

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

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**PNE Energy Supply LLC, d/b/a Power New England and  
FairPoint Energy, LLC**

**MOTION FOR CONFIDENTIAL TREATMENT**

Pursuant to RSA 91-A:5, IV and N.H. Admin. Rules Puc 203.08, PNE Energy Supply LLC, d/b/a Power New England (“PNE”) hereby moves for a protective order to prevent public disclosure of the confidential and proprietary information included in its Joint Petition for Expedited Waiver of PUC Rule 2004.05(k), dated February 7, 2012. In support of this Motion, PNE states as follows:

1. The information for which FairPoint seeks confidential treatment consists of substantially all of Exhibit 2 to the Joint Petition, regarding various circumstances regarding PNE that help support grant of the waiver request. This information should be treated as proprietary and confidential information of PNE (“Confidential Information”).

2. The Confidential Information pertains to short-term competitive strategy, descriptions of PNE’s operations, and financial information related to those operations, all highly sensitive, that is not public knowledge or published elsewhere and for which PNE has taken measures to prevent dissemination in the ordinary course of business. As such, it constitutes confidential, commercial and financial information exempt from public disclosure pursuant to RSA 91-A:5, IV.

4. The Confidential Information derives economic value from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain

economic value from its disclosure and use. Because the energy supply industry is highly competitive, PNE believes that disclosure of this information would impede full and fair competition. Unrestricted availability of this information would provide competitors with insight into the operations of PNE and that is otherwise unavailable.

5. Due to the highly sensitive nature of the Confidential Information, it is appropriate for the Commission to limit access to it. The Confidential Information should solely be used by the Commission in exercising its governmental functions in considering the Joint Petition. There is no legitimate purpose or public interest to be served in disclosing the Confidential Information to any person other than the appropriate staff of the Commission. Moreover, confidential treatment of this information will not adversely affect any interested party.

WHEREFORE, PNE respectfully requests that the Commission grant a Protective Order allowing the Confidential Information to be treated as confidential.

Respectfully submitted,

Dated: February 7, 2013

By:  \_\_\_\_\_

PNE Energy Supply LLC  
By its Attorneys,

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