

DE 99-205

GRANITE STATE ELECTRIC COMPANY

Petition to Implement Default Service

Order Approving Motion for Confidential Treatment

O R D E R N O. 23,476

May 15, 2000

I. **PROCEDURAL HISTORY**

On December 27, 1999, the Petitioner, Granite State Electric Company (Granite State or the Company), filed with the New Hampshire Public Utilities Commission (Commission) a proposal for the implementation of Default Service to become effective on or before February 1, 2000. On January 27, 2000, the Commission issued Order No. 23,393 approving the Company's implementation of Default Service, effective February 1, 2000 through April 30, 2000, and ordered the Company to file a compliance tariff with the Commission on or before February 10, 2000, in accordance with N.H. Admin. Rules, Puc 1603.02(b).

On February 10, 2000, Granite State filed its compliance tariff, as well as a Motion for Confidential Treatment, pursuant to NH Admin. Rules Puc 203.04 and 204.06, with respect to Staff data request 1-8, issued January 24, 2000. This data request concerned the underlying wholesale price bid by the supplier, Morgan Stanley Capital Group, Inc.

(Morgan Stanley), for Default Service and the underlying system loss numbers used to calculate the Retail Price. Although the Retail Price is not confidential, Granite State avers that the actual wholesale price bid by the supplier as part of a competitive process is commercially sensitive information for which confidential treatment is appropriate. Granite State maintains that disclosure of the information could be harmful to Morgan Stanley's competitive position and could chill its willingness, and the willingness of other potential suppliers, to participate in providing energy service in New Hampshire in the future, thereby affecting the ability of Granite State and its customers to procure the lowest cost service.

II. COMMISSION ANALYSIS

The Commission recognizes that the aforementioned data response contains "confidential, commercial or financial information", of which Granite State and Morgan Stanley have taken steps to protect, and which could cause them harm if made public. All of the information requested has been made available to the Commission and the Commission Staff.

Based on Granite State's representations, and there being no objection from any other party, under the balancing test we have applied in prior cases, e.g., *Re NET (Auditel)*, 80 NH PUC 437

(1995), *Re Eastern Utilities Associates*, 76 NH PUC 236 (1991), we find that the benefits to Granite State and Morgan Stanley of non-disclosure in this case outweigh the benefits to the public of disclosure. The information, therefore, is exempt from public disclosure pursuant to RSA 91-A:5,IV and Puc 204.06.

Based upon the foregoing, it is hereby

ORDERED, that Granite State's Motion for Confidential Treatment with respect to information provided in response to Staff Data Request No. is APPROVED; and it is

FURTHER ORDERED, that the determination as to protective treatment made herein is subject to the ongoing authority of the Commission, on its own motion or on the motion of Staff, any party or any other member of the public, to reconsider this Order in light of RSA 91-A, should circumstances so warrant.

By order of the Public Utilities Commission of New Hampshire this fifteenth day of May, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary