

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**

**THE HAMPSTEAD AREA
WATER COMPANY, INC.**

Petitioner

DOCKET NO. DW 20-117

**MOTION FOR CONFIDENTIAL TREATMENT
AND PROTECTIVE ORDER**

The Hampstead Area Water Company, Inc. (“HAWC” 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 201.04(b) and (c), and Puc 203.08.

In support of this motion, HAWC states as follows:

1. HAWC filed a rate case proceeding and N.H. Admin. Rule Puc (hereafter “Puc”) 1604.01(a) requires the Company to provide supporting information, contents, and documents. HAWC deems some of the information required by Puc 1604(b) to be confidential.
2. Specifically, Puc 1604.01(a)(17) (payments to related entities for contractual services) and Puc 1604.01 (a)(26) (support for figures appearing ... in accompanying exhibits) requires HAWC to provide data from a

Management/Service/Rental Agreement it has with related entities for the test period within Exhibits 1 and 2 of Schedule A of said Agreement. HAWC is providing this information at Tab 31 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 agreement falls 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. For these reasons, HAWC requests that the Commission issue a protective order granting this motion and protecting from public disclosure the information identified in this motion that the Company asserts is confidential.
8. The parts of the Management/Service/Rental Agreement the Company asserts is confidential, which is contained in Exhibits 1 and 2 of Schedule A of said Agreement, are attached to this Motion and submitted pursuant to Puc 201.04(b) and (c).

WHEREFORE, The Hampstead Area Water Company, Inc., respectfully 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,

THE HAMPSTEAD AREA WATER COMPANY, INC.

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

Dated: November 24, 2020