

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION
DG 11-069

NORTHERN UTILITIES, INC.

MOTION FOR PROTECTIVE ORDER
AND CONFIDENTIAL TREATMENT

NOW COMES Northern Utilities, Inc., (“Northern”), by and through its undersigned attorneys, and, pursuant to RSA 91-A:5, IV and N.H. Code of Administrative Rules (“N.H. Admin. Rules”) Puc 203.08, respectfully moves the New Hampshire Public Utilities Commission (“Commission”) to issue a protective order which accords confidential treatment to the following information contained in documents filed with the Company’s Petition for Rate Adjustments: (a) Accounting and Marginal Cost EXCEL models prepared by Paul M. Normand; and (b) Company forecast information contained in Volume 4 of the Supplemental Filing. Northern has filed this information with the Commission and submitted it to the Office of Consumer Advocate with the understanding it will be maintained as confidential until the Commission rules on the within Motion.

In support of this Motion, Northern states as follows:

1. In support of its rate case filing in this docket, and pursuant to N.H. Admin. Rule 1604.01(b), Northern has provided Mr. Normand’s Accounting and

Marginal Cost EXCEL models in electronic format on a disc that has been marked confidential. These models are proprietary work products subject to the Uniform Trade Secrets Act, RSA 350-B, and therefore should be accorded confidential treatment. Given the time and expense that Mr. Normand and his company, Management Applications Consultants, has spent developing these models, he and his company would be harmed if this information were to be publicly disclosed. In addition, Northern would be harmed by such disclosure in that other qualified consultants would be deterred from contracting with Northern to provide needed services in the future if they knew that their proprietary work products would be subject to public disclosure.

2. In accordance with N.H. Admin. Rules Puc 1604.01(a)(22) and 1604.01(a)(25) Northern has submitted documents containing projected sources and uses of funds for calendar years 2011 and 2012. Unredacted copies of these documents are contained in Volume 4 of the Supplemental Filing which has been marked "confidential" and is submitted herewith as required by N.H. Admin. Rule Puc 203.08 (b)(1). The above-referenced documents contain sensitive commercial and financial information that Northern has not disclosed to anyone outside of its corporate organization or authorized representatives. As a publicly-traded company, Unitil Corp. does not provide guidance or projections in its public disclosures. Therefore, release of Northern's financial projections would pose problems for Unitil Corp. under the fair disclosure regulation of the U.S. Securities and Exchange Commission (Regulation FD) which seeks to stamp out selective disclosures to prevent insider/unfair trading activities. In addition, because Northern may be in the market to issue long-term debt securities, disclosure of the

Company's financial projections could potentially harm the Company's ability to negotiate effectively with potential buyers.

3. In determining whether confidential, commercial or financial information within the meaning of RSA 91-A:5, IV is exempt from public disclosure, the Commission employs the analysis articulated in *Lambert v. Belknap County Convention*, 157 N.H. 375(2008) and *Lamy v. N.H. Public Utilities Commission*, 152 N.H. 106 (2005). Under this analysis the Commission first determines "whether the information is confidential, commercial or financial information, 'and whether disclosure would constitute an invasion of privacy.'" *Unitil Energy Systems, Inc.*, DE 10-055, Order No. 25,214 (April 26, 2011), p. 35. If a privacy interest is implicated, the Commission then balances the asserted private confidential, commercial or financial interest against the public's interest in disclosure in order to determine if disclosure would inform the public of the government's conduct. *Id.* If it does not, then "disclosure is not warranted." *Id.*

4. The above-described information meets the foregoing test. For the reasons presented above, all of the information is clearly confidential, commercial or financial, and disclosure of it would pose harm and constitute an invasion of privacy. Because such disclosure will not inform the public of the government's conduct, the information should be protected.

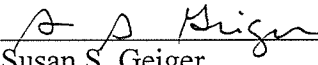
5. Northern requests that the Commission issue an order protecting the above-described information from public disclosure and prohibiting copying, duplication, dissemination or disclosure of it in any form. Northern requests that the protective order also extend to any discovery, testimony, argument or briefing relative to the confidential information.

WHEREFORE, Northern respectfully requests that the Commission:

- A. Issue an appropriate order that exempts from public disclosure and otherwise protects as requested above the confidentiality of the above-described information designated confidential submitted herewith; and
- B. Grant such additional relief as it deems appropriate.

Respectfully submitted,
NORTHERN UTILITIES, INC.
By its attorneys,
Orr & Reno, P.A.

Dated: May 4, 2011



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Certificate of Service

I hereby certify that a copy of the foregoing Motion has on this 4th day of May, 2011 been provided either by electronic mail or hand delivery to persons listed on the Service List.



Susan S. Geiger

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