



100 Westminster Street, Suite 1500  
Providence, RI 02903-2319  
p: 401-274-2000 f: 401-277-9600  
hinckleyallen.com

**Adam M. Ramos**  
Direct Dial 401-457-5164  
aramos@hinckleyallen.com

September 4, 2015

**Via Hand Delivery and Electronic Mail**

Ms. Luly E. Massaro, Commission Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

**Re: 2015 Distribution Adjustment Charge Filing – Docket No. 4573**

Dear Ms. Massaro:

On behalf of National Grid,<sup>1</sup> I am enclosing ten (10) copies of the Company's responses to the first and second sets of data requests issued by the Rhode Island Division of Public Utilities and Carriers on August 14, 2015, in the above-referenced docket.

This filing also contains a Motion for Protective Treatment in accordance with Rule 1.2(g) of the Commission's Rules of Practice and Procedure and R.I.G.L. § 38-2-2(4)(B). The Company seeks protection from public disclosure of certain confidential and proprietary information, which is contained in: (1) several of the attachments to the Company's response to Division 1-14, (2) the Company's response to Division 2-4, and (3) the attachment to the Company's response to Division 2-4. Accordingly, the Company has also provided the PUC with the un-redacted, confidential versions of these documents for review, and has included redacted copies in the filing.

Also, please note that, due to the size of many of the attachments, the Company has provided many of them on CD-ROM. The CD-ROM has been provided to the PUC and to the Division, and will be made available to the remainder of the service list upon request.

---


<sup>1</sup> The Narragansett Electric Company d/b/a National Grid (National Grid or the Company).

▶ ALBANY ▶ BOSTON ▶ CONCORD ▶ HARTFORD ▶ NEW YORK ▶ PROVIDENCE

Ms. Luly E. Massaro, Clerk  
September 4, 2015  
Page 2

Thank you for your attention to this filing. If you have any questions, please contact me at (401) 457-5164.

Very truly yours,



Adam M. Ramos

cc: Docket 4573 Service List (via electronic mail)  
Leo Wold, Esq.  
Steve Scialabba  
Bruce Oliver

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**RHODE ISLAND PUBLIC UTILITIES COMMISSION**

_____ )	
National Grid )	
Distribution Adjustment Charge (DAC) )	
2015 )	Docket No. 4573
_____ )	

**MOTION OF THE NARRAGANSETT ELECTRIC COMPANY,  
D/B/A NATIONAL GRID  
FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION**

The Narragansett Electric Company, d/b/a National Grid (Company) hereby requests that the Rhode Island Public Utilities Commission (PUC) grant protection from public disclosure of certain confidential and proprietary information submitted in this proceeding, as permitted by PUC Rule 1.2(g) and R.I.G.L. § 38-2-2(4)(B).

**I. BACKGROUND**

On September 4, 2015, the Company filed with the PUC its responses to the first and second set of data requests from the Division of Public Utilities and Carriers (Division) in this docket. Division 1-14(a) requests “supporting invoices for the dollar amounts billed to each project showing wage rates and hours worked for” consulting services referenced in the Company’s Annual Environmental Report. The Company is seeking protective treatment for Attachments DIV 1-14a(ii), DIV 1-14a (iii), DIV 1-14a(iv), DIV 1-14a(v), DIV 1-14a(vii),and DIV 1-14a(ix), to that response. Specifically, the Company is seeking protective treatment for consultant invoices describing work performed by that consultant at the request of the Company’s attorneys relative to

potential legal proceedings. In addition, Division Data Request 2-4 requests the names of customers being considered by the Company for inclusion in the AGT program and specific data about those customers, including workpapers related to those customers. The Company is also seeking protective treatment for the customer identifying information contained in the written response to DIV 2-4 and Attachment DIV 2-4-e. For the reasons stated below, the Company requests that this information be protected from public disclosure.

## **II. LEGAL STANDARD**

Rule 1.2(g) of the PUC's Rules of Practice and Procedure provides that access to public records shall be granted in accordance with the Access to Public Records Act ("APRA"), R.I.G.L. §38-2-1, *et seq.* Under APRA, all documents and materials submitted in connection with the transaction of official business by an agency is deemed to be a "public record," unless the information contained in such documents and materials falls within one of the exceptions specifically identified in R.I.G.L. §38-2-2(4). Therefore, to the extent that information provided to the PUC falls within one of the designated exceptions to the public records law, the PUC has the authority under the terms of APRA to deem such information to be confidential and to protect that information from public disclosure.

In that regard, R.I.G.L. §38-2-2(4)(B) provides that the following records shall not be deemed public:

Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

The Rhode Island Supreme Court has held that the determination as to whether this exemption applies requires the application of a two-pronged test set forth in

Providence Journal Company v. Convention Center Authority, 774 A.2d 40

(R.I.2001). The first prong of the test assesses whether the information was provided voluntarily to the governmental agency. Providence Journal, 774 A.2d at 47. If the answer to the first question is affirmative, then the question becomes whether the information is “of a kind that would customarily not be released to the public by the person from whom it was obtained.” Id.

### **III. BASIS FOR CONFIDENTIALITY**

Attachments DIV 1-14a(ii), DIV 1-14a (iii), DIV 1-14a(iv), DIV 1-14a(v), DIV 1-14a(vii),and DIV 1-14a(ix) contain material that divulges work performed by the Company’s consultants bearing on potential litigation. Such information is privileged. The public disclosure of this information would disadvantage the Company and ultimately its customers in a future litigation and should be granted protective treatment by the PUC under its rules.

In addition, the written response to DIV 2-4 and Attachment DIV 2-4-e contain confidential information identifying specific customers of the Company and sensitive information about their accounts with the Company. This type of information historically has been maintained as confidential when provided in PUC filings. Disclosure of this information would impact the competitive position of these customers, and such disclosure would impede on the confidentiality rights of those customers.

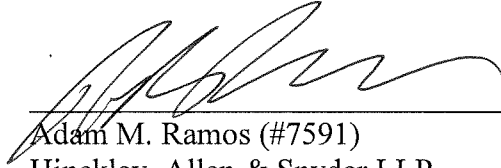
### **IV. CONCLUSION**

In light of the foregoing, the Company respectfully requests that the PUC grant its Motion for Protective Treatment as stated herein.

Respectfully submitted,

**The Narragansett Electric Company d/b/a  
National Grid,**

By its Attorney,

A handwritten signature in black ink, appearing to read 'A. Ramos', is written over a horizontal line.

Adam M. Ramos (#7591)  
Hinckley, Allen & Snyder LLP  
100 Westminster Street, Suite 1500  
Providence, Rhode Island 02903  
Tel. (401) 274-2000  
Fax (401) 277-9600  
aramos@hinckleyallen.com

Dated: September 4, 2015