

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

Re: Public Service Company of New Hampshire
Power Purchase Agreement with Lempster Wind, LLC

DOCKET NO. DE 08-077

CONSTELLATION'S OBJECTION TO MOTION FOR PROTECTIVE ORDER

Constellation NewEnergy, Inc. (“CNE”) and Constellation Energy Commodities Group, Inc. (“CCG”) (collectively “Constellation”) hereby object to Public Service Company of New Hampshire's (“PSNH”) Motion for Protective Order regarding the Power Purchase Agreement (“PPA”) and Renewable Energy Certificate Option Agreement (“REC Agreement”) and the related testimony of S.B. Wicker, Jr. filed in this proceeding. In support of this Objection, Constellation states as follows:

1. It is Constellation’s understanding that PSNH has not conditioned its obligations under the PPA and the REC Agreement on approval by this Commission of those agreements. Therefore, the central purpose of this proceeding appears to be to determine whether it is in the public interest for PSNH to pass through to its customers the costs it incurs under those agreements, rather than simply whether PSNH should be authorized to enter into the agreements.

2. The overriding issue in this proceeding is likely to be the cost-effectiveness of the PPA and the REC Agreement, including the potential for the creation of new above-market generation-related costs that could be borne by PSNH’s customers

and the relationship between the anticipated costs of these agreements relative to other options available in the market.

3. A meaningful analysis of the critical issues in this proceeding is not possible without access to the pricing terms of the PPA and the REC Agreement.

4. PSNH's Motion for Protective Order, if granted, would deny such information to Constellation, one of the few parties that has demonstrated a willingness to commit the time, effort and resources to participate in PSNH proceedings regarding power procurement and energy service cost issues. Constellation believes that its full participation in this proceeding is in the public interest, given its knowledge of the wholesale and retail energy markets and its interest and active presence in the New Hampshire competitive electric market. However, without access to the information that PSNH seeks to maintain in confidence, such participation is not possible.

5. Constellation believes that the Commission should scrutinize PSNH's claimed need for confidentiality particularly closely before granting the relief requested by PSNH and, at a minimum, should require PSNH to negotiate appropriate arrangements with all intervenors to ensure that they can participate in this proceeding in a full and meaningful manner.

6. As the Commission has observed on many occasions, determining whether information should be considered confidential "requires a balancing test in order to determine whether 'the asserted private, confidential, commercial or financial interest' is outweighed by 'the public's interest in disclosure.'" *EnergyNorth Natural Gas, Inc.*, 89 NHPUC 274, 285 (2004) citing *Union Leader Corp. v. New Hampshire Housing Fin. Auth.*, 142 N.H. 540, 552-53 (1997). In the present case, prohibiting intervenors from

having access to critical information necessary to consider the merits of the proposal before the Commission would result in a substantial harm to the public interest.

WHEREFORE, CNE and CCG respectfully request that the Commission deny PSNH's Motion for Protective Order or, in the alternative, grant PSNH's motion but require PSNH to provide unredacted copies of its filing to intervenors in this proceeding, including Constellation.

Respectfully submitted,

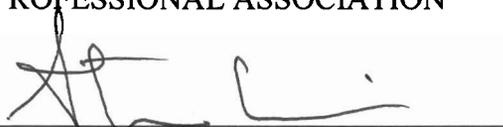
CONSTELLATION NEWENERGY, INC.
CONSTELLATION ENERGY COMMODITIES
GROUP, INC.

By their attorneys

McLANE, GRAF, RAULERSON & MIDDLETON
PROFESSIONAL ASSOCIATION

Date: June 20, 2008

By:



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Objection has been forwarded this 20th day of June, 2008 to the service list in the above-captioned proceeding.



Steven V. Camerino