

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

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

WINTER 2010-11 COST OF GAS

DOCKET NO. DG 10-230

**MOTION FOR PROTECTIVE ORDER AND  
CONFIDENTIAL TREATMENT FOR INFORMATION RESPONSIVE  
TO DATA REQUESTS STAFF 1-11, 1-12, 1-21, 1-22 AND 1-23**

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. On September 1, 2010, National Grid NH filed its Winter 2010-11 cost of gas filing (the “COG Filing”) with the Commission.

2. Contemporaneously with the COG Filing, National Grid NH filed with the Commission a Motion for Protective Order and Confidential Treatment seeking protective treatment of certain confidential information relating to specific suppliers and commodity demand charges that was included in the COG Filing, which information had been redacted from the public copy of the COG Filing.

3. On September 14, 2010, the Public Utilities Commission Staff (the “Staff”) propounded a set of data requests, Staff 1-1 through 1-27, to National Grid NH. Several of the Staff’s data requests sought confidential and commercially sensitive information.

4. Specifically, data requests Staff 1-11, 1-12, 1-21, 1-22 and 1-23 seek certain negotiated pricing formula agreements, National Grid NH’s analysis for assessing and proposing negotiated alternative pricing formulas, a capacity management agreement, National Grid NH’s

long haul capacity management RFP and related summary of responses, and a capacity management agreement for baseload swing gas supply resources and summary of related RFP.<sup>1</sup>

5. National Grid NH's responses to these data requests (the "Data Request Responses") contain information that is the same or similar in nature to that covered by National NH's previously filed motion for protective order. The Data Request Responses, together with their corresponding attachments, contain confidential financial and commercially sensitive information that requires protective treatment.

6. RSA 91-A:5, IV expressly exempts from the Chapter 91-A public disclosure requirements 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.

4. The Data Request Responses fall squarely within this exemption and warrant protection. The release of the information that National Grid seeks to protect would likely result in competitive disadvantage for National Grid NH in the form of less advantageous or more

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<sup>1</sup> Data request Staff 1-11 states: "Re. Pg 9, lines 4-12, Poe testimony. At the time of each peak period COG filing, Poe testimony notes the pricing formula is currently being negotiated for the new contract year. Provide copies of the negotiated pricing formula agreements that were in effect for the Granite Ridge peaking supply commodity during each of the past three years."

Data request Staff 1-12 states: "Re. Pg 9, lines 4-12, Poe testimony. Provide a copy of the company analysis used during the past three years to either propose or assess the alternative pricing formulas being negotiated compared to the MMBtu equivalent price of contract's default pricing."

Data request Staff 1-21 states: "Provide a copy of the JP Morgan capacity management agreement contract."

Data request Staff 1-22 states: "Provide a copy of the Gulf supply/TGP long haul capacity management RFP, a summary of the responses and support for the Company's decision to award the contract to JP Morgan."

Data request Staff 1-23 states: "Re. Poe testimony, pg 7, lines 17-19.

- a. Provide a copy of the Repsol/Dracut capacity management agreement for baseload and swing gas supply resources that became effective when the new Concord Lateral TGP capacity became available on November 1, 2009.
- b. Summarize the RFP for this capacity management arrangement for this peak COG period.

expensive gas supply contracts. Gas suppliers possessing the confidential information described above would be aware of National Grid NH's expectations regarding gas supply costs and other contract terms, and would be unlikely to propose to supply such goods and services on terms significantly more advantageous to National Grid NH. Furthermore, exposing pricing and other contractual information of National Grid NH's suppliers could undermine the suppliers' willingness to transact with National Grid NH and participate in future solicitations.

5. Based upon the foregoing, 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, except for use in this proceeding as part of a closed record or subject to similar protections. 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 National Grid NH's responses to data requests Staff 1-11, 1-12, 1-21, 1-22 and 1-23 as described above; and

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c. Provide a copy of the capacity management agreement for baseload and swing gas supply resources that will be effective for this peak period COG."

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 Attorneys

McLANE, GRAF, RAULERSON &  
MIDDLETON, P.A.

Date: October 15, 2010

By:   
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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Protective Order and Confidential Treatment for Information Responsive to Data Requests Staff 1-11, 1-12, 1-21, 1-22 and 1-23 has been forwarded to the Office of the Consumer Advocate.

Dated: October 15, 2010

  
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Steven V. Camerino