

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket No. DG 21-xxx

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.  
D/B/A LIBERTY

Petition to Approve a Special Contract with Granite Ridge Energy, LLC

**Motion for Protective Order and Confidential Treatment**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (“Liberty”), through counsel, respectfully moves the Commission pursuant to Puc 203.08 for a protective order precluding the disclosure of confidential pricing terms contained in the Direct Testimony of William R. Killeen and in Confidential Attachment WRK-1, also filed this date.

In support of this motion, Liberty represents as follows:

1. The Killeen Testimony supports the Company’s request for Commission approval of a special contract with Granite Ridge Energy, LLC (“Granite Ridge”), which is provided as Confidential Attachment WRK-1.
2. This motion seeks confidential treatment only of the pricing terms of the special contract, and to preserve confidential treatment of a reference to the pricing terms in the existing contract, which the Commission granted in Order No. 23,657 (March 22, 2001).
3. The confidential pricing information appears in the Killeen Testimony at Bates 008 and 010 [pages 4 and 6] and in the contract itself at Bates 017 [page 2].
4. Liberty’s request for confidential treatment is consistent with the requirements of New Hampshire’s Right to Know law, which expressly exempts from public disclosure any records pertaining to “confidential, commercial or financial information.” RSA 91-A:5, IV;

see *Union Leader Corp. v. New Hampshire Housing Finance Authority*, 142 N.H. 540 (1997). Application of this exemption requires “analysis of both whether the information sought is confidential, commercial, or financial information, and whether disclosure would constitute an invasion of privacy.” Order No. 25,014 at (Sept. 22, 2009).

5. The determination of whether to grant a motion for confidential treatment involves a balancing of the public’s interest in full disclosure with the countervailing commercial or private interests for non-disclosure.
6. Puc 203.08 recognizes RSA 91-A:5, IV as a basis to assert a privacy interest in “confidential commercial or financial information” and to seek protection from public disclosure pursuant to an order of the Commission.
7. The Commission previously weighed the interests in keeping similar third party pricing confidential against the public interests in disclosure, and ruled in favor of confidentiality. In Docket No. DG 14-380, which reviewed Liberty’s precedent agreement with Tennessee Gas Pipeline for the Northeast Energy Direct project, the Commission granted confidential treatment of the contract pricing and other financial terms.

The redacted information is similar to information filed by utilities and routinely kept confidential by the Commission’s rules. See, e.g., N.H. Code of Admin. Rules Puc 201.06(a)(26)(b) (protecting “pricing and delivery special terms of [gas] supply agreements”). Before those rules existed, the Commission ruled on the confidentiality of gas-related contract terms in the context of the semi-annual cost of gas proceedings. See, e.g., *EnergyNorth Natural Gas, Inc., d/b/a National Grid NH*, Order No. 25,161 (October 28, 2010), at 7-12.

We agree that EnergyNorth has a privacy interest in the pricing, delivery, and financial information redacted in its original filing. Because this is the type of information we will consider in this docket, there is public interest in its disclosure. However, we conclude that any public interest in disclosure is outweighed by EnergyNorth’s interest in privacy. Accordingly, we grant EnergyNorth’s motions for protective order and confidential treatment.

Order No. 25,861 at 5-6 (Jan. 22, 2016).

8. Applying the three factor test from *Lambert v. Belknap County Convention*, 157 N.H. 375, 382-83 (2008), the Commission also ruled similar pricing terms to be confidential in Order No. 26,166 (Aug. 1, 2018) (granting confidential treatment of pricing estimates to upgrade the Concord Lateral).
9. Applying the three-step Lambert analysis, and in light of the above precedent, the Company asks the Commission to grant confidential treatment of the pricing terms marked in the Killeen Testimony and Confidential Attachment WRK-1.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Grant this Motion for Protective Order and Confidential Treatment; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,  
Liberty Utilities (EnergyNorth Natural Gas) Corp., d/b/a  
Liberty

By its Attorney,



Date: June 25, 2021

By: \_\_\_\_\_  
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Certificate of Service

I hereby certify that on June 25, 2021, a copy of this Motion has been electronically forwarded to the Office of the Consumer Advocate.

A handwritten signature in cursive script, appearing to read "M. Sheehan".

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Michael J. Sheehan