

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

UNITIL CORPORATION)
AND)
NORTHERN UTILITIES, INC.)
_____)

DG 08-048

MOTION FOR PROTECTIVE ORDER

Now comes Northern Utilities, Inc. (“Northern” or “the Company”), and respectfully requests that the New Hampshire Public Utilities Commission ("Commission") grant a protective order for certain confidential information submitted in this proceeding, consistent with R.S.A. 91-A:5(IV) and N.H. Admin. Rules, Puc 204.06. Specifically, the Company requests confidential treatment for its attachments to the responses to the following information requests: (1) Staff 1-81 SUPPLEMENTAL CONFIDENTIAL, and, (2) Staff 1-168 SUPPLEMENTAL CONFIDENTIAL.

The information in Staff 1-81 SUPPLEMENTAL CONFIDENTIAL and Staff 1-168 SUPPLEMENTAL CONFIDENTIAL should be protected from public disclosure because this information constitutes a highly sensitive business secret of Northern's affiliate, Granite State Gas Transmission ("Granite"), a non-jurisdictional interstate pipeline regulated by the Federal Energy Regulatory Commission ("FERC").

Notwithstanding this request for an order protecting the information from public disclosure, Northern will make the information from Staff 1-81 SUPPLEMENTAL CONFIDENTIAL, and Staff 1-168 SUPPLEMENTAL CONFIDENTIAL available to the OCA and the Commission Staff consistent with the requested Protective Order. Northern will also make the material available to the OCA and the Commission Staff's consultants, as well as any other party consistent with a mutually executed non-disclosure agreement and certification, consistent with the requested protective order.

In support of this Motion, Northern would state as follows.

With regard to Staff 1-81 SUPPLEMENTAL CONFIDENTIAL, and Staff 1-168

SUPPLEMENTAL CONFIDENTIAL:

1. Granite's response to Staff 1-81 SUPPLEMENTAL provides an analysis showing Granite's rate of return as derived from an analysis of its cost of service. This information is closely held and never released by Granite or any of the NiSource pipeline affiliates without the filing of a rate proceeding at the Federal Energy Regulatory Commission. For this reason, and in light of Granite's cooperation in this proceeding, Attachment Staff 1-81 Supplemental CONFIDENTIAL should be protected from public disclosure.

2. Granite's response to Staff 1-168 SUPPLEMENTAL provides a 5-year financial forecast for Granite. This information is highly sensitive financial information that provides detailed balance sheet information. Release of this information to the public could harm NiSource and Granite because it provides projections of earnings and/or losses and other material impacts. It is not only closely held within the corporation, but is also never provided in the public domain for any reason and is only provided under confidential treatment. For this reason, and in light of Granite's cooperation in this proceeding, Attachment Staff 1-168 SUPPLEMENTAL CONFIDENTIAL should be protected from public disclosure.

3. Each piece of information for which Northern seeks protection constitutes a highly sensitive business secret of the type that is not disclosed and that should not be disclosed to the public.

4. R.S.A. 91-A:5(IV) expressly exempts from the public disclosure requirements of the Right-to-Know law, R.S.A. 91-A, any records pertaining to "confidential, commercial or financial information." The Commission's rule on confidential treatment of public records, Puc 204.06, also recognizes that confidential, commercial or financial information may be appropriately protected from public disclosure pursuant to an order of the Commission.

5. Northern's request for a protective order is not inconsistent with the public disclosure requirements of the Right-to-Know law, R.S.A. 91-A. This statute generally provides open access to public records but specifically recognizes that "records that would be within the scope of a privilege against discovery or used as evidence recognized by the court" may be protected from public disclosure. The determination whether to disclose confidential information involves a balancing of the public's interest in full disclosure with the countervailing commercial or private interests for non disclosure. Union Leader v. New Hampshire Housing Finance Authority, 142 N.H. 540 (1997).

6. The commercial and financial interests set forth herein sufficiently outweigh the public interest in full disclosure. Moreover, Northern's request assures access, subject to protection, for the Commission Staff, the OCA, and the Staff's or the OCA's consultants consistent with the requested protective order for each of these requests. In addition, these responses are available to other parties upon execution of a mutually agreeable non-disclosure agreement and certification.

7. Pursuant to N.H. Code Admin. Rule Puc 203.04(e), Northern will report by separate letter whether assent is provided by the Commission Staff, the OCA and other parties to this request.

WHEREFORE, Northern respectfully requests that the New Hampshire Public Utilities Commission issue an order protecting the confidential information specified herein from public disclosure.

Respectfully submitted,
NORTHERN UTILITIES, INC.

By its attorney,

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Date: July 9, 2008

Northern Utilities, Inc.
New Hampshire Division
DG 08-048
Staff Request Set No. 1
REVISED Response: 81
Responsible: John McNamara,
Granite State Gas Transmission

REVISED

Request: Please calculate Granite's actual rate(s) of return for calendar years 2005, 2006, and 2007, and provide supporting work papers.

Response: Please see REVISED CONFIDENTIAL Attachment Staff 1-81.

I attest this response was prepared by me or under my direct supervision and control and is true and accurate as to the best of my information and belief at the date of filing.