

**THE STATE OF NEW HAMPSHIRE**

**BEFORE THE**

**PUBLIC UTILITIES COMMISSION**

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. D/B/A LIBERTY UTILITIES**

**Docket No. DG 14-091**

**MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty” or the “Company”), in accordance with Puc 203.08, hereby moves the New Hampshire Public Utilities Commission (the “Commission”) to grant protective treatment to certain confidential personal financial information provided in response to discovery regarding the Special Contract and Lease Agreement between the Company and Innovative Natural Gas, LLC d/b/a iNATGAS (“iNATGAS”). In support of this motion, the Company states as follows:

1. On April 2, 2014, the Company entered into a Special Contract and a Lease Agreement with iNATGAS pursuant to which iNATGAS will construct and operate a compressed natural gas vehicle fueling station on the Company’s property in Concord, New Hampshire. On April 4, 2014, the Company filed a Petition for Approval of the Special Contract and Lease Agreement as well as the Direct Testimony of William J. Clark and Stephen R. Hall.

2. The proposed arrangement includes a number of financial protections for the Company. Under the Master Project Agreement, Alternative Vehicle Service Group, LP (“AVSG”), an affiliate of iNATGAS, and its principal, Babak Alizadeh, are required to provide a guaranty to EnergyNorth in which they jointly and severally unconditionally guaranty

iNATGAS's obligations under the Lease Agreement and the Special Contract for five years from the date of the commencement of the lease. *See* Direct Testimony of William Clark, pp. 11-12 and Attachment WJC-1 (Master Project Agreement and Guaranty). Parties to this proceeding have issued discovery requests to the Company (OCA-1-12) seeking information regarding Mr. Alizadeh's personal financial information. By this motion, the Company requests that the Commission grant a protective order prohibiting the public disclosure of the personal financial information of Mr. Alizadeh.

3. RSA 91-A:5,IV exempts from public disclosure records that constitute confidential, commercial, or financial information. Based on *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008), the Commission applies a three-step analysis to determine whether information should be protected from public disclosure. *See, e.g. Public Service Company of New Hampshire*, Order No. 25,313 at 11-12 (December 30, 2011). 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 held that disclosure that informs the public of the conduct and activities of its government is in the public interest; otherwise, public disclosure is not warranted. *Public Service Company of New Hampshire*, Order 25,167 at 3 (November 9, 2010). If both of these steps are met, the Commission balances those interests in order to weigh the importance of keeping the record public with the harm from disclosure of the material for which protection is requested. *Id.* at 3-4.

4. Applying this three-part test, the first inquiry is whether there is a privacy interest in the Mr. Alizadeh's personal financial information. Mr. Alizadeh is a principal of ASVG and iNATGAS, privately held entities which are not subject to economic regulation and which

operate in the highly competitive CNG markets. Neither Mr. Alizadeh's personal financial information, nor the financial information of iNATGAS and ASVG, is subject to public disclosure. Accordingly, it is fair to conclude that Mr. Alizadeh has a privacy interest in his personal financial information.

5. The next step in the analysis is to consider whether there is a public interest in disclosure of the information, including whether release of the information lends any insight into the workings of government as it relates to this case. Here, public disclosure of this information would not materially advance the public's understanding of the Commission's analysis in this proceeding. The Commission will release publicly the results of its financial analysis of the transaction, including whether the terms of the Lease and Special Contract are in the public interest. Disclosure of Mr. Alizadeh's personal financial information does not shed light on how the Commission works. The work that the Commission undertakes to review this transaction will be publicly available and as a result the Commission's work will be available for public scrutiny. Even if one were to conclude that there is a public interest in disclosure of Mr. Alizadeh's personal financial information, that public interest is outweighed by the harm that could occur as a result of that disclosure and the privacy interests at stake. As explained in Mr. Clark's testimony, the CNG marketplace is highly competitive and it is advantageous to the Company and its customers to be able to develop this business. If principals of privately held competitors such as Mr. Alizadeh were required to disclose personal financial information, it might serve to discourage these types of business opportunities in the future, which is not a desirable outcome.

6. For these reasons, Liberty requests that the Commission issue a protective order preventing the public disclosure of the personal financial information of Mr. Alizadeh.

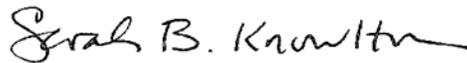
WHEREFORE, Liberty respectfully requests that the Commission:

- A. Grant this Motion for Protective Order and Confidential Treatment; and
- B. Such other relief as is just and equitable.

Respectfully submitted,

LIBERTY UTILITIES (ENERGYNORTH NATURAL  
GAS) CORP.  
D/B/A LIBERTY UTILITIES

By its Attorney,



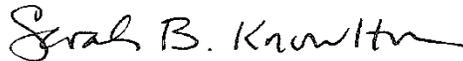
Date: May 19, 2014

By:

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Certificate of Service

I hereby certify that on May 19, 2014, a copy of this Motion has been forwarded to the service list in this docket via electronic mail.



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Sarah B. Knowlton