

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Default Energy Service Rate

Docket No. DE 08-113

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER RE: COAL SUPPLY CONTRACTS AND
BILATERAL POWER CONTRACTS

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH" or the "Company") hereby requests protective treatment for the response to two data requests propounded by the Staff. The responses contain details of coal supply contracts and terms of individual bilateral power purchases. In support of its Motion for Protective Order, PSNH says the following:

1. The data requests are as follows:

NSTF-01 Q- STAFF-017

Question: Please supply a list of all coal contracts currently in effect. For each contract, please identify the contracting party, source of the coal, sulfur content, price per ton (indicating whether it is a mine-mouth or delivered price), whether the coal is for use at Merrimack, Schiller or both, and the duration of the contract.

NSTF-01 Q- STAFF-011

Question:

Reference Attachment RAB-2, page 3, lines 24-25. For the known purchases, please provide a list of the contracts including the dates they were executed, the duration of the contracts, the quantity purchased and the purchase prices. Please respond in a format similar to the response to NSTF-01, Q-STAFF-020 in DE 07-096.

The attachments to Response No. 17 are a list of details regarding all of the coal contracts that will be in effect for the upcoming Default Energy Service rate period. The response to Request No. 11 includes the months, prices and quantities of power secured through bilateral purchases that have been arranged for supplying supplemental power for the upcoming Default Energy Service rate period.

2. The Commission must use a balancing test in order to weigh the importance of keeping open the record of this proceeding with the harm from disclosure of confidential financial or competitive information. “Under administrative rule Puc 204.06, the Commission considers whether the information, if made public, would likely create a competitive disadvantage for the petitioner; whether the customer information is financially or commercially sensitive, or if released, would likely constitute an invasion of privacy for the customer; and whether the information is not general public knowledge and the company takes measures to prevent its' dissemination.” *Re Northern Utilities, Inc.*, 87 NH PUC 321, 322, Docket No. DG 01-182, Order No. 23,970 (May 10, 2002).

3. The limited benefits of disclosing the information outweigh the harm done by disclosing the information and the potential harm to the owners of the facilities from disclosure. Pricing terms with power suppliers and fuel suppliers have traditionally been kept confidential. *See, Re EnergyNorth Natural Gas, Inc. dba KeySpan Energy Delivery New England*, Docket No. DG 03-068, Order No. 24,167, 88 NH PUC 221 , 226 (2003).

4. Release of this information would put PSNH at a disadvantage with respect to negotiations in the future with coal suppliers and suppliers of supplemental power. Traditionally these contracts and purchase power agreements have been kept confidential to protect both parties. Fewer suppliers may want to negotiate future supply contracts if they assume that the information in the final

contract will be made public. Fewer suppliers means a less competitive arena in which PSNH procures coal and supplemental power supplies. A similar motion was granted in the previous Default Energy Service rate setting docket DE 07-096. Order No. 24,814, slip op. at 20 (December 28, 2007).

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the responses to NSTF-01, Q-STAFF-017 and NSTF-01, Q-STAFF-011 and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

Oct 23 2008
Date

By: Gerald M. Eaton
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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be hand delivered or sent by First Class U.S. Mail, postage prepaid, to the persons listed on the attached cover letter.

October 23 2008
Date

Gerald M. Eaton
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