

THE STATE OF NEW HAMPSHIRE

before the

PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire  
Integrated Least Cost Resource Plan

Docket No. DE 07-108

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR  
PROTECTIVE ORDER RE: R. W. BECK STUDY

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH" or the "Company") hereby requests protective treatment for the attachment to a response to a data request propounded by Bridgewater Power Company, Constellation Commodities Energy Group/ Constellation New Energy and TransCanada Hydro Northeast, Inc. (BCT). The attachment to the response is a study commissioned by PSNH which compares the relative economics of a 50 megawatt biomass plant versus a 25 megawatt plant. PSNH alleges that the external study is confidential commercial and financial information which is exempt from public disclosure under RSA 91-A:5(IV). PSNH further requests that access to this confidential information be restricted to the Staff and the Office of Consumer Advocate.

In support of its Motion for Protective Order, PSNH says the following:

1. The Data Request is as follows:

**Data Request BPC-CEC-TCH-1A**

**Q-BCT-016**

**Question:**

Did PSNH consider biomass plants of sizes other than 50MW? Please provide all documents which study, report on, analyze, evaluate, examine, project, forecast, summarize, or refer to PSNH's determination to propose a biomass plant 50 MWs in size as opposed to any other size.

2. PSNH commissioned a study from R. W. Beck to compare a 50 megawatt design for a biomass plant with a 25 megawatt design. R. W. Beck sought bids from several major component manufacturers. Those bids were supplied on a confidential basis to R. W. Beck, who in turn included them in the study provided to PSNH. Although the information is relevant to the Commission's determination of the adequacy of PSNH's planning process under RSA 378:39, the study should not be released to the public or provided to the intervenors, Freedom Halifax-American Energy Company, Freedom Logistics, LLC, and BCT.

3. Competitive suppliers such as TransCanada admit that they have consistently opposed PSNH's efforts to obtain permission to build generation. TransCanada Petition to Intervene ¶ 4. By the suppliers' own admissions, PSNH is in competition with PSNH for the ability to build or acquire generation; therefore, PSNH would be at a competitive disadvantage if PSNH's study of alternative biomass plant construction costs were made public or provided to the competitive supplier intervenors.

4. The Commission must use a balancing test in order to weigh the importance of keeping the record of this proceeding public with the harm from disclosure of the computer models. "Under administrative rule Puc 204.06, the Commission considers whether the information, if made public, would likely create a competitive disadvantage for the petitioner; whether the customer information is financially or commercially sensitive, or if released, would likely constitute an invasion of privacy for the customer; and whether the information is not general public knowledge and the company takes measures to prevent its' dissemination." *Re Northern Utilities, Inc.*, 87 NH PUC 321, 322, Docket No. DG 01-182, Order No. 23,970 (May 10, 2002). The limited benefits of disclosing the information outweigh the harm done to the customers.

5. The R. W. Beck study has not been released to the public nor has it been widely circulated within PSNH. PSNH commissioned this study for its own internal planning purposes. For the purposes of this proceeding where the Commission is examining the adequacy of PSNH's planning process, the Commission Staff can adequately analyze the R. W. Beck study to see if it supports PSNH's plan. The Commission has previously afforded protective treatment to a cost study prepared in conjunction with a transportation special contract for EnergyNorth Natural Gas:

The Commission recognizes that the information identified above is critical to the review of the proposed special contract by the Commission, the Commission Staff and the Office of Consumer Advocate. The Commission also recognizes that the information contained in the data response is sensitive commercial information that could impair the competitive bidding process on ENGI construction projects. *Re: EnergyNorth Natural Gas, Inc., Docket No. DR 97-057, Order No. 22,636, 82 NH PUC 498 (1997).*

PSNH believes the R. W. Beck study is analogous to the EnergyNorth Cost Study and, therefore, protective treatment ought to be provided.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the attachment to Request No. BPC-CEC-TCH-1A, Q-BCT-016, to restrict any disclosure of the attachment to interveners other than Staff or the Office of Consumer Advocate and to order such further relief as may be just and equitable.

May 14 2008  
Date

Respectfully submitted,

Public Service Company of New Hampshire

By: Gerald M. Eaton

Gerald M. Eaton

Senior Counsel

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be hand delivered or sent by pursuant to Puc § 203.02 and § 203.11 to the persons on the attached Service List.

May 14, 2008  
Date

Gerald M. Eaton  
Gerald M. Eaton

Public Service Company of New Hampshire  
Docket No. DE 07-108

Data Request BPC-CEC-TCH-1A  
Dated: 04/24/2008  
Q-BCT-016  
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Witness: Terrance J. Large  
Request from: **Bridgewater Power-Constellation Energy Commodities Group-TransCanada**  
Hydro

**Question:**

Did PSNH consider biomass plants of sizes other than 50MW? Please provide all documents which study, report on, analyze, evaluate, examine, project, forecast, summarize, or refer to PSNH's determination to propose a biomass plant 50 MWs in size as opposed to any other size.

**Response:**

Yes, PSNH did consider bio-mass plants of sizes other than 50MW. PSNH commissioned a report by R.W. Beck which substantiates that a 50MW plant is more cost efficient to construct and operate than the alternative 25MW sized unit considered. A copy of the report is being provided to the Commission under a Motion for Protective Order.