

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire's
Petition for Approval Power Purchase Agreements with
Lempster Wind, LLC

Docket No. DE 08-XXX

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION FOR PROTECTIVE ORDER

By separate cover dated today, Public Service Company of New Hampshire ("PSNH") filed a petition for approval of a Power Purchase Agreement and a Renewable Energy Certificate Option Agreement with Lempster Wind, LLC. Pursuant to RSA 91-A:5, IV(Supp.) and N.H. Code Admin. Rule Puc § 203.08, PSNH hereby requests protective treatment for certain confidential terms and conditions contained in unredacted copies of the pre-filed Direct Testimony of S. B. Wicker, Jr., a Power Purchase Agreement and a Renewable Energy Certificate Option Agreement, all enclosed herewith. Redacted copies of these documents were filed with the separate petition. PSNH seeks an order preventing the public disclosure of certain terms and conditions which PSNH considers confidential to avoid impairing PSNH's ability to negotiate additional purchases of power, capacity and RECs. In support of its Motion for Protective Order, PSNH says the following:

1. Beginning this year, PSNH must obtain and retire certain New Hampshire Renewable Energy Certificates ("NH RECs") pursuant to Chapter RSA 362-F Electric Renewable Portfolio Standard. 2007 NH Laws 26. Pursuant to that obligation, PSNH has entered into transactions with Lempster Wind, LLC which call for the purchase of energy, capacity and NH RECs at negotiated prices. The transactions call for purchases of these products for fifteen years. PSNH seeks protection of the confidential information for five years.

2. PSNH would like to be able to use the structure of these arrangements with Lempster Wind, LLC to purchase additional renewable energy power and NH RECs. PSNH does not want to be at a competitive disadvantage in future negotiations with renewable power generators, which would result if the structure and terms of these agreements became public.

3. The Commission must use a balancing test in order to weigh the importance of creating an open record of this proceeding with the harm from disclosure of confidential, financial or competitive information. "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).

4. The limited benefits of disclosing the information outweigh the harm done by disclosing the information. Pricing terms with power suppliers have traditionally been kept confidential. *See, Re EnergyNorth Natural Gas, Inc. dba KeySpan Energy Delivery New England*, Docket No. DG 03-068, Order No. 24,167, 88 NH PUC 221 , 226 (2003). PSNH would be put at a disadvantage negotiating in the future through disclosure of the terms of these transactions. Knowledge of the terms of these transactions would become the floor of any future negotiations with other renewable energy suppliers. PSNH would be able to obtain power, capacity and NH RECs at terms no more favorable than these terms.

WHEREFORE PSNH respectfully requests the Commission issue an order preventing the public disclosure of the confidential terms of the transactions between PSNH and Lempster Wind LLC, and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

May 29 2008
Date

By: Gerald M. Eaton

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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 served pursuant to N.H. Code Admin. Rule Puc §203.11.

May 29 2008
Date

Gerald M. Eaton
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