

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

RE: ENERGINORTH NATURAL GAS, INC.  
D/B/A KEYSpan ENERGY DELIVERY NEW ENGLAND

INTEGRATED RESOURCE PLAN 2006

DOCKET NO. DG DG-06-105

**MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT  
REGARDING INFORMATION PROVIDED IN CERTAIN  
RESPONSES TO STAFF'S DATA REQUESTS**

EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England ("KeySpan") respectfully requests that the Commission issue a protective order regarding certain materials in the above referenced proceeding. In support of its motion, KeySpan states as follows:

1. KeySpan Energy Delivery New England provided confidential information in certain responses to Staff's data requests in the above-captioned matter. KeySpan hereby submits this Motion seeking confidential treatment of this information. KeySpan has submitted in this docket the information described below, subject to its right to seek a suitable protective order from the Commission, pursuant to N.H. Code of Admin. Rules Puc 203.08.

- A. Staff 1-9(b): This response provides the RFP bidder list of suppliers for gas supply contracts created by KeySpan for requesting seasonal supplies for the upcoming winter season.
- B. Staff 1-19(a-q): This response provides the bidder list responses to the RFP that was issued by KeySpan on August 7, 2006 for gas supply contracts to replace the expiring CoEnergy Trading/DTE Energy and the DOMAC FVS contracts.

- C. Staff 1-37: This response provides correspondence from Tennessee Gas Pipeline Company to KeySpan regarding pricing estimates and preliminary analysis for compression to expand the Concord lateral capacity.
- D. Staff 1-54: This response provides an excel spreadsheet created by KeySpan containing 25-year actual EDD data.
- E. Staff 3-1: This response provides pricing estimates and further analysis to define the specifics of the expansion of Concord lateral from Tennessee Gas Pipeline Company.
- F. Staff Tech 1-3: This response provides a comparison of possible TGP projects to other projects and transportation capacity pricing options.
- F. Staff Tech 2-1: This response provides the back up documents to develop the high cost demand charge in company's design day standard for gas supply pricing.

2. With the exception of the response to Staff 1-54, the foregoing responses to data requests contain pricing information and responses to requests for proposals ("RFPs") that constitute confidential commercial information and, therefore, is exempt from public disclosure under the New Hampshire Right to Know Act, RSA 91-A. Furthermore, KeySpan has a contractual obligation to keep the information provided by potential gas suppliers in the RFP responses confidential. Any release of the information contained in these responses is likely to have a negative impact on the robustness of the responses and information provided to KeySpan in future RFPs. This information is of the same nature as that for which the Commission has routinely provided protective treatment in numerous cost of gas and other proceedings involving KeySpan.

3. The information provided in response to Staff 1-54 was obtained by KeySpan from a third party vendor and is proprietary to that vendor. KeySpan is

obligated to maintain the information in confidence under its arrangement with the third party vendor.

4. The foregoing information constitutes trade secrets and confidential information of KeySpan. KeySpan does not disclose this information to anyone outside of its corporate affiliates and their representatives.

5. Redacted and unredacted copies of the information referred to above have been provided to the Commission staff and the Office of Consumer Advocate prior to the filing of this motion. By this motion, KeySpan is seeking a protective order covering the unredacted copies.

6. Release of the information that KeySpan seeks to protect is likely to result in a competitive disadvantage for KeySpan in the form of less advantageous or more expensive gas supply contracts. Suppliers possessing the confidential information described above would be aware of KeySpan's expectations regarding gas supply costs and other contract terms, and would be unlikely to propose to supply such goods and services on terms significantly more advantageous to KeySpan. If KeySpan were to receive less favorable agreements due to public disclosure, customers would ultimately bear the burden of the increased costs.

7. RSA 91-A:5, IV expressly exempts from the public disclosure requirements of Chapter 91-A any records pertaining to "confidential, commercial or financial information." The Commission has the authority to protect the information described above pursuant to N.H. Code of Admin. Rules Puc 203.08.

8. KeySpan requests that the Commission issue a protective order granting this motion and protecting from public disclosure the confidential commercial

information described above. Copying, duplication, dissemination or disclosure in any form should be prohibited and the protected materials should be returned at the conclusion of the proceeding or destroyed on terms acceptable to KeySpan. The protective order should also be extended to any discovery, testimony, argument or briefing relative to the confidential information.

WHEREFORE, KeySpan respectfully requests that the Commission:

- A. Issue an order protecting the information described above; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

ENERGYNORTH NATURAL GAS, INC. D/B/A  
KEYSPAN ENERGY DELIVERY NEW ENGLAND

By Its Attorneys

MCLANE, GRAF, RAULERSON &  
MIDDLETON, P.A.

Date: January 9, 2008

By: 

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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Protective Order and Confidential Treatment Regarding Information Provided in Certain Responses to Staff's Data Requests have been forwarded to the Office of Consumer Advocate.

Dated: January 9, 2008



Steven V. Camerino