

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

RE: ENERGYNORTH NATURAL GAS, INC.
D/B/A NATIONAL GRID NH

WINTER 2010-11 COST OF GAS

DOCKET NO. DG 10-230

**MOTION FOR PROTECTIVE ORDER AND
CONFIDENTIAL TREATMENT REGARDING
SUPPLEMENTAL RESPONSE TO DATA REQUEST STAFF 1-23**

EnergyNorth Natural Gas, Inc. d/b/a National Grid NH (the "Company") respectfully requests that the Commission issue a protective order regarding the Company's supplemental response to Data Request Staff 1-23 in the above-captioned proceeding. In support of its motion, National Grid NH states as follows:

1. On September 14, 2010, the Public Utilities Commission Staff (the "Staff") propounded twenty-seven data requests to National Grid NH. Several of the Staff's data requests sought confidential and commercially sensitive information. By order dated October 28, 2010, the Commission granted confidential treatment to the Company's responses to a number of the data requests, including Staff 1-23.

2. In addition to responding to other portions of Staff 1-23, the Company's original response to part c stated that the Company would provide a copy of its 2010/11 asset management agreement once it became available. Concurrent with this motion, the Company is submitting to Staff and the Office of Consumer Advocate a supplemental response to Staff 1-23 (the "Supplemental Response") in order to provide that information.

3. The Commission's Order No.25,161, which granted protective treatment to Staff 1-23, was specific to the materials provided in the initial response, and therefore the Company believes it is necessary to seek separate authorization for the confidential treatment of the Supplemental Response.

4. The Supplemental Response contains information that is the same or similar in nature to that provided in the original response to Staff 1-23, for which the Commission granted protective treatment in Order No. 25,161. Specifically, Attachment Staff 1-23(c) pricing and other information that constitutes confidential financial and commercially sensitive information. National Grid NH hereby incorporates by reference, the information set forth in its October 15, 2010 Motion for Protective Order and Confidential Treatment as it relates to the response to Staff 1-23.

5. RSA 91-A:5, IV expressly exempts from the Chapter 91-A public disclosure requirements any records pertaining to "confidential, commercial or financial information." The Commission has the authority to protect the information described above pursuant to N.H. Code of Admin. Rules Puc 203.08.

6. The Supplemental Response falls squarely within this exemption and warrants protection. Release of the information that National Grid NH seeks to protect would likely result in competitive disadvantage for National Grid NH in the form of less advantageous or more expensive asset management contracts. Potential asset managers possessing the confidential information described above would be aware of National Grid NH's expectations regarding gas supply and asset management costs and other contract terms, and would be unlikely to propose to supply such goods and services on terms significantly more advantageous to National Grid NH.

Furthermore, exposing pricing and other contractual information could undermine potential asset managers willingness to transact business with National Grid NH and participate in future solicitations.

7. Based upon the foregoing, National Grid NH requests that the Commission issue a protective order granting this motion and protecting from public disclosure the confidential commercial information described above. Copying, duplication, dissemination or disclosure in any form should be prohibited, except for use in this proceeding as part of a closed record or subject to similar protections. The protective order should also be extended to any discovery, testimony, argument or briefing relative to the confidential information.

8. If the Commission determines that confidential treatment for the Supplemental Response is already authorized by virtue of the Commission's determination that the response to Staff 1-23 should be protected, the Company requests that the Commission issue a secretarial letter clarifying that Order No. 25,161 extends to the Supplemental Response.

WHEREFORE, National Grid NH respectfully requests that the Commission:

A. Issue an order protecting National Grid NH's supplemental response to Data Request Staff 1-23 or otherwise provide notification that the Commission has determined that the Supplemental Response should be accorded confidential treatment consistent with the original response to Staff 1-23; and

B. Grant such other and further relief as may be just and equitable.


Respectfully submitted,

ENERGYNORTH NATURAL GAS, INC. D/B/A
NATIONAL GRID NH

By Its Attorneys

McLANE, GRAF, RAULERSON &
MIDDLETON, P.A.


Date: November 15, 2010

By: 
Steven V. Camerino, Esq.
11 South Main Street, Suite 500
Concord, NH 03301

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Protective Order and Confidential Treatment Regarding Supplemental Response to Data Request Staff 1-23 has been forwarded to the Office of the Consumer Advocate.

Dated: November 15, 2010


Steven V. Camerino