

DR 97-059
DR 99-099

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Investigation into Base Rates
PSNH Proposed Restructuring Settlement**

Order Granting Motion for Confidential Treatment

O R D E R N O. 23,301

September 20, 1999

In response to a data request from the Staff of the New Hampshire Public Utilities Commission (Commission) in DR 97-059, which is the Commission's investigation into the base rates of Public Service Company of New Hampshire (PSNH), the Company has furnished a copy of a series of contracts entered into by PSNH and Ensio Resources for the removal of boiler slag from PSNH's Merrimack Station. Pursuant to RSA 91-A:5, IV and PUC 206.06, PSNH now moves for confidential treatment of these documents.

The information in the documents is financially or commercially sensitive in the sense that its public disclosure would reveal information that could place Ensio Resources at a competitive disadvantage relative to other firms that purchase end products of coal-burning processes and PSNH at a competitive disadvantage in future negotiations with end-product purchasers. We are required to balance these private interests in non-disclosure against the public's interest in making the information available for general scrutiny. See *Union Leader*

Corp. v. N.H. Housing Fin. Auth., 142 N.H. 540, 553 (1997);
Public Service Company of New Hampshire, Order No. 23,090
(December 21, 1998); *New England Telephone Company (Auditel)*, 80
NHPUC 437 (1995). Applying this balancing test to the case at
hand, we conclude that PSNH has made a prima facie showing that
the potential competitive harm to Ensio Resources and PSNH
outweighs the public's interest in disclosure. Thus, the motion
will be granted subject to further consideration upon a request
by the public to review the material pursuant to RSA 91-A.

Based upon the foregoing, it is hereby

ORDERED, that PSNH's Motion for Confidential treatment
and a protective order is GRANTED; and it is

FURTHER ORDERED, that this Order is subject to the
ongoing rights of the Commission, on its own motion or on the
motion of Staff, any party or any other member of the public, to
reconsider this Order in light of RSA 91-A, should circumstances
so warrant.

By order of the Public Utilities Commission of New
Hampshire this twentieth day of September, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

DR 97-059
DR 99-099

-3-

Attested by:

Debra A. Howland
Acting Secretary