

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**Docket No. DG 17-198**

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.,  
d/b/a LIBERTY UTILITIES**

**Petition to Approve Firm Supply and Transportation Agreements and the  
Granite Bridge Project**

**ENGIE GAS & LNG, LLC  
COMMENTS ON MOTION FOR PROTECTIVE ORDER**

Pursuant to the leave granted by the Commission at the hearing on March 9, 2018, intervenor ENGIE Gas & LNG, LLC submits the comments in favor of the pending Motion for Protective Order of Liberty Utilities (filed December 21, 2017).

1. As ENGIE noted at the hearing, ENGIE has petitioned to intervene in this proceeding solely for preventing improper disclosure of its confidential business information, particularly in view of the request for intervention of its competitor, Repsol.
2. ENGIE was the winning bidder for a four-year natural gas supply contract with Liberty that is one of the subjects of review in this proceeding. Liberty has filed the contract as an exhibit to the testimony of two of its executives (Exhibit SLF/FCD-1). The contract in the public file has been redacted to preserve the confidentiality of certain terms.
3. The redactions in the public file relate to the commodity price of natural gas, the demand charges, potential adjustment of the demand charge based upon an event of force majeure, ENGIE's daily deadline for gas nominations under the contract, and

the date by which Liberty must obtain its approvals for the contract to remain effective.

4. This information is all competitively sensitive to ENGIE. For example, if a competitor were to learn the contract prices or nomination deadline, it could undercut ENGIE's bids by small amount of money or (in the case of the nominations deadline) a small amount of time. Contrary to a suggestion made by another party at the hearing, the redacted information is not "stale" at this point.
5. Recognizing that the information is competitively sensitive, counsel for Repsol stated on the record that Repsol would not be seeking this information. However, if the information were made part of the public record, Repsol and any other competitor would be able to review it.
6. The information that has been redacted from the ENGIE contract is, in fact, of a type that is routinely redacted from the public files in similar proceedings throughout New England. As Commissioner Bailey noted, the motion for protective order is, at least in this respect, routine.
7. ENGIE understands that Liberty has conducted a computer-based analysis of the costs of the entire proposal before the Commission, including the Granite Bridge pipeline, the LNG peaking facility in Epping, and the four-year contract with ENGIE. To the extent that the public, Repsol, or any other competitor may obtain access to such an analysis, ENGIE contends that the analysis should be redacted to avoid disclosure of the terms of the ENGIE contract that have been redacted in the public file. This must be done not only as to the specific mention of the terms, but also to prevent any "reverse engineering" of ENGIE's terms that might be possible from a listing of the costs of other constituent parts in conjunction with total cost.

**WHEREFORE**, ENGIE respectfully requests that the Commission grant the pending motion for protective order at least insofar as necessary to protect the continued confidentiality of the terms of ENGIE's contract with Liberty now redacted in the public file, as reflected both on the face of the contract and in Liberty's analysis thereof.

Respectfully submitted,

ENGIE GAS & LNG, LLC

By its attorneys,

/s/ Adam P. Kahn

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Dated: March 12, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Comments on Motion for Protective Order has, on this 12<sup>th</sup> day of March, 2018, been sent by email to the service list in Docket No. DG 17-198.

*/s/ Adam P. Kahn* \_\_\_\_\_  
Adam P. Kahn