

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

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

DOCKET NO. DG 07-101

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

EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England ("KeySpan") respectfully requests that the Commission issue a protective order giving confidential treatment to certain materials in this docket. In support of its motion, KeySpan states as follows:

1. KeySpan provided confidential information in certain responses to Staff's data requests and in the form of attachments to Ms. Arangio's Surrebuttal Testimony 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 1-20: This attachment to this response includes a summary of bid responses received by the Company for its fall 2007 Request for Proposal for supplies it would be purchasing for the 2007/08 peak period.
- b. Staff 2-23: The attachment to this response contains daily effective degree day data for Manchester, NH for the period 11/02 through 10/07.

- c. Staff 2-24: Attachment E to this response contains a summary of bidders' responses to the Company's Dracut 20,000 dth RFP dated 7/31/07 and includes the name of the bidder the price quote.
- d. Staff 2-27: Attachments A through E to this response include daily and monthly Henry Hub pricing from September 2003 through September 2007, while Attachments F through J include daily Dracut pricing from September 2003 through September 2007.
- e. Staff 2-28: Attachments A through F to this response include monthly pricing information for propane for the past five years.
- f. Staff 2-29: Attachment 1 to this response contains a list of purchases made by the Company by supplier and price in January 2004.
- g. Staff 2-34: The attachments to this message contains correspondence between the Company and AES/Granite Ridge regarding the potential purchase of incremental service from the facility.
- h. Staff Tech 2-1: Attachment A to this response contains time-series Platt's/Inside FERC monthly settlement prices.
- i. Staff 3-22; This response contains Amendment No. 2 to the Natural Gas Firm Peaking Agreement between the Company and Granite Ridge.

2. In addition, on February 1, 2008, KeySpan filed Surrebuttal Testimony of Elizabeth D. Arangio which contained eight attachments, each marked confidential. These attachments contains a listing by name of those gas suppliers solicited by KeySpan as part of its Request For Proposal process (EDA-2), price quotes from a sub-group of those suppliers for the 2009/2010 peak season at Dracut, MA (EDA-3), and market intelligence on projected costs of natural gas obtained by KeySpan from third party consultants (EDA-4 through EDA-8).

3. With the exception of the response to Staff 2-23 and Tech 2-1, all of the foregoing data responses as well as the Attachments EDA-2 through EDA-8 to Ms. Arangio's Surrebuttal

Testimony contain pricing information and responses to requests for proposals that constitute confidential information and, therefore, is exempt from public disclosure under the New Hampshire Right to Know Act, RSA 91-A. Furthermore, the Company 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 responses and information provided to the Company in future RFP's. The information is of the same nature as that for which the Commission has routinely provided protective treatment in a number of cost of gas and other proceedings involving the Company.

4. The information provided in response to Staff 2-23 and Tech 2-1 was obtained by KeySpan from third party vendors and is proprietary to those vendors. The Company is obligated to maintain the information in confidence under its arrangements with those vendors.

5. In the case of the pricing information and the information provided by third party vendors, KeySpan maintains the information confidentially and does not generally make it available to third parties. Thus, the information constitutes trade secrets and confidential information of KeySpan.

6. The Company has produced copies of the above confidential information to both Staff and the Office of Consumer Advocate, and copies of the confidential attachments to Ms. Arangio's Surrebuttal Testimony to the Commission and thus is not attaching copies to this Motion.

7. 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.

8. RSA 91-A:5,IV expressly exempts from disclosure 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.

9. 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, or a derivative form, should be prohibited and the protected materials should be returned at the conclusion of the proceeding or destroyed on terms acceptable to KeySpan.

10. Because Staff is utilizing an outside consultant in this proceeding, KeySpan also requests that the consultant be prohibited from using the confidential information for any purpose other than for services provided to this Commission and, specifically, that the consultant (1) return to the Commission or KeySpan at the conclusion of the consultant's services all copies, notes and other materials containing any of the confidential information and (2) be prohibited from using the confidential information for any other client it may have or for its own purposes.

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.

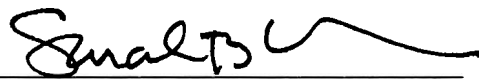
Respectfully submitted,

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

By Its Attorneys

MCLANE, GRAF, RAULERSON &
MIDDLETON, PROFESSIONAL ASSOCIATION

Date: February 13, 2008


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CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been forwarded to all parties on the service list in this docket.

Dated: February 13, 2008


Sarah B. Knowlton