

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

RE: ENERGYNORTH NATURAL GAS, INC.
D/B/A NATIONAL GRID NH

DOCKET NO. DG 10-017

**MOTION FOR PROTECTIVE ORDER
AND CONFIDENTIAL TREATMENT**

EnergyNorth Natural Gas, Inc. d/b/a National Grid NH respectfully requests that the Commission issue a protective order regarding certain materials in the above-captioned proceeding. In support of its motion, National Grid NH states as follows:

1. In connection with the above-captioned matter, National Grid NH has provided confidential information in support of its Rate Case Expense Summary and in response to certain Staff data requests related thereto, subject to its right to seek a protective order from the Commission pursuant to N.H. Code of Admin. Rules Puc 203.08. The information that National Grid NH is seeking to protect from disclosure is included in the following schedules attached to the Rate Case Expense Summary and in the following Staff data requests, with the confidential portions being removed in the redacted copies of the filing:

Schedule A	Management Application Consulting, Inc.- Hours and Rates
Schedule B	Analysis Group – Hours and Rates
Schedule C	Concentric Energy, Inc. – Hours and Rates
Schedule D	Concentric Energy, Inc. – Hours and Rates
Schedule E	Oliver Wyman – Hours and Rates
Schedule F	McLane Graf Raulerson & Middleton PA – Hours and Rates
DR Staff 5-4	Management Application Consulting, Inc. – Hours and Rates
DR Staff 6-20	Oliver Wyman – Hours and Rates
DR Staff 6-21	Updated Hours and Rates

2. The above referenced schedules and responses contain billing information and hourly rates that constitute confidential commercial information and, therefore, are exempt from public disclosure under the New Hampshire Right to Know Act, RSA 91-A. Furthermore, National Grid NH has a contractual obligation to keep the billing information and hourly rates provided by consultants and experts confidential.

3. The information provided by National Grid NH in these schedules and in the responses to the data requests requires protection because the information is not publicly available and disclosing this information would put consultants at a competitive disadvantage by divulging to their competitors the rates they charge for their services. This disclosure could also adversely affect National Grid NH because consultants could be discouraged from working with National Grid NH if doing so would result in the release of information that would give their respective competitors an unfair advantage in future business transactions.

4. The foregoing information constitutes confidential information of National Grid NH. National Grid NH does not disclose this information to anyone outside of its corporate affiliates and their representatives.

5. Release of the information that National Grid NH seeks to protect could result in a competitive disadvantage for National Grid NH in the form of fewer consultants competing for consulting services. If the Commission does not protect the unredacted copies from disclosure, National Grid NH's ability to obtain future services could be significantly impaired because consultants may refrain from bidding if doing so would place confidential information at risk of public disclosure. If National Grid NH were to receive fewer bids as a result of this public disclosure, customers would ultimately bear the burden of the lost savings that would otherwise result from a competitive market. In addition, National Grid NH, the Commission and customers

could be harmed to the extent that qualified consultants were among those who chose not to offer services. It would also put National Grid NH at a competitive disadvantage in the form of less advantageous or more expensive outside consultants. Outside consultants possessing the confidential information described above would be aware of National Grid NH's expectations regarding fees and rates and other contract terms, and would be unlikely to propose to supply such services on terms significantly more advantageous to National Grid NH.

6. Redacted and unredacted copies of the schedules and responses to the Staff data requests have been provided to the Commission staff and the Office of Consumer Advocate prior to the filing of this motion. National Grid NH has redacted only the billing rates, hours and certain dollar amounts that would allow a reader to determine the billing rates. By this motion, National Grid NH is seeking a protective order covering the unredacted copies.

7. RSA 91-A:5, IV expressly exempts from the public disclosure requirements of Chapter 91-A any records pertaining to "confidential, commercial or financial information." The Commission has the authority to protect the information described above pursuant to N.H. Code of Admin. Rules Puc 203.08.

8. National Grid NH requests that the Commission issue a protective order granting this motion and protecting from public disclosure the confidential commercial information described above. Copying, duplication, dissemination or disclosure in any form should be prohibited and the protected materials should be returned at the conclusion of the proceeding or destroyed on terms acceptable to National Grid NH. The protective order should also be extended to any discovery, testimony, argument or briefing relative to the confidential information

WHEREFORE, National Grid NH respectfully requests that the Commission:

- A. Issue an order protecting the information described above; and
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

ENERGYNORTH NATURAL GAS, INC. D/B/A
NATIONAL GRID NH

By Its Attorney



Thomas P. O'Neill, Esq.
National Grid
40 Sylvan Road
Waltham, MA 02451

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Protective Order and Confidential Treatment has been forwarded to the Office of the Consumer Advocate.



Thomas P. O'Neill, Esq.
National Grid
40 Sylvan Road
Waltham, MA 02451