



3. 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 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 Commission’s rule on confidential treatment of public records, Puc 203.08, also recognizes that confidential, commercial or financial information may be appropriately protected from public disclosure pursuant to an order of the Commission.

4. Certain information contained in Attachment NHPUC 1-6 should be protected from public disclosure because it is the result of negotiations between NHGC and its propane supplier and, as such, is competitively sensitive, proprietary and confidential information. Disclosure of the information may compromise NHGC’s supplier’s competitive position by releasing confidential business information that is not otherwise available to its competitors or potential customers. Accordingly release of this pricing information could cause NHGC’s supplier economic harm by providing an advantage to its competitors.

5. In conducting its annual solicitation or a request for proposals (“RFP”) for winter propane supplies, NHGC makes a commitment to potential suppliers and participants in the RFP to maintain the confidentiality of their pricing data in the discovery process by seeking protective treatment from the Commission. Disclosure of this sensitive and proprietary pricing information could have a chilling effect on future competitive solicitations and could adversely affect NHGC’s ability to negotiate favorable terms for its future supplies. Accordingly, NHGC submits that this information is well within the scope of “confidential, commercial or financial

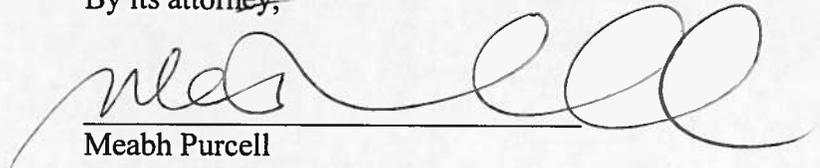
information” contemplated by R.S.A. 91-A:5(IV) and N.H. Admin. Rules, Puc 203.08, and accordingly, should be protected from public disclosure. The determination whether to disclose confidential information involves a balancing of the public’s interest in full disclosure with the countervailing commercial or private interests for non disclosure. Union Leader v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997).

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,

A handwritten signature in black ink, appearing to read 'Meabh Purcell', written over a horizontal line.

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Date: October 7, 2010

STATE OF NEW HAMPSHIRE

BEFORE THE  
PUBLIC UTILITIES COMMISSION

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NEW HAMPSHIRE GAS )  
CORPORATION )

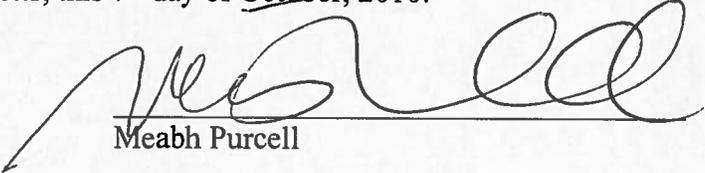
2010-2011 WINTER PERIOD )  
COST OF GAS ADJUSTMENT )  
\_\_\_\_\_ )

DG 10-249

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 7<sup>th</sup> day of October, 2010.

  
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Meabh Purcell