

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Default Energy Service Rate

Docket No. DE 08-113

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER RE: ACQUISITION OF RECS

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 response to a data request propounded by the Staff. The request asks for detailed information pertaining to PSNH's projected plans for acquiring Renewable Energy Certificates (RECs) including the terms of any contracts and plans already in place for purchasing RECs or using RECs generated by PSNH's. In support of its Motion for Protective Order, PSNH says the following:

1. The data request is as follows:

NSTF-01 Q- STAFF-002

Question:

Reference Baumann testimony, page 6, lines 7-17. Please provide the following information regarding PSNH's estimated costs of compliance with the NH RPS: Breakdown of the \$13.2 million by RPS class; For each class, supporting information as to whether and to what extent PSNH currently estimates it will be acquiring RECs, using RECs from its own facilities, or making alternative compliance payments; Details concerning any contracts PSNH has entered into to acquire RECs from other facilities (such details to include class, amount, price and duration); and

For each of PSNH's qualified renewable resources, detailed information concerning how many RECs from that resource are under contract for sale during 2009 and future years, the contracted price(s), and in which state market(s) the RECs will be sold.

2. The Commission must use a balancing test in order to weigh the importance of keeping open the record of this proceeding with the harm from disclosure of confidential financial or competitive information. "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).

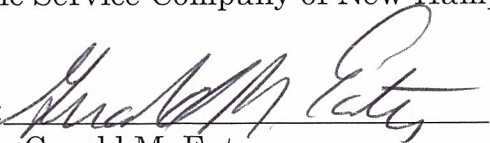
3. The limited benefits of disclosing the information outweigh the harm done by disclosing the information and the potential harm to the owners of the facilities from disclosure. Pricing terms with power suppliers and fuel suppliers have traditionally been kept confidential. *See, Re EnergyNorth Natural Gas, Inc. dba KeySpan Energy Delivery New England*, Docket No. DG 03-068, Order No. 24,167, 88 NH PUC 221 , 226 (2003). For the RECs already acquired under contract the same consideration for confidentiality attaches. Public disclosure of PSNH's strategy and plans to acquire the remaining RECs not under contract would put PSNH at a disadvantage with respect to suppliers of RECs.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the response to NSTF-01, Q-STAFF-002 and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

October 23, 2008
Date

By: 
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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 First Class U.S. Mail, postage prepaid, to the persons listed on the attached cover letter.

October 23, 2008
Date

Gerald M. Eaton
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