

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-139

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

2019 Least Cost Integrated Resource Plan

Order Granting Rehearing

ORDER NO. 26,371

June 22, 2020

In this order, the Commission grants Eversource rehearing of Order No. 26,350 (April 22, 2020). Specifically, the Commission finds that one-line diagrams and maps containing bulk power system substations provided by Eversource are protected from disclosure pursuant to their designation as Confidential Energy Infrastructure Information under federal law.

I. PROCEDURAL HISTORY

On August 23, 2019, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) filed a petition for approval of its 2019 Least Cost Integrated Resource Plan (LCIRP). The petition included a motion for confidential treatment and protective order and multiple attachments. In the petition, Eversource requested confidential treatment of certain bulk electric system data, claiming it was protected from disclosure pursuant to federal law.¹ The bulk electric system² data at issue included bulk electric substation one-line

¹ Eversource also requested confidential treatment of certain personnel information, which was subsequently granted confidential treatment by the Commission. Order No. 26,350 at 12-13 (April 22, 2020).

² The North American Electric Reliability Council defines the bulk electric system as those facilities with a voltage of 100kV or more. North American Electric Reliability Council Definition Reference Document. (April 2014) Page 67.

diagrams and maps, transformer rating and loading information, and information about the status of bulk substations.

In Order No. 26,350 (April 22, 2020), the Commission granted Eversource's request for confidential treatment of bulk substation one-line diagrams and maps pursuant to RSA 91-A and denied Eversource's request for confidential treatment of bulk substation rating and loading information. Eversource filed a timely "Motion for Reconsideration and/or Clarification" regarding Order No. 26,350 (Motion) to which no objections were filed.

The Motion for Reconsideration and/or Clarification, and other docket filings, except any information for which confidential treatment is requested of or granted by the Commission, are posted at <http://www.puc.state.nh.us/Regulatory/Docketbk/2019/19-139.html>.

II. EVERSOURCE MOTION

In its Motion, Eversource requested that the Commission clarify that substation one-line diagrams and maps for which confidential treatment was granted in Order No. 26,350, is Confidential Energy Infrastructure Information (CEII). In the alternative, Eversource requested the Commission reconsider the basis for confidential treatment of that information which the Company considers to be CEII and protected from disclosure under federal law.

As the basis for its Motion, Eversource pointed to the Commission finding that "the bulk electric system data at issue... is [not] CEII," and claimed that precisely which bulk electric system data the Commission found not to be CEII is unclear. Motion at 2-3. Eversource further stated, for the first time, that the bulk substation one-line diagrams and maps were "provided to FERC [Federal Energy Regulatory Commission] as part of its regular Form 715 process pursuant to 18 CFR §141.300 and are treated as CEII in that process," and that they should be protected as CEII pursuant to 18 CFR §388.113(c)(1). Motion at 4. Based on that information, Eversource

asked the Commission to clarify that “the one-line diagrams and maps are not subject to the Commission’s traditional [RSA 91-A] balancing test, but are CEII and are entitled to protection as CEII.” Motion at 5.

III. COMMISSION ANALYSIS

Under RSA 541:3, the Commission may grant rehearing when a party states good reason for such relief. A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *Public Service Company of New Hampshire*, Order No. 25,239 at 8 (June 23, 2011). We find that good reason to grant rehearing exists.

A. Critical Energy Infrastructure Information Designation

As a threshold matter, our prior finding that the bulk electric system information was not CEII was appropriately based upon the record before us at the time. Our reasoning was clearly stated and noted that nothing in the record or Eversource’s motion indicated that the bulk electric system information had been submitted to or generated by FERC. Order No. 26,530 at 6-7. Eversource’s Motion also did not point to any instances where FERC had designated the information at issue as CEII. Nonetheless, the Commission applied a balancing test pursuant to RSA 91-A, and concluded the bulk electric system information, including bulk substation one-line diagrams and maps, should be treated as confidential.

B. Substation One-Line Diagrams and Maps

The Motion asserted for the first time that the bulk substation maps and one-line diagrams at issue “are provided to the FERC as part of its regular Form 715 process pursuant to 18 CFR § 141.300 and are treated as CEII in that process.” Motion at 4. Based on the new information provided by Eversource, we find that the substation one-line diagrams and maps constitute CEII and therefore are protected from potential disclosure under RSA 91-A. 18 CFR

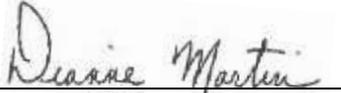
§388.113(c)(1); *see also* RSA 91-A:4, II (providing for disclosure “except as otherwise prohibited by statute”).

Based upon the foregoing, it is hereby

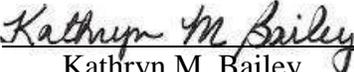
ORDERED, that Everource’s request for rehearing of Order No. 26,350 is GRANTED;
and it is

FURTHER ORDERED, that the bulk substation one-line diagrams and maps shall be protected from disclosure pursuant to their FERC Critical Energy Infrastructure Information designation.

By order of the Public Utilities Commission of New Hampshire this twenty-second day of June 2020.



Dianne Martin
Chairwoman

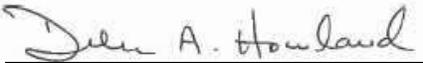


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket#: 19-139

Printed: 6/22/2020

Email Addresses

ExecutiveDirector@puc.nh.gov
james.brennan@oca.nh.gov
brian.buckley@puc.nh.gov
richard.chagnon@puc.nh.gov
pradip.chattopadhyay@oca.nh.gov
jessica.chiavara@eversource.com
kurt.demmer@puc.nh.gov
matthew.fossum@eversource.com
tom.frantz@puc.nh.gov
donald.kreis@oca.nh.gov
elizabeth.nixon@puc.nh.gov
amanda.noonan@puc.nh.gov
ocalitigation@oca.nh.gov
Christa.Shute@oca.nh.gov