

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company Of New Hampshire d/b/a Eversource Energy

Docket No. DE 24-070

Request For Change In Distribution Rates

MOTION FOR CONFIDENTIAL TREATMENT AND PROTECTIVE ORDER

Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”) hereby requests that the New Hampshire Public Utilities Commission (“Commission”) grant pursuant to RSA 91-A:5 and Puc 203.08 protection from public disclosure of certain confidential, sensitive and proprietary information submitted in this docket. Specifically, the Company requests that the Commission grant confidential treatment of the Confidential Attachment PUC 1-013 that contains information developed by the Institute of Electrical and Electronics Engineers Distribution Reliability Working Group (“IEEE DRWG”)¹ and provided to the Company subject to a license agreement that restricts the further dissemination of the information (the “Confidential Materials”).

I. LEGAL STANDARD

Puc 203.08(a) states that the Commission shall, upon motion, “issue a protective order providing for the confidential treatment of one or more documents upon a finding that the document or documents are entitled to such treatment pursuant to RSA 91-A:5, or other applicable law.” The motion is to contain: “(1) The documents, specific portions of documents, or a detailed description of the types of information for which confidentiality is sought; (2) Specific reference

¹ IEEE DRWG is part of IEEE, a not for profit organization focusing on matters related to the practice, implementation, and reporting of distribution reliability.

to the statutory or common law support for confidentiality; and (3) A detailed statement of the harm that would result from disclosure and any other facts relevant to the request for confidential treatment.” Puc 203.08(b).

RSA 91-A:5, IV exempts certain governmental records from public disclosure, including “[r]ecords pertaining to internal personnel practices; confidential, commercial, or financial information . . . ; and personnel . . . and other files whose disclosure would constitute invasion of privacy.” In determining whether documents are entitled to exemption pursuant to RSA 91-A:5, IV, 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.

II. DESCRIPTION OF CONFIDENTIAL MATERIALS

On June 11, 2024, Eversource filed a petition requesting that the Commission change distribution rates. The Commission docketed this matter as DE 24-070. On September 6, 2024, the Commission issued a set of information requests to the Company. Request 1-013 seeks comparative data on the SAIDI metrics of utilities. As explained in the Company’s response to

this request, peer utilities report annual reliability data to IEEE DRWG each year. IEEE DRWG compiles that data provides the Company comparison results among peer utilities. Specifically, the Confidential Materials provide SAIDI results for 2020, 2021, and 2022 for several peer utilities in the Northeast and Mid-Atlantic regions. In order to encourage utilities to provide reliability data to IEEE for the purpose of developing a report that provides comparative SAIDI results among peer utilities, IEEE DRWG anonymizes the data using unique identifiers and only provides the data to the Company subject to a license agreement that prohibits the Company from disseminating the Confidential Materials or using the information for an authorized purpose.

III. DISCUSSION

The Confidential Materials contain data developed by IEEE DRWG and provided to the Company under a license agreement that prohibits the Company from disseminating the Confidential Materials. The Confidential Materials should be protected from public disclosure because doing so would violate the license agreement and could result in the Company no longer having access to this valuable information. As discussed above, IEEE DRWG gathers reliability data from utilities across the country under the promise of anonymization and limited access to the data. To the Company's knowledge, the information in the Confidential Materials is not available in the public domain, nor may the public access such information and resultant data compilation and presentation absent a license agreement with IEEE. Disclosure of the Confidential Materials could harm IEEE DRWG's ability to collect reliability data and publish future reports, as doing so will have a chilling effect on utilities willingness to share data.

In addition, if the Company were required to disclose these Confidential Materials publicly in this docket, the Company would experience substantial difficulty in the future to access reports provided under license agreements that restrict the dissemination of the information contained in

such reports. As a result, the Company will not be able to access valuable industry information that can be used to learn best practices and improve service in a cost-efficient manner for customers.

The Company has provided unredacted Confidential Materials to the Commission, the Department of Energy and the Office of Consumer Advocate, which allows the data to be subject to investigation and scrutiny on behalf of all Eversource customers. Therefore there is nominal, if any, interest in public disclosure of the Confidential Materials, as the purpose for disclosure is served by scrutiny by the relevant New Hampshire regulatory agencies through their participation in this docket.

IV. CONCLUSION

Based on the foregoing, the Company has a substantial interest at stake that would be invaded by disclosure of information in the Confidential Materials. In addition, the disclosure of the Confidential Materials is not necessary to inform the public of the conduct and activities of its government and would not serve that purpose, and therefore disclosure is not warranted. *See Electric Distribution Utilities*, Order No. 25,811 (September 9, 2015) at 5. On balance, any possible interest served by public disclosure is substantially outweighed by the harm stemming from such disclosure and therefore the need for confidential treatment.

For the above reasons, the Company requests that the Commission grant this motion for confidential treatment and protective order.

Respectfully submitted,

**PUBLIC SERVICE COMPANY OF NEW
HAMPSHIRE d/b/a EVERSOURCE ENERGY**

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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.



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Date: September 26, 2024