

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

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NEW HAMPSHIRE GAS))
CORPORATION))
))
PETITION FOR INCREASE IN BASE))
DISTRIBUTION RATES))
_____))

DG 09-038

MOTION FOR PROTECTIVE ORDER

Now comes New Hampshire Gas Corporation (“NHGC” or the “Company”), and respectfully requests that the New Hampshire Public Utilities Commission (the “Commission”) grant a protective order for certain confidential information submitted in this proceeding, consistent with R.S.A. 91-A:5(IV) and N.H. Admin. Rules, Puc 203.08. Specifically, NHGC requests confidential treatment of the invoices for outside legal services being provided to the Commission Staff in support of the Company’s reconciliation of the surcharge approved in DG-09-038 related to recovery of rate case expense. NHGC intends to make such information available to the Consumer Advocate (“OCA”) and the Commission Staff consistent with the requested Protective Order. In support of this Motion, NHGC states as follows:

1. The data being submitted herewith include invoices for services provided by NHGC’s outside legal counsel in connection with NHGC’s distribution rate proceeding in DG-09-038. The purpose of the filing is to reconcile the final rate case expenses incurred by NHGC in connection with DG 09-038 with the initial estimate of rate case expenses of \$27,442 approved by the Commission for recovery through a surcharge on customer bills. *See* Order 25,039. The invoices contain material, non-public, confidential financial information that should not be released

on the public record. Such information is highly confidential, proprietary and commercially sensitive, and public disclosure of such information would place NHGC's outside counsel at a competitive disadvantage. Accordingly, NHGC requests that the information contained in the compliance filing be protected from public disclosure.

2. R.S.A. 91-A:5(IV) expressly exempts from the public disclosure requirements of the Right-to-Know law, R.S.A. 91-A, any records pertaining to "confidential, commercial or financial information." The Commission's rule on confidential treatment of public records, Puc 204.06, also recognizes that confidential, commercial or financial information may be appropriately protected from public disclosure pursuant to an order of the Commission.

3. NHGC's request for a protective order is not inconsistent with the public disclosure requirements of the Right-to-Know law, R.S.A. 91-A. This statute generally provides open access to public records but specifically recognizes that "records that would be within the scope of a privilege against discovery or used as evidence recognized by the court" may be protected from public disclosure. The determination whether to disclose confidential information involves a balancing of the public's interest in full disclosure with the countervailing commercial or private interests for non-disclosure. Union Leader v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997). In this instance, NHGC submits that the interests discussed above sufficiently outweigh the public interest in full disclosure. NHGC is filing this motion for protective order to allow it to make the information available to the OCA and the Commission Staff during this proceeding subject to the requested order from the Commission that such information should be afforded confidential treatment.

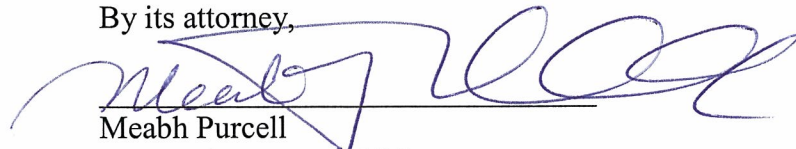
4. Pursuant to N.H. Code Admin. Rule Puc 203.04(e), NHGC sought the position of the Commission Staff and the OCA. By the time of filing, neither the Commission Staff nor the OCA had indicated their positions on the Motion.

WHEREFORE, NHGC respectfully requests that the Commission issue an order protecting the confidential information specified herein from public disclosure.

Respectfully submitted,

NEW HAMPSHIRE GAS CORPORATION

By its attorney,



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Date: May 3, 2010

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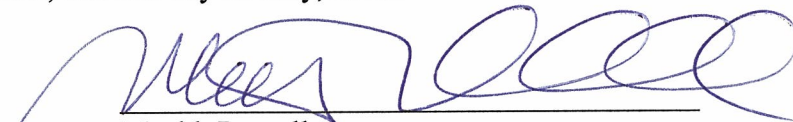
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DG 09-038

CERTIFICATE OF SERVICE

I certify that I have caused a copy of the within to be served on each of the individuals on the Service List on file with the Secretary of the New Hampshire Public Utilities Commission.

Dated at Boston, Massachusetts, this 3rd day of May, 2010.



Meabh Purcell