

TAB 4

Motion for Protective Order and Confidential Treatment

Puc 203.08

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

)
PETITION FOR APPROVAL OF)
PERMANENT RATES AND)
PROPOSED TARIFF REVISIONS)
)
ATKINSON AREA WASTE)
WATER RECYLCING, INC.)
 Petitioner)
_____)

DOCKET NO. DW 20-071

**MOTION FOR CONFIDENTIAL TREATMENT
AND PROTECTIVE ORDER**

Atkinson Area Waste Water Recycling, Inc. (“AAWW” or the “Company”) respectfully moves the New Hampshire Public Utilities Commission (the “Commission”) to grant a protective order for certain confidential information contained in the Company’s “Petition for Approval of Permanent Rates and Proposed Tariff Revisions” pursuant to R.S.A. 91-A:5(IV) and NH. Admin Rules, Puc 203.08.

In support of this motion, AAWW states as follows:

1. AAWW filed a rate case proceeding and N.H. Admin. Rule Puc (hereafter “Puc”) 1604(b) requires the Company to provide supporting information, contents, and documents. AAWW deems some of the information required by Puc 1604(b) to be confidential.

2. Specifically, Puc 1604(b)(9) (payments to related entities for contractual services) requires AAWW to provide data from a Management/Service/Rental Agreement and a Billing Services Agreement it has with related entities for the test period. AAWW is providing this information at Tab 22 of its rate case filing.

3. Pursuant to Puc 203.08 (a) “the commission shall upon motion issue a protective order providing for confidential treatment of one or more documents upon a finding that the document or documents are entitled to such treatment pursuant to RSA 91-A:5, or other applicable law...”

4. The Commission employs a multi-part analysis to determine whether certain information qualifies for confidential treatment: (1) whether the information sought is confidential, commercial, or financial information; and (2) whether disclosure of that information would constitute an invasion of privacy. *EnergyNorth Natural Gas, Inc. d/b/a National Grid NH*, DG 10-017, Order No. 25-208 at 7-8 (March 23, 2011). An invasion of privacy analysis, in turn, requires an evaluation of three factors: (1) whether there is a privacy interest at stake that would be invaded by disclosure; (2) whether there is public interest in disclosure; and (3) a balance of the public’s interest in disclosure and the interests in nondisclosure. *Lamy v. N.H. Pub. Util. Comm’n*, 152 N.H. 106, 109 (2005)

5. RSA 91-A:5(IV) expressly exempts from public disclosure requirements of any “records pertaining to...confidential, commercial or financial information...” RSA 91-A:5 (IV).

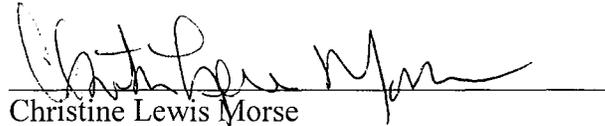
6. The proposed agreements fall within RSA 91-A:5(IV) exemption because they are confidential commercial or financial information that reveals terms of such management and billing services.

7. Based on the foregoing, AAWW requests that the Commission issue a protective order granting this motion and protecting from public disclosure the information identified in this motion.

WHEREFORE, Atkinson Area Waste Water Recycling, Inc., respectfully requests the Commission issue an order protecting the confidential information specified herein from public disclosure.

Respectfully submitted,

ATKINSON AREA WASTE WATER RECYCLING, INC.

A handwritten signature in black ink, appearing to read "Christine Lewis Morse", written over a horizontal line.

Christine Lewis Morse
Vice President

Dated: August __, 2020