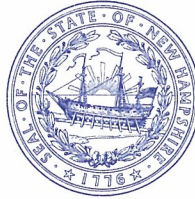


THE STATE OF NEW HAMPSHIRE

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March 22, 2013



Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street Suite 10
Concord, New Hampshire 03301

Re: Dockets Nos. DE 13-059 and DE 13-060
Resident Power Natural Gas & Electric Solutions LLC/PNE Energy Supply LLC
Investigation and Show Cause Proceeding
Supplement to Staff's Objection to Motion for Confidential Treatment

Dear Ms. Howland:

On March 14, 2013, Staff filed an Objection to the Motion for Confidential Treatment jointly filed by Resident Power Natural Gas & Electric Solutions LLC ("Resident Power") and PNE Energy Supply LLC ("PNE," together, "the Companies"), in connection with certain information filed by the Companies on March 12, 2013. The Companies' March 12 filing was made in response to a request for documents by the Commission in its Order of Notice dated February 28, 2013. The documents were designated by Tab Numbers 1 through 11.

In response to Staff's Objection, the Companies resubmitted certain documents with revised redactions late in the afternoon of March 19, 2013. In that submission, the Companies provided the following:

- 1) An unredacted copy of the cover letter dated March 12, 2013;
- 2) Slightly revised redactions to the documents in Tab 1 (organization charts that disclose the details of ownership, officers, directors and members of Resident Power, PNE and any affiliated entities;
- 3) Slightly revised redactions to the documents contained in Tab 2 (request for records demonstrating the ownership of PNE and Resident Power);
- 4) A redacted version of Tab 10 which conforms to the Staff's Objection; and
- 5) A fully redacted copy of the redactions of the documents in Tab 11, a copy of the February 6, 2013 Purchase and Sales Agreement between Resident Power, PNE and FairPoint Energy.

Staff is filing this Supplement to its Objection to the Motion for Confidential Treatment in letter form given the expedited schedule for this proceeding.

Staff wishes to inform the Commission of the following:

1. As stated in Staff's original Objection, the Companies' Motion for Confidential Treatment claims that virtually all of the information contained in the documents, with the exception of the contents of Tab 9 which consist of certain notices provided by Resident Power to customers (see Footnote #1 to the Motion for Confidential Treatment and Protective Order), pertains to "competitive business strategies, descriptions of the [Companies'] operations, personal and private information concerning [Companies'] customers, and financial information related to these operations" which is not available to the public and has not been published elsewhere and that "all of this information constitutes confidential, commercial and financial information exempt from public disclosure under RSA 91-A:5, IV." The Companies further claim that the disclosure of these documents would impair competition in the energy supply industry because it would reveal to their competitors their "operations, customers and business strategies." Motion at 3.
2. Despite this assertion, certain information for which confidentiality is claimed is publicly available.
3. Further, the Motion for Confidential Treatment is deficient because it fails to provide any detailed information that supports the Companies' assertion that disclosure would cause them harm in the competitive market as required by N.H. Code Admin. Rules Puc 203.08.
4. Tab 1 contains the response to the request for organizational charts describing the corporate structure of PNE and Resident Power. This information is either available in PNE's or Resident Power's filings with the Commission in the Dockets No. DM 11-075 and DM 11-081, respectively, and at the Secretary of State's website, has been discussed in the media, or is not commercially sensitive. The modified response redacts all information on the organizational charts provided except for the block labeled "Management." The modified redactions continue to mask publicly available information and the Staff continues to assert that the Commission should deny the Motion for Confidential Treatment for the information contained in Tab 1.
5. Tab 2 represents the response to the Commission's request for records of the Companies demonstrating ownership of PNE and Resident Power. The response consists of copies of the Limited Liability Agreement of PNE and Resident Power, and the modified response redacts all information except the signature pages and two pages which identify Gus Fromuth as Manager. The response does not clearly state

the ownership of either Resident Power or PNE and the Motion for Confidential Treatment should be denied with respect to the contents of Tab 2.

6. The Companies continue to request confidential treatment of the vast majority of the documents contained in their March 12, 2013 response to the Commission's request for documents. As Staff stated in its original Objection:

"If the Commission were to grant the Companies' Motion for Protective Order and Confidential Treatment, it is highly likely that the show cause hearing would have to be closed to public attendance, including consumers and the media who may have an interest in the Commission's conduct of the proceeding. Staff believes that the Commission would find such an outcome to be inconsistent with the public interest, but makes the point in the instant filing to demonstrate the sweep of the Company's Motion." Staff Objection at 5.

WHEREFORE, Staff provides this Supplement to its Objection to the Motion for Confidential Treatment and requests that the Commission grant the relief requested herein and such further relief as it deems appropriate.

Sincerely,



Alexander F. Speidel
Staff Attorney

Cc: Service Lists (ELECTRONICALLY)