

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Integrated Least Cost Resource Plan

Docket No. DE 07-108

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR
PROTECTIVE ORDER RE: FORECASTED COAL PRICES

Pursuant to RSA 91-A:5,(IV)(Supp.) and N.H. Code Admin. Rules Puc § 203.08, Public Service Company of New Hampshire ("PSNH" or the "Company") hereby requests protective treatment for an attachment to a response to a data requests propounded by the Staff. The attachment to the response is a projection of coal prices throughout the forecast period

PSNH alleges that this coal price projection is confidential commercial information which is exempt from disclosure under RSA 91-A:5(IV). In support of its Motion for Protective Order, PSNH says the following:

1. The Data Requests are as follows:

NSTF-01
Q-Staff-021

Question:

Chapter V. - Ref. pages 85. Please provide on a monthly basis the average delivered cost of coal to PSNH during the period 2006 through the present. Please also provide on an annual basis the expected average delivered cost of coal to PSNH during the planning period.

2. The historical data is reported to the Federal Energy Regulatory Commission and this Commission; therefore, PSNH does not seek protective treatment for the historical data. The projected costs for coal delivered to PSNH's Merrimack and Schiller Stations constitute confidential commercial information.

Making the information publicly available would put PSNH at a disadvantage with respect to coal suppliers. The projections of the price PSNH expects to pay would form the floor of any price offered by suppliers.

3. The Commission must use a balancing test in order to weigh the importance of keeping the record of this proceeding public with the harm from disclosure of the computer models. "Under administrative rule Puc 204.06, the Commission considers whether the information, if made public, would likely create a competitive disadvantage for the petitioner; whether the customer information is financially or commercially sensitive, or if released, would likely constitute an invasion of privacy for the customer; and whether the information is not general public knowledge and the company takes measures to prevent its' dissemination." *Re Northern Utilities, Inc.*, 87 NH PUC 321, 322, Docket No. DG 01-182, Order No. 23,970 (May 10, 2002). The limited benefits of disclosing the information outweigh the harm done to the customers.

4. PSNH does not make its coal price forecasts widely available within the Company, and such information is not disclosed outside of PSNH. The Commission has previously afforded protective treatment to fuel supply forecasts. *Re: PSNH*, Docket No. DE 02-166, Order No. 24,117, slip op. at 70-71 (2003).

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the confidential portion of the attachment to PSNH response to Request No. NSTF-01, Q-STAFF-021 and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

May 2, 2009
Date

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion for Protective Order to be hand delivered or sent by pursuant to Puc § 203.02 and 203.11 to the persons on the attached Service List.

May 2, 2009
Date

Gerald M. Eaton
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