

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire d/b/a Eversource Energy
Reconciliation of Energy Service and Stranded Costs for 2013

Docket No. DE 14-120

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY'S MOTION FOR
CONFIDENTIAL TREATMENT REGARDING
RESPONSES TO DATA REQUESTS

Pursuant to RSA 91-A:5, IV and N.H. Code Admin. Rules Puc 203.08, Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") hereby requests protective treatment for Eversource's responses to Staff 1-9, Staff 2-27 and CLF 1-6 as included with the testimony of Staff's consultant in this proceeding. Eversource asserts that its responses contain confidential commercial information eligible for protection from public disclosure under RSA 91-A:5. In support of its Motion for Confidential Treatment, Eversource says the following:

1. With respect to data request Staff 1-9, that request reads as follows:

Reference Shelnitz testimony, Attachment MLS-4, page 14 (Bates 38), lines 25 – 29. Please provide supporting calculations for each of the fuel price adjustments shown on these lines.

2. Consistent with nearly identical requests in prior reconciliation dockets, data request Staff 1-9 seeks information, in part, about the Initial Wood Prices for certain biomass-fired generating facilities from which Eversource purchases electricity pursuant to purchased power agreements ("PPAs"), and certain adjustments to those prices. Eversource provided a confidential attachment to the data request with a non-confidential, brief explanation of how the attachment was structured. Eversource seeks confidential treatment for the information contained in the confidential attachment.

3. Before granting confidential treatment, the Commission must determine if there is a privacy interest to protect. *See Public Service Company of New Hampshire*, Order No. 25,187 (Dec. 29, 2010) at 8, *citing, Lambert v. Belknap County Convention*, 157 N.H. 375, 382 (2008). Then the Commission will determine whether there is a public interest in disclosure. *Public Service*, Order No. 25,187 at 8. If both of these steps are met, the Commission will use a balancing test to weigh the importance of keeping the record public against the harm from disclosure of the material for which protection is requested. *Id.*

4. Disclosure of the fuel pricing information in these PPAs could, as the Commission has noted previously, impair the ability of Eversource and the generators in negotiation of any future agreements. *See Public Service Company of New Hampshire*, Order No. 24,839 (April 4, 2008) at 9-10. Accordingly, there is a privacy interest to protect. In that there is a privacy interest in the above described information, the Commission must determine whether there is any public interest in disclosure of the information. “Disclosure that informs the public of the conduct and activities of its government is in the public interest; otherwise disclosure is not warranted.” *Public Service Company of New Hampshire*, Order No. 25,187 at 8. The Commission has previously concluded that there is a measure of public interest in the information in the PPAs. *See Public Service Company of New Hampshire, et al.*, Order No. 25,294 (November 23, 2011) at 12. Accordingly, Eversource turns to the final step of the analysis.

5. With respect to the balancing of interests, Eversource contends that the privacy interest outweighs any public interest and that confidential treatment is proper. In analyzing these PPAs previously, the Commission noted that disclosure of the Initial Wood Prices:

could undermine the [generators’] ability to negotiate with wood suppliers for the lowest wood prices going forward during the term of the Wood PPAs, and thus harm the [generators’] competitive position with respect to obtaining wood supply, which could, in part, cause PSNH’s ratepayers to pay more for the energy

to be purchased under the PPAs than they otherwise would. For this reason, we conclude that the appropriate balance tips in favor of non-disclosure of the Initial Wood Prices.

Public Service Company of New Hampshire, et al. Order No. 25,294 (November 23, 2011) at 14.

There has been no change in facts or circumstances that warrants a change from that earlier determination. Accordingly, Eversource requests confidential treatment of the information in the attachment to Staff 1-9.

6. With respect to data request Staff 2-27, that request reads as follows:

Please supply a copy of the document used by PSNH for guidance in its supplemental purchases and sales during 2013. If any changes were made in the document from 2012, please explain each.

7. In response to this request, Eversource provided a confidential attachment outlining its internal guidance for supplemental purchases and sales and now seeks confidential treatment of that attachment. Eversource has a privacy interest in keeping its internal purchasing and sales strategies and experience from public disclosure. Eversource may from time to time seek to engage in bilateral or short term purchases to meet its responsibilities to energy service customers or sales of excess energy and to maintain the maximum bargaining power with market participants, Eversource's strategies and guidance should not be available publicly. The limited benefits of disclosing the information outweigh the harm done by disclosing the information to the public. If this information were made available to the public, all potential suppliers of supplemental power to Eversource would know the guidelines Eversource follows in accumulating its supplemental power supplies and would place Eversource at a distinct disadvantage with respect to all other participants in the markets. Furthermore, disclosure of the information would not shed additional light on how the Commission conducts its business. Finally, Eversource notes that the Commission has previously granted confidential treatment to

this same information, *see Public Service Company of New Hampshire*, Order No. 25,321 (January 26, 2012) at 23-26, and Eversource contends that there has been no change in the facts or circumstances that warrants departure from that prior conclusion.

8. Lastly, with respect to data request CLF 1-6, that request reads as follows:

Please provide a schedule identifying typical or average weekly offer/dispatch prices used by PSNH (internally or for market bidding purposes) for each PSNH fossil-fired generating unit and the corresponding weekly average day-ahead and real-time energy market prices.

9. In responding to this request, Eversource provided a confidential attachment outlining typical offer/dispatch prices on each of its generating units. Eversource now seeks confidential treatment for this attachment. Initially, Eversource notes that the information at issue in this response is similar to that which is, as a matter of course, provided confidential treatment in “routine filings” under Puc 201.06(a)(15)g., h. and i., in that it concerns the relative costs and economics of operating Eversource’s generating plants to provide default service. Further, Eversource asserts that it has a privacy interest in the information because release of the information to the public will place Eversource at a disadvantage in bidding its generating units into the market by providing other generators with information about the costs of Eversource’s generation operations. With respect to the public interest, Eversource relies upon the costs of operating its generation, relative to the marketplace, to determine when its units would be likely to run for the benefit of customers. In that those costs are included in the computation of Eversource’s default service rate, Eversource acknowledges that there may be some public interest in disclosure of the information. In balancing those interests, Eversource notes that the Commission has previously concluded that keeping information about the operation of the generating units confidential may help produce lower rates, and therefore the public interest in disclosure does not outweigh the benefits of confidentiality. *See Public Service Company of*


New Hampshire, Order No. 25,187 (Dec. 29, 2010) at 9-10 and *Public Service Company of New Hampshire*, Order No. 25,061 (Dec. 31, 2009) at 23-24, 27. Avoiding placing Eversource at a disadvantage relative to other generators would assist Eversource in accurately assessing when its units would run for the benefit of customers, which, in turn, would assist Eversource in being able to more effectively control costs to those customers. Accordingly, Eversource contends that any public interest in disclosure does not outweigh the interest in confidentiality and confidential treatment should be granted to the response to CLF 1-6.

WHEREFORE Eversource respectfully requests that the Commission:

- A. Issue an order preventing the public disclosure of the redacted information in the responses to Staff 1-9, Staff 2-27 and CLF 1-6 as described above; and
- B. Order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

July 24, 2015
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.

July 24, 2015
Date


Matthew J. Fossum