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July 18, 2005

BY HAND

Mary L. Cottrell, Secretary
Department of Telecommunications
and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: Unitil, D.T.E. 05-32

Dear Secretary Cottrell:

Enclosed for filing in the above-referenced proceeding, please find the original and eight (8) copies of Unitil's Motion for Protective Order for certain confidential, competitively sensitive and proprietary information included in response DTE-1-3 Supplemental.

Please let me know if you have any questions.

Sincerely yours,

Meabh Purcell

Enclosures

MP/rtm

Cc: Julie Howley Westwater, Hearing Officer

Bs103780

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FITCHBURG GAS AND ELECTRIC LIGHT COMPANY d/b/a UNITIL	)	D.T.E. 05-32

MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY d/b/a Unitil FOR PROTECTIVE TREATMENT

NOW COMES Fitchburg Gas and Electric Light Company d/b/a Unitil ("Unitil" or the "Company") and respectfully requests that the Department of Telecommunications and Energy ("Department") grant it protection from public disclosure for certain confidential, competitively sensitive and proprietary information submitted in this proceeding in accordance with G.L. c. 25, § 5D. In support of its Motion, FG&E states:

1. On April 20, 2005 Unitil filed with the Department a petition for approval of the renewal of Contract No. 2915 (the "Contract") with Tennessee Gas Pipeline Company ("Tennessee") to meet the demand requirements of its firm customers.

2. On June 22, 2005 the Department issued its First Set of Information Requests to Unitil in the above captioned proceeding. Unitil responded to the Department's First Set of Information Requests on June 28, 2005.

3. On July 13, 2005 the Hearing Officer requested that Unitil supplement the response to DTE-1-3 in the proceeding with copies of the original Contract No. 2915 and all subsequent amendments to the original contract.

4. FG&E requests protection from public disclosure of Attachment DTE-1-3S2, pages 1-3 of Response DTE-1-3 Supplemental, the July 9, 1999 Contract Restructuring Letter Agreement, pursuant to Chapter 25, Section 5D of the General Laws of Massachusetts. G.L. c. 25, § 5D is specifically designed to protect against disclosure of competitively sensitive information. That provision, in part, provides:

> [T]he [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

G.L. c. 25, § 5D.

4. The information provided in Attachment DTE-1-3S2, pages 1-3 of Response DTE-1-3 Supplemental should be protected from public disclosure because it contains competitively sensitive information relating to the terms associated with the extension of the Firm Agreements that are the subject of that July 9, 1999 letter. The competitively sensitive information is specifically related to Tennessee's authorized discretion provided in Article III, Section 10.4 of Tennessee's FERC Gas tariff. The July 9, 1999 Contract Restructuring Letter Agreement specifically states that the Letter Agreement be treated as confidential and permits the parties to disclose the Letter Agreement containing this proprietary information only upon the condition that they first request that the information be protected from public disclosure. Unitil has further been informed by Tennessee that Tennessee considers all negotiations and

business dealings with all of its customers and counterparties as confidential between the parties unless otherwise specifically provided for.

WHEREFORE, for all the reasons set forth in this Motion, Unitil respectfully requests that the Department of Telecommunications and Energy issue its Order granting protective treatment over the confidential Attachment DTE-1-3-S2, Pages 1-3 to the response to DTE-1-3 Supplemental in the above referenced proceeding for a period of one year from the date of approval of this Motion.

Respectfully submitted,

FITCHBURG GAS AND ELECTRIC LIGHT COMPANY
By its attorney,

Meabh Purcell
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Dated: July 18, 2005

bs103763

TENNESSEE GAS PIPELINE
an El Paso Energy company

July 9, 1999

Fitchburg Gas ~~&~~ and Electric Light Company
6 Liberty Lane West
Hampton, NH 03842-1720

REDACTED

Attention: Mr. David K. Foote via facsimile: (603) 773-6630

RE: CONTRACT RESTRUCTURING LETTER AGREEMENT

REDACTED

REDACTED