

DG 01-181

**ENERGYNORTH NATURAL GAS, INC. D/B/A
KEYSPAN ENERGY DELIVERY NEW ENGLAND**

2001-2002 Winter Period Cost of Gas Proceeding

**Order Granting Motion for Protective
and Confidential Treatment**

O R D E R N O. 23,894

January 11, 2002

I. PROCEDURAL HISTORY

On September 17, 2001, EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England (KeySpan), a public utility engaged in the business of distributing natural gas in 29 cities and towns in southern and central New Hampshire and the City of Berlin in northern New Hampshire, filed with the New Hampshire Public Utilities Commission (Commission) a 2001-2002 Winter Period Cost of Gas filing. A hearing was held on October 19, 2001 and the Commission found certain deficiencies with KeySpan's filing. A second hearing to review an updated Cost of Gas filing was held December 21, 2001.

In connection with its updated Cost of Gas filing, KeySpan submitted certain information regarding gas supply costs which it deems confidential. KeySpan filed a Motion for Protective Order and Confidential Treatment (Motion) pursuant to RSA 91-A:5,IV, Puc 204.05(b) and Puc 204.06, and requested confidential treatment of certain gas supply cost information,

the monthly demand charge being paid by KeySpan under a firm peaking agreement with AES Londonderry, LLC (AES), information regarding commodity prices paid by KeySpan to Distrigas, and information regarding capacity release credits from El Paso Merchant Energy-Gas, LP (El Paso).

In its Motion, KeySpan states that: (1) the gas supply information contains trade secrets of KeySpan which should be protected as confidential commercial information; (2) KeySpan does not disclose this information to anyone outside of its corporate affiliates and their representatives; (3) release of this information is likely to result in competitive disadvantage for KeySpan; (4) this information would be extremely beneficial to KeySpan's competitors who would gain a competitive advantage as a result of disclosure; and (5) release of this information could harm negotiations between AES and El Paso and other gas utilities. On January 2, 2002, KeySpan filed a Corrected Motion for Protective Order to cure certain misstatements in its prior Motion.

II. COMMISSION ANALYSIS

The Commission has not received any objections to either the initial Motion or the Corrected Motion. The Commission recognizes that the gas supply information is important to the review of the cost of gas filing by the

Commission, the Commission Staff (Staff) and the Office of the Consumer Advocate. The Commission has previously granted protective treatment to information relating to AES in Docket DG 00-145, Order No. 23,661, dated March 23, 2001 and in Order No. 23,853, dated November 30, 2001. With respect to the Distrigas information, the Commission has previously granted protective treatment to similar information in DE 98-124, see Order No. 23,781, dated September 21, 2001.

The Commission recognizes the information sought to be protected contains sensitive commercial information. Thus, based on KeySpan's representations, under the balancing test we have applied in prior cases, e.g., Re NET (Auditel), 80 NHPUC 437 (1995), Re Eastern Utilities Associates, 76 NHPUC 236 (1991), and EnergyNorth Natural Gas, Inc., Order No. 23,559, Docket No. 00-193 (September 25, 2000), we find that the benefits to KeySpan of non-disclosure in this case outweigh the benefits to the public of disclosure. The information, therefore, is exempt from public disclosure pursuant to RSA 91-A:5,IV and N.H. Admin. Rules, Puc 204.06.

Based upon the foregoing, it is hereby

ORDERED, that the Motion for Protective Order and Confidential Treatment of EnergyNorth Natural Gas, Inc. d/b/a/ KeySpan Energy Delivery New England, filed November 30, 2001,

and corrected on January 3, 2002, and as it relates to certain gas supply cost information, the monthly demand charge being paid by KeySpan under a firm peaking agreement with AES, information regarding commodity prices paid by KeySpan to Distrigas, and information regarding capacity release credits from El Paso, as described above, is GRANTED; and it is

FURTHER ORDERED, that this Order is subject to the ongoing authority of the Commission, on its own motion or on the motion of Staff or any party or any other member of the public, to reconsider this Order in light of RSA 91-A, should circumstances so warrant.

By order of the Public Utilities Commission of New Hampshire this eleventh day of January, 2002.

_ Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director and Secretary