COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FITCHBURG GAS AND ELECTRIC LIGHT COMPANY	)	D.T.E. 02-25

MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY FOR PROTECTIVE TREATMENT

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

1. On May 17, 2002, FG&E filed revised tariffs and schedules to implement proposed changes to its Gas Division rates and charges. FG&E's filing included supporting testimony of Mr. James L. Harrison, Exhibit FGE-JLH -1.

2. Mr. Harrison's testimony supports a marginal cost of service study and a fully allocated cost of service study for FG&E.

3. In particular to this Motion, both the Department and the Attorney General have requested *Excel* files that would permit them to examine and to test the accuracy and veracity of Mr. Harrison's testimony and recommendations. See DTE-1-59, AG-2-1 (Electric), AG-2-1 (Gas), AG-2-2 (Electric), AG-2-2 (Gas), AG-2-3 (Gas), AG-2-5 (Gas). The programs contained in these *Excel* files constitutes confidential and competitively sensitive business information to

Mr. Harrison and his consulting firm, Management Applications Consulting, Inc. Therefore, FG&E requests protection of this information from public disclosure pursuant to Chapter 25, Section 5D of the General Laws of Massachusetts.

4. 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. In determining the existence and extent of such a need, the Department must consider the presumption in favor of disclosure and the specific reasons why disclosure of the disputed information benefits the public interest. Fitchburg Gas and Electric Light Co., D.P.U. 97-5A, p. 4 (1997), citing Berkshire Gas Co., D.P.U. 93-187/188/189/190, p. 16 (1994).

5. MAC has informed FG&E that the electronic model contained on the *Excel* disk is considered proprietary to Management Applications Consulting, Inc. and contains confidential material, proprietary information and trade secrets, the public dissemination of which would damage MAC. According to MAC, the *Excel* formulae and programming should be protected from both display and use by any individuals other than those with a strict need to know in order to support the informational requirements of this proceeding.

6. MAC has also informed FG&E that the model formulae and programming are considered as confidential material to Mr. Harrison and MAC. They seek strict restrictions on the manner in which this electronic material may be viewed and disseminated, and assert that

under no circumstances should this electronic material be distributed to the public, any third party, or any entity or individual not subject to a confidentiality agreement, in whole or part, aside from the Department itself as part of its investigation of FG&E's rate request.

WHEREFORE, Fitchburg Gas and Electric Light Company respectfully requests that the Department of Telecommunications and Energy grant its Motion for Protective Treatment as stated herein, and protect from public disclosure the electronic programs as provided by Mr. Harrison and Management Applications Consulting, Inc. in this docket.

Respectfully submitted,

FITCHBURG GAS AND ELECTRIC LIGHT COMPANY
By its attorneys,

Scott J. Mueller
Patricia M. French
Meabh Purcell
LEBOEUF, LAMB, GREENE & MACRAE, L.L.P.
260 Franklin Street
Boston, MA 02110-3173
(617) 439-9500

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