

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

**Docket No. DG 08-041**  
**NORTHERN UTILITIES, INC.**  
**SUMMER 2008 COST OF GAS**

**MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT**

NOW COMES Northern Utilities, Inc. (“Northern”), by and through its undersigned attorneys, and respectfully moves the New Hampshire Public Utilities Commission (“the Commission”) to issue a protective order which accords confidential treatment to certain information described below. In support of this Motion, Northern states as follows:

1. Pursuant to N.H. Admin. Rule Puc 203.08 (b), Northern hereby submits the following documents containing information for which confidential treatment is sought:

Eleven (11) pages of data consisting of “input data” (7 pages), “fixed capacity related-costs” (2 pages), and “demand cost allocation calculation by contract” (2 pages).

2. The above-referenced documents contain trade secrets and competitively sensitive commercial information which Northern does not disclose to anyone outside of its corporate organization or its authorized representatives. As such, the information is entitled to be protected from public disclosure under RSA 91-A:5, IV. *See also* RSA 350-B (“Uniform Trade Secrets Act”).

3. Release of the above-described confidential information would likely result in competitive harm to Northern in the form being disadvantaged in its bargaining position with its suppliers of gas commodity, transportation, peaking and related services. This could result in more expensive contracts or less advantageous contract terms as gas suppliers possessing this information would know Northern's expectations regarding gas supply costs and other contract terms and would be unlikely to provide Northern with terms and/or prices significantly more favorable than those which Northern seeks to protect via the within Motion. This would ultimately harm Northern's firm customers by creating higher prices.

4. In evaluating similar requests for confidential treatment, the Commission has employed the balancing test set forth in *Union Leader Corp. v. New Hampshire Housing Fin. Auth.*, 142 N.H. 540 (1997) and has determined that because the interests of a gas utility and its ratepayers in non-disclosure outweigh the public's interest in gaining access to the information, the information should be kept confidential. *See, e.g., EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England*, DG 07-034, Order No. 24, 744 (April 27, 2007).

WHEREFORE, Northern respectfully requests that this honorable Commission:

- A. Issue an appropriate order that exempts from public disclosure and otherwise protects the confidentiality of the documents and information identified herein;
- B. Grant such additional relief as it deems appropriate.

Respectfully submitted,  
NORTHERN UTILITIES, INC.

By its attorneys,

Patricia M. French (sof)

Patricia M. French  
Lead Counsel  
NiSource Corporate Services  
300 Friberg Parkway  
Westborough, MA 01581  
508.836.7394  
[pfrench@nisource.com](mailto:pfrench@nisource.com)

Date: March 25, 2008

Susan S. Geiger  
Susan S. Geiger  
Orr & Reno, P.A.  
One Eagle Square  
P.O. Box 3550  
Concord, NH 03302-3550  
603.223.9154  
[sgeiger@orr-reno.com](mailto:sgeiger@orr-reno.com)

Certificate of Service

I hereby certify that on this 25th day of March 2008, a copy of the within Motion was sent to the Service List via electronic mail.

Susan S. Geiger  
Susan S. Geiger