

State of New Hampshire  
Public Utilities Commission

**Docket No. DE 20-036**

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP.  
d/b/a LIBERTY UTILITIES**

**REP/VMP**

**Motion for Protective Order Related to Discovery Responses**

Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities, through counsel, respectfully moves the Commission pursuant to Puc 203.08 for a protective order preserving the confidentiality of the attachments to the Company's responses to Staff 1-6, which contain a contractor's detailed pricing information.

In support of this motion, Liberty represents as follows:

1. Liberty notified the parties pursuant to Puc 203.08 to consider the attachments to its responses to Staff 1.6 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 Confidential Attachment Staff 1-6.b.1, Confidential Attachment 1-6.b.2, Confidential Attachment 1-6.b.3, and Confidential Attachment 1-6.b.4, as “confidential, commercial, or financial information” that is exempt from disclosure pursuant to RSA 91-A:5, IV. The redacted pricing information is commercially sensitive information for the contractor. Its disclosure would harm the contractor’s competitive interests and would jeopardize the Company’s future RFPs for similar service.

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 the data response contains the information required by the rule, in addition to what is summarized above, the public versions of that response is attached to this motion and incorporated by reference. The redacted versions of the relevant excerpts of the attachments are also attached.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Grant confidential treatment to the attachments to the Company’s response to Staff 1-6 listed above; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Liberty Utilities (Granite State Electric) Corp. d/b/a  
Liberty Utilities



Date: April 27, 2020

By:

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Certificate of Service

I hereby certify that on April 27, 2020, a copy of this Motion has been electronically forwarded to the service list in this docket.



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Michael J. Sheehan