

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 15-199

ABENAKI WATER COMPANY

Request for Change in Rates

Order Granting Motion for Confidential Treatment

ORDER NO. 25,840

November 13, 2015

In this order, the Commission grants a motion for confidential treatment filed by Abenaki Water Company. The Commission determined that the company's information qualifies as confidential information pursuant to RSA 91-A:5, IV.

I. BACKGROUND

On October 15, 2015, Abenaki Water Company (Abenaki) filed a motion for confidential treatment. Abenaki's motion asked the Commission to protect the electronic versions of spreadsheets used by its consultant to prepare schedules for the company's filing. Abenaki produced the spreadsheets to the Commission Staff and the Office of Consumer Advocate (OCA) in discovery and sought to prevent public disclosure because, according to Abenaki, they are "proprietary and confidential" within the meaning of RSA 91-A:5, IV. Abenaki asserted that public disclosure of the electronic information would cause competitive harm to its consultant. Abenaki agreed to provide copies of the electronic version of the spreadsheets to parties other than Staff and the OCA subject to a protective agreement. Staff and the parties did not object to Abenaki's motion.

The motion and other docket filings, except any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2015/15-199>.

II. COMMISSION ANALYSIS

The New Hampshire Supreme Court and the Commission apply a three-step balancing test to determine whether a document, or the information contained within it, falls within the scope of RSA 91-A:5, IV. *Pennichuck East Utility, Inc.*, Order No. 25,758 at 4 (January 21, 2015) (citation omitted). Under the test, the Commission first inquires whether the information involves a privacy interest and then asks if there is a public interest in disclosure. *Id.* Finally, the Commission balances those competing interests and decides whether disclosure is appropriate. *Id.* Disclosure should inform the public of the conduct and activities of its government; if the information does not serve that purpose, disclosure is not warranted. *Id.* The Commission routinely protects as confidential proprietary models and the electronic versions of related spreadsheets. *See Northern Utilities, Inc.*, Order No. 25.251 (July 18, 2011); *EnergyNorth Natural Gas, Inc., d/b/a National Grid NH*, Order No. 25,208, at 9-10 (March 23, 2011).

We agree with Abenaki that the formulas and functions embedded in the electronic versions of the spreadsheets constitute a proprietary model as well as confidential, commercial information under RSA 91-A:5, IV. Abenaki's consultant has a privacy interest in the electronic versions of the spreadsheets; they are his work product that could be used by competitors to his commercial disadvantage. Although the company does not identify any public interest in disclosure of the electronic versions of the spreadsheets, we find that it is slight in light of the fact that the information has no bearing on the workings of the Commission. Thus, in weighing

the privacy interest against the public's interest in disclosure we conclude that Abenaki's motion for confidential treatment should be granted. Consistent with past practice, the protective treatment provisions of this order are subject to the on-going authority of the Commission, on its own motion or on the motion of Staff, any party, or other member of the public, to reconsider this protective order in light of RSA 91-A, should circumstances so warrant.

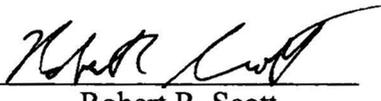
Based upon the foregoing, it is hereby

ORDERED, that Abenaki Water Company's motion for confidential treatment is GRANTED.

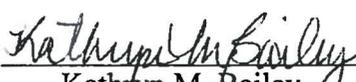
By order of the Public Utilities Commission of New Hampshire this thirteenth day of November, 2015.



Martin P. Honigberg
Chairman

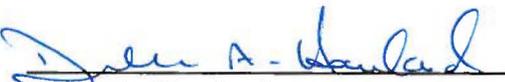


Robert R. Scott
Commissioner



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.