

BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket No. DW 15 – 199
Abenaki Water Company

MOTION FOR CONFIDENTIAL TREATMENT

NOW COMES the Abenaki Water Company (“Company”), by and through Upton & Hatfield, LLP, and moves for confidential treatment as follows:

1. The Company files this motion for confidential treatment in order to provide certain confidential or proprietary information in response to data requests or at other stages of this information that is “confidential, commercial, or financial information” within the meaning of RSA 91-A:5, IV.

2. Specifically, the Company has received data requests to provide the Excel spreadsheets used to calculate its rates including the formulas prepared by the Company’s consultant, Stephen P. St. Cyr, to prepare rate schedules for the Company. The Company may receive other requests for confidential, financial information in this proceeding.

3. The formulas and design of the Excel spreadsheets prepared by the Company’s consultant are proprietary and confidential. To be clear, the information contained in the Company’s schedules filed with the Commission is public information. However, the consultant’s work product to design and prepare the spreadsheets is work product that could be used by competitors to the disadvantage of the consultant. This information is therefore entitled to protection as confidential under RSA 91-A:5, IV and as a trade secret. *Cf. CaremarkPCS Health, LLC v. N.H. Dep't of Admin. Servs.*, ___ N.H. ___; 116 A.3d 1054 (Issued April 30, 2015).

4. The Company requests confidential treatment of the actual spreadsheets prepared by the Company's consultant in order to prevent disclosure of this information to competitors as provided by RSA 91-A:5, IV and PUC Rule 203.08.

5. To the extent a party desires to review information designated as confidential, the Company requests that the Commission grant this motion and order that confidential information be provided subject to the Acknowledgment of Confidential Information as set forth in Exhibit A. The Company will then provide copies of its confidential filing subject to the terms specified therein.

6. To the extent that a party seeks disclosure of Confidential Information, it can request a ruling from the Commission as to its confidentiality.

WHEREFORE, the Abenaki Water Company respectfully requests that the Commission:

- A. Grant this Motion for Confidential Treatment; and
- B. Grant such other relief as justice may require.

Respectfully submitted,

ABENAKI WATER COMPANY

By its Counsel,

UPTON & HATFIELD, LLP



Dated: October 14, 2015

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was this day forwarded to all parties on the official service list for this proceeding.

A handwritten signature in black ink, appearing to read "Justin C. Richardson", written in a cursive style.

Justin C. Richardson

EXHIBIT A

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ACKNOWLEDGEMENT OF CONFIDENTIAL INFORMATION

1. I acknowledge that receipt of information that Abenaki Water Company (“Company”) has designated as confidential (“Confidential Information”) and my use of such information is governed hereby.

2. I hereby confirm, agree and promise that:
 - A. I will maintain the confidentiality of the Confidential Information. I will use, store and maintain such information so as to safeguard against the disclosure of such Confidential Information. I will not disclose Confidential Information to any persons, except those persons who have duly signed this acknowledgement and provided the same to the Company for the limited purposes of this proceeding.

 - B. I will use any Confidential Information provided to me only for the purpose of the above proceeding. Use of such Confidential Information in the proceeding shall be governed by this Acknowledgment, except as otherwise ordered by the New Hampshire Public Utilities Commission.

 - C. At the conclusion of the Public Utility Commission proceedings, I will return or destroy all Confidential Information and all documents containing such Confidential Information. I will certify the same to Abenaki Water Company upon request.

 - D. I agree that my obligation to maintain the confidentiality of Confidential Information provided to me is subject to the continuing jurisdiction of the New Hampshire Public Utilities Commission. I further recognize and agree that this Acknowledgment may be enforced by the Company by Petition to Superior Court in New Hampshire.

So agreed.

Signature: _____

Name: _____

Home Address: _____

Date: _____