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March 23, 2009

Via Hand Delivery

Thomas S. Burack, Chairman
NH Site Evaluation Committee
c/o NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

*Re: Docket No. 2008-04 - Application of Granite Reliable Power, LLC
Request for Confidential Treatment*

Dear Chairman Burack:

On November 4, 2008 the Presiding Officer in the above-captioned matter issued an Order Granting Applicant's Motion for Protective Order and Approving Procedure for Treatment of Confidential, Commercial or Financial Information. The Order stated: "Unless otherwise ordered, any future requests for confidential treatment of particular information will be handled with the same procedures detailed above. A determination will be made on a case by case basis, however, as to whether particular information should be accorded confidential treatment."

At the March 10, 2009 hearing in the above-captioned matter, the Site Evaluation Committee Subcommittee assigned to hear this case made a data request seeking an alternatives analysis that GRP had provided to the U. S. Army Corps of Engineers ("USACOE"). (Petitioner Exhibit 46 was reserved for this response.) A single set of documents comprising the response to that data request is being submitted along with this letter in a separate, sealed envelope marked "Confidential". By this letter, GRP is requesting that this information be accorded confidential treatment under the procedure outlined in the November 4, 2008 Protective Order.

GRP considers the information provided in Petitioner Exhibit 46 to fall within the definition of commercial information which is exempted from public inspection pursuant to RSA 91-A:5. RSA 91-A:5, IV provides, *inter alia*, that records pertaining to confidential, commercial or financial information, and other files whose disclosure would constitute an invasion of privacy, are exempt from the public disclosure requirements of RSA 91-A. The New Hampshire Supreme Court has determined that these records are not *per se* exempt from public disclosure; rather, the Court has found that a balancing test must be employed to determine whether the records should be protected. *Union Leader Corp. v. New Hampshire Housing Finance Authority*, 142 N.H. 540, 553 (1997). The balancing test includes an analysis of whether the public's interest in disclosure

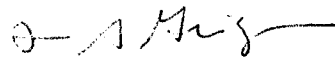
is outweighed by the substantial harm to the competitive position of the person from whom the information was obtained. *Id.* at 553-554.

GRP considers the enclosed information to be competitively sensitive commercial information that should not be made publicly available. The information relates to wind resources identified by GRP in specific areas within the state as well as GRP's analysis of the suitability of particular sites for wind park development. GRP has expended resources to develop this information and has taken steps to safeguard it from the public and its competitors. For example, in submitting this information to USACOE, GRP expressly requested that the information not be included in any future public documents. Publicly disclosing this information to GRP's competitors would result in substantial harm to GRP's position in the competitive market. This competitive harm supports a determination that the Applicant's interest in maintaining the confidentiality of the enclosed information outweighs the public's interest in disclosure. Moreover, this Committee has employed the above-referenced balancing test in the past and has granted protective treatment of this type of information in similar circumstances. Accordingly, the Committee should treat the enclosed information in a similar manner.

GRP requests that the information submitted with this letter and marked as confidential be accorded confidential treatment consistent with the November 4, 2008 Protective Order.

Thank you for your cooperation. Please let me know if you have any questions.

Very truly yours,



Susan S. Geiger

cc. Service list in SEC Docket No. 2008-04

Enclosure

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