

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

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

Docket No. DE 20-161

Least Cost Integrated Resource Plan

MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT

Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”) hereby requests that the New Hampshire Public Utilities Commission (“Commission”) grant protection from public disclosure of certain confidential, sensitive and proprietary information submitted in this docket pursuant to Puc 203.08 and RSA 91-A:5. Specifically, the Company requests that the Commission protect from public disclosure certain information contained in Eversource’s responses to data requests that have been marked as Exhibit 12 for the hearing scheduled for January 24 - 25, 2023 in the above-captioned proceeding. Exhibit 12 includes certain confidential energy infrastructure information, including information that is deemed Critical Energy Infrastructure Information (“CEII”) under federal law, and certain substation information as described below. Exhibit 12 also includes forward-looking financial information. In support of this motion, the Company states as follows:

1. Exhibit 12 contains the confidential attachments to the Company’s responses to data requests by the Department of Energy. These confidential attachments provide detailed information regarding the Company’s infrastructure, including maps and one-line diagrams

depicting critical energy infrastructure. These attachments also include forward-looking financial information related to the Company's capital investment planning. This information was redacted in the public version of these attachments, provided for the evidentiary hearing as Exhibit 11.

2. In determining whether the information identified in the relevant documents are entitled to an exemption from disclosure under RSA 91-A, the Commission applies a three-step analysis to determine whether information should be protected from public disclosure. *See Lambert v. Belknap County Convention*, 157 N.H. 375 (2008); *see also Public Service Company of New Hampshire*, Order No. 25,313 (December 30, 2011) at 11-12. The first step is to determine if there is a privacy interest at stake that would be invaded by the disclosure. If such an interest is at stake, the second step is to determine if there is a public interest in disclosure. The Commission has stated that disclosure should inform the public of the conduct and activities of its government; if the information does not serve that purpose, disclosure is not warranted. *Electric Distribution Utilities*, Order No. 25,811 (September 9, 2015) at 5. If both of these steps are met, the Commission balances the privacy interest with the public interest to determine if disclosure is appropriate. *Public Service Company of New Hampshire*, Order No. 25,167 (November 9, 2010) at 11-12. As noted by the Commission in Order No. 26,350, a statement of potential harm from disclosure is to accompany the request for confidential treatment.
3. Exhibit 12 contains information that falls into two categories, both of which should, in Eversource's assessment, remain confidential. The first category of information specified on the redacted pages concerns substation and system configuration information (including maps and one-line diagrams), as well as similar descriptive information

regarding substations, and includes information that qualifies as CEII under Federal law. That is, the information describes how substations are set up and configured, what downstream loads are served (including the loads of other utilities), and how critical, or not, a particular substation is to serving load in a given area.

4. Eversource has a strong interest in the confidentiality of this category of information because that material could be used to identify vulnerabilities and assess the most effective ways to damage or destroy critical equipment as well as means of impeding or devastating the methods of recovering from such damage. Release of this material would pose a substantial security risk to the continued provision of reliable and safe electric service and to the long-term integrity of Eversource's electric system. Accordingly, Eversource has a very high interest in maintaining the confidentiality of that information.

5. The second category is information about forward looking capital investments, budgeting, and forecasting. This information constitutes non-public, forward-looking financial information that is maintained by the Company as highly confidential and proprietary, and is not disclosed publicly. The Company's financial data and forward-looking financial projections, and the basis for these data and projections, are considered proprietary, commercially sensitive and strategic non-public business information. It would be highly prejudicial and harmful to the Company if this information were to be revealed to investors or potential investors, as well as those who might look to use such information for their own gain. Any public disclosure of such information would be detrimental to the business interests of the Company in its service to customers and would allow unfair access to competitive information.

6. As to the public's interest in the identified information in the first category, any such interest is minimal. In fact, revealing information about the configuration and operation of the Company's equipment would do little, if anything, to inform the public generally regarding the substance of this docket. In particular, having access to such information would do little to nothing to inform the public about the conduct and activities of the Company and the Commission. Accordingly, the privacy interests of the Company substantially outweigh the public interest in disclosure.

With respect to the second category of information, the privacy interests of the Company also outweigh the public interest. If the Company's forward-looking financial forecasts were disclosed, the Company would have difficulty negotiating for the procurement of necessary services, materials and supplies from vendors in the future at the lowest cost, which would ultimately harm the Company's customers through higher prices for service. In addition, release of such information outside of annual and quarterly reporting cycles required by securities laws also has the potential to cause a detrimental impact to the Company. As such, any public interest in this information is substantially outweighed by the Company's privacy interest and the potential harm that would be caused by release of the information.

7. The third step in the Commission's analysis is to balance the relevant interests. In Eversource's view, the substantial security risks and privacy interests of the Company, when balanced against the modest public interest, tips the scale in favor of confidentiality.

WHEREFORE, Eversource respectfully request that this Commission:

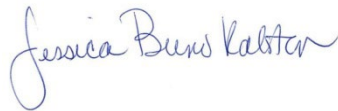
- A. Grant this Motion and issue an appropriate protective order; and
- B. Grant such further relief as is reasonable and appropriate.

Dated: January 17, 2023

Respectfully submitted,

**PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE D/B/A EVERSOURCE ENERGY,**

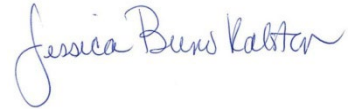
By its Attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2023, a copy of this motion has been electronically forwarded to the service list in this docket.



Jessica Buno Ralston