and operation of substations would do little, if anything, to inform the public generally. In particular, having that information would do little to nothing to inform the public about the conduct and activities of the Commission.

8. The third step in the analysis is to balance the relevant interests. In Eversource's view, the substantial security risks, when balanced against the modest public interest, tips the scale in favor of confidentiality.

WHEREFORE, the Company respectfully requests that the Commission:

- A. Grant this Motion and issue an appropriate protective order; and
- B. Grant such further relief as is reasonable and appropriate.

Respectfully submitted this 21st day of May 2020.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a Eversource Energy

By its Attorney,



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CERTIFICATE OF SERVICE

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

Date: May 21, 2020



Matthew J. Fossum