

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

DISTRIBUTION RATE CASE

Docket No. DE 09-035

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR
PROTECTIVE ORDER RE: CUSTOMER-SPECIFIC DATA

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 Office of Consumer Advocate and Staff. The requests ask for customer specific information which is customarily considered to be confidential. In support of its Motion for Protective Order, PSNH asserts the following:

1. The data request is as follows:

NOCA-02; Q-OCA-016

Question:

Regarding page 6 of the response to Staff 02-001: Please explain whether Exhibit 8 and its explanation means that PSNH's Delivery sales are expected to increase by 11,326 Mwh's to Seabrook Station in 2009 over 2008. If not, please explain. If PSNH were to sell an additional 11,326 MWh's to Seabrook Station, what would that amount to in Distribution system revenue?

The responses and the attachments to the responses will disclose historical consumption, demand or revenue totals for a specific PSNH customer. For the reason stated below, this information should not be disclosed publicly.

2. 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 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). The decision in *Lamy v. NH PUC*, 152 N.H. 106 (2005), involved the names and addresses of commercial customers and did not rule on specific customer usage or revenue information. The limited benefits of disclosing the information is outweighed by the harm done to the customers by disclosing their customer specific information.

3. PSNH is bound by commission rule not to disclose customer specific information. Under N.H. Code Admin. Rule Puc §2004.08:

- (a) No CEPS, aggregator or electric distribution company shall release confidential customer information without written authorization from the customer, unless otherwise required by law.
- (b) Confidential customer information shall include but not be limited to:
 - (1) Customer name, address and telephone number;
 - (2) Customer usage data; and
 - (3) Customer payment information.

Although this rule applies to the sharing of customer specific information with competitive electric suppliers, the rule codifies the long-standing practice of PSNH not to disclose customer information and Commission policy.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the response to the request NOCA-02, Q-OCA-016, and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

October 8 2009
Date

By: Gerald M. Eaton
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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 on the attached Service List.

October 8 2009
Date

Gerald M. Eaton
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