

THE STATE OF NEW HAMPSHIRE  
before the  
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. DE 08-071

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S**  
**MOTION FOR PROTECTIVE ORDER RE: NHPUC STAFF AUDIT DATA**  
**RESPONSES**

Pursuant to RSA 91-A:5(IV)(Supp.) and N.H. Code Admin. Rules, Public Service Company of New Hampshire ("PSNH" or the "Company") hereby requests protective treatment for certain confidential information supplied in response to a letter from NHPUC Staff Chief Auditor Stuart Hodgdon, dated June 12, 2008, regarding DE 08-071, Major Storm Reserve as well as the related request, Audit Request STORM-AUDIT-02, Q-STORM-012, dated 05/14/08. In support of its Motion PSNH says the following:

1. PSNH seeks protective treatment for that portion of the responses to the following NHPUC Staff audit requests that identify employee payroll data to specific employees (with the exception of executive payroll information publicly disclosed in Securities and Exchange Commission filings, if and as applicable):

1. Task: Payroll of PSNH

Auditors to review all payrolls pertaining to j/e PSN 06-4011, dated March 31, 2007 totaling \$83,045.55.

2. Task. Random test payroll of NU

Auditors to review payroll pertaining to je/e PSN 61-4010, dated February 28, 2007, totaling \$2,700,530.84. Company Response to Audit Q-12 shows list of NU employees Audit wants to trace.

3. Task: Payroll of PSNH  
Auditors to review payroll pertaining to tree trimming charged to PSN-064011, dated April 30, 2007, totaling \$30,031.93.
4. Audit Request STORM-AUDIT-02, Dated 05/14/2008, Q-STORM-012  
Attachment
5. PSNH Employee List
6. Electronic response to Items 1-5, including both storm and annual payroll information.

An original and eight (7) copies of the material for which protective treatment is sought is attached hereto as Exhibit 1.

2. RSA 91-A:5,(IV)(Supp.) expressly exempts from the public disclosure requirements of Chapter 91-A records pertaining to internal personnel practices and confidential commercial or financial information whose disclosure would constitute invasion of privacy. The Commission rule on public records, N.H. Code Admin. R. Puc 201.04, allow certain documents to be protected from public disclosure via the filing of an N.H. Code Admin R. Puc 203.08 Motion for Confidential Treatment.

3. PSNH maintains the privacy of employee compensation data in its own files and such data is not publicly available. Disclosure of such information would cause harm for a variety of reasons, including making it easier for other companies to recruit the employees away from the utility, putting the utility at a disadvantage in salary negotiations, potentially causing discord with individuals within the company and violating the reasonable expectation of privacy employees have with respect to their compensation information.

4. It is a long standing practice of the Commission to grant confidential treatment to compensation data as to specific utility employees who are not officers. The Commission has found persuasive the fact that as to non-officers, the utility maintains the privacy of the information in its own files, as well as assertions that public disclosure of such information would cause harm by making it easier for other companies to recruit the employees away from the utility and potentially cause discord with individuals within the company, and the interest in protecting the information outweighs the public's interest in disclosure. *Pennichuck East Utilities Inc.*, DW 07-032, Order No. 24,784 (August 24, 2007), 2007 N.H. PUC LEXIS 62; *Public Service Company of New Hampshire*, 2007 N.H. PUC LEXIS 28 (May 25, 2007); *Pennichuck Water Works, Inc.* 86 NH PUC 764, 765 (2001); ); *Union Telephone Company*, 81 NH PUC 525, 526( 1996).

5. Generally all other audit information that has been disclosed is available for public review.

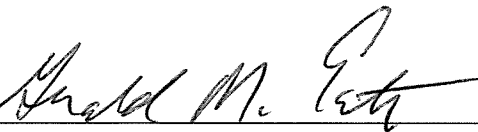
WHEREFORE PSNH respectfully requests that the Commission issue an order preventing the public disclosure of the employee specific data indentified herein, restrict disclosure of such information to the Commission Staff and the Office of the Consumer Advocate, and to order such further relief as may be just and reasonable.

Respectfully submitted,

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Date: August 20, 2008

By: \_\_\_\_\_

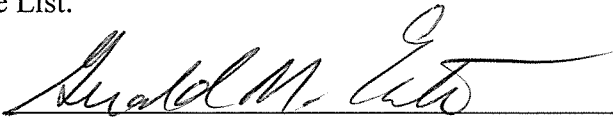


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CERTIFICATE OF SERVICE

I hereby certify that, on the date written above, I caused the attached Motion for Protective Order to be hand delivered or sent pursuant to N.H. Code Admin R. Puc 203.02 and 203.11 to the persons on the attached Service List.

Date: August 20, 2007

  
Gerald M. Eaton

**SERVICE LIST**  
**Docket No. DE 08-071**

Public Service Company of New Hampshire's  
Motion for Protective Order Re: NHPUC Staff Audit Data Responses

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