

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

	)	
<b>PETITION FOR APPROVAL OF</b>	)	
<b>PERMANENT RATES AND</b>	)	
<b>PROPOSED TARIFF REVISIONS</b>	)	
	)	<b>DOCKET NO. DW 20-091</b>
<b>ATKINSON AREA WASTE</b>	)	
<b>WATER RECYLCING, INC.</b>	)	
Petitioner	)	
	)	

**MOTION FOR CONFIDENTIAL TREATMENT  
AND PROTECTIVE ORDER – DOCUMENTS PRODUCED IN RESPONSE TO  
STAFF’S DATA REQUESTS – SET 2-5**

Atkinson Area Waste Water Recycling, Inc. (“AAWW” or the “Company”) respectfully moves the New Hampshire Public Utilities Commission (the “Commission”) to issue a protective order providing for the confidential treatment of documents submitted with this motion pursuant to N.H. Admin. Rule Puc 201.04(b) and (c) (hereinafter, “Puc\_\_\_”). These documents are the Company’s responses to Staff 2-5 of Staff Data Requests –Set 2. This motion is made pursuant to R.S.A. 91-A:5(IV) and NH. Admin Rules, and Puc 203.08.

In support of this motion, AAWW states that the attached documents contain confidential information not available to the public and that the company does not want to become part of the public docket. See Puc 203.08(c)

In further support of this motion, the Company states the following.

1. The Company’s response to Staff 2-5 are stock certificates showing company ownership and officers of Lewis Builders Development, Inc., Atkinson Concessions, Inc., and Atkinson Farm, LLC, all privately held companies. Such

information is private and confidential, and not available to the public as each of the companies are closely held.

2. 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...”
3. 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)
4. 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).
5. AAWW asserts the information sought in Data Requests Staff 2-5 falls within RSA 91-A:5(IV) exemption because such information is confidential information that reveals information that is not otherwise publicly available, and there is not a strong public interest in disclosure, particularly given AAWW’s Stock

Certificates are not available to the public as each of the companies are closely held. Accordingly, the balance between the public's interest and the interests in nondisclosure falls in favor of nondisclosure.

6. For these reasons, AAWW requests that the Commission grant this motion and issue a protective order providing for the confidential treatment of the documents attached to this motion.

WHEREFORE, Atkinson Area Waste Water Recycling, Inc., requests the Commission grant this motion and issue an order protecting from public disclosure the information identified in this motion that the Company asserts is confidential.

Respectfully submitted,

ATKINSON AREA WASTE WATER RECYCLING, INC.

Dated: December 2, 2020

/s/ Anthony S. Augeri  
Anthony S. Augeri, Esq., General Counsel

Certificate of Service

I hereby certify that a copy of the foregoing petition and supporting materials have been sent by email this 2<sup>nd</sup> day of December 2020 to the Office of the Consumer Advocate at [OCALitigation@oca.nh.gov](mailto:OCALitigation@oca.nh.gov) and to the service list for this docket.

/s/ Anthony S. Augeri  
Anthony S. Augeri, Esq., General Counsel