

THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY

Docket No. DE 18-182

MOTION FOR PROTECTIVE ORDER AND CONFIDENTIAL TREATMENT

Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”) hereby moves, pursuant to Puc 203.08 and RSA Chapter 91-A, the New Hampshire Public Utilities Commission (“Commission”) to grant protective treatment to certain confidential information provided in this docket. Specifically, Eversource seeks confidential treatment of the information contained with the response to Record Request 1, entered as Exhibit 4, in this proceeding. Eversource seeks an appropriate protective order to keep this material from disclosure. In support of this motion, Eversource states as follows:

1. On January 16, 2019, the Commission held a hearing on Eversource’s petition to adjust its Stranded Cost Recovery Charge (“SCRC”) rate effective on February 1, 2019. During that hearing, the Commission Staff referenced certain information relating to Eversource’s Rate Reduction Bonds (“RRBs”) included on Bates page 12 of Exhibit 2. More particularly, as part of a Record Request the Staff asked whether Eversource had, and would provide, certain bank account information underlying the data displayed on that page. Eversource stated that it would provide the information, and the Commission held Exhibit 4 open for the submission of that information. Submitted contemporaneously with this motion is the bank account information requested by the Staff, from which identifying bank account numbers have been redacted. In that this information is highly sensitive financial information of Eversource, Eversource seeks an appropriate protective order that prevents disclosure of the information provided in Exhibit 4.

2. Pursuant to RSA 91-A:5, IV, records that constitute confidential, commercial, or financial information are exempt from public disclosure. In determining whether documents are entitled to the exemption, the Commission applies a three-step analysis to determine whether information should be protected from public disclosure. *See Lambert v. Belknap County Convention*, 157 N.H. 375 (2008); *see also Public Service Company of New Hampshire*, Order No. 25,313 (December 30, 2011) at 11-12. The first step is to determine if there is a privacy interest at stake that would be invaded by the disclosure. If such an interest is at stake, the second step is to determine if there is a public interest in disclosure. The Commission has stated that 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. *Electric Distribution Utilities*, Order No. 25,811 (September 9, 2015) at 5. If both steps are met, the Commission balances the privacy interest with the public interest to determine if disclosure is appropriate. *Public Service Company of New Hampshire*, Order 25,167 (November 9, 2010) at 3-4.

3. The bank account information provided as Exhibit 4 is highly sensitive commercial and financial information of Eversource. Eversource has a strong privacy interest in maintaining the confidentiality of its bank account information to avoid the possibility of fraud or misappropriation with respect to the accounts covered by that information. The Commission has previously concluded that the potential for fraud was adequate justification to protect banking information in another context. *See National Grid USA et al.*, Order No. 25,400 (August 21, 2012) at 2, 4. As to the second factor, the public interest, this bank account information is not necessary to aid the public's understanding of the Commission's activities relative to the treatment of the RRBs. The information within Exhibit 2, as it presently stands, discloses the payments and charges relating to the RRBs by rate class, the balances in the various accounts

authorized in the Commission's finance order, Order No. 26,099 (January 30, 2018) in Docket No. DE 17-096, and the calculations supporting the costs included in the SCRC rate filing. The bank account information underlying those payments is not required for a full understanding of the matter before the Commission and therefore the public interest is slight. In balancing these factors, the privacy interest outweighs the public interest. Eversource's privacy interest in protecting its bank account information, coupled with the possible for harm to Eversource and its customers from disclosing that information, far outweighs any public interest in the information. Given the highly sensitive nature of the information, Eversource seeks an order of the Commission preventing public disclosure of Exhibit 4.


WHEREFORE, Eversource respectfully requests that the Commission:

- A. Grant this Motion and issue an appropriate protective order; and
- B. Order such further relief as may be just and reasonable.

Respectfully submitted,

**Public Service Company of New Hampshire d/b/a
Eversource Energy**

January 18, 2019
Date

By: 
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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

January 18, 2019
Date


Matthew J. Fossum