

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Least Cost Integrated Resource Plan

Docket No. DE 10-261

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR
PROTECTIVE ORDER RE: CONSULTANT'S EXPLANATION OF MODEL

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rule Puc § 203.08, Public Service Company of New Hampshire ("PSNH" or "the Company") hereby requests protective treatment for a summary of how PSNH's consultant, Levitan & Associates, Inc. ("LAI"), constructed the modeling behind the Continued Unit Operation ("CUO") study developed for PSNH and filed with the Company's Least Cost Integrated Resource Plan ("LCIRP"). PSNH contends that the information is confidential proprietary information and should be protected from public disclosure.

In support of its Motion for Protective Order, PSNH says the following:

1. During initial discovery, the Staff had requested PSNH to supply a copy of LAI's model supporting the CUO so that the Staff could test it. LAI explained, through PSNH and during the technical session held on March 30, 2011, that the model was a series of models and procedures. The model is run using several software applications, some of which are specialized mathematical or statistical software programs licensed to LAI that embody computer language code authored by LAI.

2. To begin the process of increasing the Staff's understanding of the model, LAI agreed to compose and supply to Staff and the OCA a summary of the model which PSNH provided to Staff and the OCA on April 6, 2011 ("Modeling System Overview" or "Overview"). The Overview is marked "Confidential and Proprietary".

“The modeling system consists entirely of LAI proprietary models and procedures.” LAI’s Overview at page 1. The Overview lays out LAI’s judgment, choices and decision making that went into composing the model supporting the CUO study results.

3. While PSNH recognizes that the Overview is valuable to understand the modeling that was used to produce the CUO study, the Overview represents proprietary and confidential sensitive information belonging to LAI. The consulting business depends upon the expertise and innovation of the principals that develop studies for their clients. Significant resources are devoted to constructing the models and procedures, which a competitive consulting firm would also need to expend in order to create its own models and procedures. The Overview represents a trade secret of LAI public disclosure of which would put LAI at a competitive disadvantage.

4. The Commission must use a balancing test in order to weigh the importance of creating an open record of this proceeding with the harm from disclosure of confidential, financial or competitive information. “Under administrative rule Puc § 204.06 [predecessor to Puc § 203.08], 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).

5. The limited benefits of disclosing LAI’s Overview outweigh the harm done by disclosing the information and the potential harm disclosure would cause to the consultant’s services to PSNH. The Commission has in the past afforded confidential treatment to studies performed by consultant George E. Sansoucy, PE,

LLC. *Re City of Nashua*, Docket No. DW 04-048, Order No. 24,605, 91 NH PUC 135 (2006). Due to the highly sensitive and proprietary nature of the Overview, LAI is not willing to distribute the Overview beyond the Staff and the OCA.

WHEREFORE PSNH respectfully requests the Commission to issue an order preventing the public disclosure of the Modeling System Overview prepared by Levitan & Associates, Inc., to prevent disclosure beyond the Commission Staff and the Office of Consumer Advocate, and to order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

April 8 2011
Date

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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 served pursuant to N.H. Code Admin. Rule Puc §203.11.

April 8 2011
Date

Gerald M. Eaton
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