

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

\_\_\_\_\_)  
NORTHERN UTILITIES, INC. )  
2006 Long Range Integrated Resource Plan )  
Total System Portfolio ) Docket DG 06-\_\_\_\_  
\_\_\_\_\_)

**MOTION FOR PROTECTION FROM PUBLIC DISCLOSURE  
AND CONFIDENTIAL TREATMENT**

NOW COMES Northern Utilities, Inc. (“Northern”) and respectfully requests that the New Hampshire Public Utilities Commission (“Commission”) grant a protective order for certain confidential information consistent with R.S.A. 91-A and N.H. Admin. Rules, Puc 204.07. Specifically, Northern requests that the Commission issue its order requiring that the schedules supporting Northern’s SENDOUT® runs be treated as confidential commercial information and in the nature of a trade secret, and not be made part of the public record in this proceeding. Northern intends to make such information available to the Commission Staff and the Consumer Advocate under its requested protective order.

In support of its motion, Northern states the following:

1. Northern’s 2006 Long-Range Integrated Resource Plan was filed this date pursuant to the stipulation and settlement in Docket DG 05-080. Northern’s 2006 IRP includes an analysis of the needs of the combined portfolio for its Maine Division and its New Hampshire Division. In order to provide the background for

the analysis, Northern has included its SENDOUT<sup>®</sup> analysis as Tab  
CONFIDENTIAL SENDOUT<sup>®</sup> Model, which includes Run 1 and Run 2.

2. The SENDOUT<sup>®</sup> Model evaluates resource options on a total portfolio basis. In order to support the inclusion of the analyses undertaken by Northern to establish and justify its best-cost portfolio, Northern must provide its SENDOUT<sup>®</sup> analysis. Northern considers the information in its SENDOUT<sup>®</sup> analysis, which contains the negotiated prices for its gas supply portfolio (in order to determine the best cost alternative from a range of alternative scenarios), to be a confidential business or trade secret.
3. Northern's use of the SENDOUT<sup>®</sup> Model necessarily includes confidential and competitively sensitive natural gas commodity pricing information. In particular, the SENDOUT<sup>®</sup> model uses the commodity and demand costs of gas supplies procured in the competitive market to evaluate alternatives. Because this pricing information constitutes confidential and competitively sensitive business information, and cannot be extracted from the SENDOUT<sup>®</sup> analyses, Northern seeks protection for these schedules consistent with the protection commonly granted to semi-annual cost of gas adjustment filings. Disclosure of Northern's SENDOUT<sup>®</sup> analysis and commodity pricing information may compromise Northern's current and future negotiations to obtain the lowest pricing for its gas supplies.
4. Northern does not disclose this information outside a close circle of Northern employees with a need to know, and their representatives; release of this

information is likely to result in competitive disadvantage for Northern and possibly also its suppliers as these contracts are renegotiated and renewed; and this information is likely to be very beneficial to a competitor of Northern or NiSource, or their suppliers, who may gain a competitive edge as a result of disclosure.

5. Northern seeks to protect from disclosure on the public record this information on a continuing basis in order to protect trade, contractual and financial secrets that are otherwise and should be closely held by Northern.
6. R.S.A. 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’s rule on public records, Puc 204.07, also allows documents to be protected from public disclosure pursuant to an appropriate order of the Commission.
7. The Commission has routinely provided protection to Northern with regard to the same kind of material as part of Northern’s cost of gas filings. The reason this information has in the past been worthy of protection is because Northern provides specific information about its suppliers, resource information, commodity and demand charges and related contract terms. The information contained in the SENDOUT<sup>®</sup> analysis is the same type of information and is worthy of protection for the same reasons.
8. The Commission has granted protected treatment to similar financially-sensitive information that is held as a trade secret, finding that the benefits of non-disclosure in similar cost of gas proceedings outweigh the benefits to the public of

disclosure. Northern Utilities, Inc., Order Approving the Cost of Gas Rate, Local Distribution Adjustment Clause Rates and Other Rates, Order No. 24,389 (October 29, 2004); See also, Northern Utilities, Inc., Order No. 24, 228 (October 30, 2003); EnergyNorth Natural Gas, Inc., Order Granting Motion for Protective Order and Confidential Treatment, Order No. 23,950, Docket No. DG 02-045 (Apr. 12, 2002) citing Union Leader Corp. v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997); Re NET (Auditel), 80 NHPUC 437 (1995); Re Eastern Utilities Assoc., 76 NHPUC 236 (1991); EnergyNorth Natural Gas, Order No. 23,559, Docket No. 00-193 (Sept. 25, 2000).

9. Northern requests that the Commission not disclose on the public record the confidential information on the grounds that disclosure of the confidential information would disadvantage Northern in negotiations with Suppliers or other resource providers. Public knowledge of the confidential information would impair Northern's future bargaining position and thus its ability to obtain the best cost resources for its natural gas portfolio. The Commission has recognized that supply information is sensitive commercial information in the competitive market.
10. Northern is not requesting non-disclosure protection from Staff or the Office of the Consumer Advocate. Northern has filed its motion for a protective order to allow it to make available its confidential information to Staff and the Consumer Advocate during this proceeding subject to the requested order from the Commission that such information should be accorded confidential treatment.

WHEREFORE, Northern Utilities, Inc. respectfully requests that the Commission grant its protective order over Northern's confidential and trade secret information as described herein, and that the Commission grant all such other relief as it shall deem just and reasonable.

Respectfully submitted,

NORTHERN UTILITIES, INC.

By its attorney,

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