

January 6, 2023

VIA HAND DELIVERY & ELECTRONIC MAIL

Emma Rodvien, Coordinator
Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

**RE: Docket No. SB-2021-04 – Narragansett Electric Company Aquidneck Island
Gas Reliability Project Old Mill Lane, Portsmouth, Rhode Island
Responses to EFSB Data Requests – Set 2**

Dear Ms. Rodvien:

On behalf of The Narragansett Electric Company (the “Company”), I have enclosed the Company’s responses to the Energy Facility Siting Board’s (“EFSB”) Second Set of Data Requests in the above-referenced docket.

Please be advised that the response to Data Request No. 2-4 contains confidential and privileged information. The Company requests protective treatment of the Confidential Attachments in accordance with 810-RICR-00-00-1.3(H), 810-RICR-00-00-1.19(E), and R.I. Gen. Laws § 38-2-2-(4)(A)(I)(b). In support of this request, the Company has enclosed a Motion for Protective Treatment. In accordance with 810-RICR-00-00-1.3(H)(1), the Company respectfully requests that the EFSB make a preliminary finding that the information redacted in the public version is exempt from the mandatory public disclosure requirements of the Rhode Island Access to Public Records Act (“APRA”).

Robinson+Cole

Emma Rodvien, Coordinator
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Thank you for your attention to this matter. If you have any questions, please contact me at (401) 709-3351.

Sincerely,



George W. Watson III

Enclosures

cc: Docket SB-2021-04 Service List

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate were electronically transmitted to the individuals listed below.

The paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission and to the Rhode Island Division of Public Utilities and Carriers.



Heidi J. Seddon

January 6, 2023

Date

SB-2021-04 The Narragansett Electric Company's Application for a License to Mobilize and Operate a Liquefied Natural Gas (LNG) Vaporization Facility at Old Mill Lane (Portsmouth, RI)

Updated October 25, 2022

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**STATE OF RHODE ISLAND
ENERGY FACILITY SITING BOARD**

In re:)
The Narragansett Electric Company)
Aquidneck Island Gas Reliability Project) EFSB Docket No. SB-2021-04
Old Mill Lane, Portsmouth, Rhode Island)
)
)

**MOTION OF THE NARRAGANSETT ELECTRIC COMPANY
FOR PROTECTIVE TREATMENT OF
CONFIDENTIAL INFORMATION**

The Narragansett Electric Company (the “Company”) hereby respectfully requests that the Energy Facility Siting Board (“EFSB” or “Board”) grant protection from public disclosure of certain confidential information submitted by the Company. The reasons for the protective treatment are set forth herein. The Company also requests that, pending entry of that finding, the EFSB preliminarily grant the Company’s request for confidential treatment.

The information that is the subject of this Motion and requires protective treatment includes confidential communications between the Company and Algonquin included in the Company’s Confidential Response to EFSB 2-4 to the Board’s Second Set of Data Requests, issued on December 14, 2022 (the “Confidential Response”).

I. LEGAL STANDARD

Rhode Island’s Access to Public Records Act (“APRA”), R.I.G.L. §38-2-1 *et. seq.*, sets forth the parameters for public access to documents in the possession of state and local government agencies. Under APRA, all documents and materials submitted in connection with the transaction of official business by an agency are 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 Board falls within

one of the designated exceptions to APRA, the Board 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. Gen. Laws § 38-2-2(4)(B) provides that the following types of 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 this confidential information exemption applies where the disclosure of information would be likely either (1) to impair the government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. *Providence Journal Company v. Convention Center Authority*, 774 A.2d 40 (R.I. 2001). The first prong of the test is satisfied when information is provided to the governmental agency and that information is of a kind that would customarily not be released to the public by the person from whom it was obtained. *Providence Journal*, 774 A.2d at 47.

The Rhode Island Supreme Court has also noted that the agencies making determinations as to the disclosure of information under APRA may apply a balancing test. *See Providence Journal v. Kane*, 577 A.2d 661 (R.I. 1990). Under this balancing test, after a record has been determined to be public, the Board may protect information from public disclosure if the benefit of such protection outweighs the public interest inherent in disclosure of information pending before regulatory agencies. *Kane*, 557 A.2d at 663 (“Any balancing of interests arises only after a record has first been determined to be a public record.”).

II. BASIS FOR CONFIDENTIALITY

The Company's response to EFSB Data Request 2-4 contains information obtained by the Company from Algonquin Gas Transmission, LLC ("Algonquin") in the course of discussions on September 20, 2022. Algonquin specifically requested that the Company maintain these discussions as confidential, and, in order to obtain information regarding Algonquin's activities on the G-2 lateral which serves the Aquidneck Island gas distribution system, the Company agreed to this request for confidentiality. The Company has provided details regarding the substance of its discussion with Algonquin in response to EFSB Data Request 2-4 in order to assist the Board in its review of the Company's application in this docket. However, public disclosure of information that the Company agreed to maintain as confidential would hinder the Company's ability to obtain important information from its natural gas supplier in the future. This would not only impair the Company's ability to make well informed infrastructure planning decisions, but could also prevent the Company from obtaining information from Algonquin that might assist the Board in its review of the Company's application in this and other dockets where information regarding the gas transmission system is important to informed decision making.

III. CONCLUSION


For the foregoing reasons, the Company respectfully requests that the Board grant this motion for protective treatment of the confidential information contained in the Confidential Response to EFSB Data Request 2-4.

[SIGNATURE ON NEXT PAGE]

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY**

By its attorneys,



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Dated: January 6, 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2023, I delivered a true copy of the foregoing Motion via electronic mail to the parties on the Service List for Docket No. SB-2021-04.



EFSB 2-1

Request:

The letter indicates that “[t]his project will not impact the capacity constraint or capacity vulnerability summarized in the April 2022 Siting Report.” Please explain why increasing the diameter of the pipeline does not wholly or partially address the capacity constraint and/or the capacity vulnerability issues.

Response:

Algonquin plans to replace a section of the existing six-inch diameter G-2 lateral with 12-inch diameter pipe along the segment that is a single line with no parallel loop line. This single line segment is approximately four miles in total length, and the proposed replacement will be for approximately two miles of the four miles, not the entire four miles. The replacement of the six-inch segment with 12-inch diameter pipe will enable improved delivery pressures to the Portsmouth take station but will not provide relief from capacity vulnerability or capacity constraint. The capacity vulnerability can only be resolved once the 12-inch diameter pipe is installed for the entire four-mile segment and a secondary loop line. The capacity constraint can only be resolved with other improvements on the G lateral allowing for increased capacity.

The Narragansett Electric Company
EFSB Docket No. SB-2021-04
In Re: Aquidneck Island Gas Reliability Project
Old Mill Lane, Portsmouth, Rhode Island
Responses to the EFSB's Second Set of Data Requests
Issued on December 14, 2022

EFSB 2-2

Request:

The Algonquin map appears to show the new 12-inch pipeline crossing the Sakonnet River and leading all the way to the Portsmouth take station. Is the entire 6-inch pipeline on the Portsmouth side of the river being abandoned in place and being replaced by a 12-inch pipeline? If not, please explain the configuration.

Response:

It is the Company's understanding that the entire six-inch pipeline on the Portsmouth side of the river is being abandoned in place and being replaced by a 12-inch pipeline.

The Narragansett Electric Company
EFSB Docket No. SB-2021-04
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EFSB 2-3

Request:

Will Algonquin be engaging in construction activities to install a new 12-inch pipeline from the edge of the river (as shown in yellow) all the way to the Portsmouth take station, which will require excavation? Please explain the construction plan.

Response:

It is the Company's understanding that the river crossing will be completed as a Horizontal Directional Drill ("HDD") with the entry point on the Portsmouth side set back approximately 1,200 feet from the edge of the river and the 12-inch pipeline installation from the HDD entry on the Portsmouth side to the take station will require excavation.

EFSB 2-4

REDACTED

Request:

Referencing the Algonquin map and the text box labeled as “Valve Site/Tie-in” and the text box labeled “Existing Pipeline to remain,” (a) please indicate the diameter of the pipeline that will remain and explain whether there will be any further increase in the pipeline diameter upstream of the Valve Site/Tie-in; (b) if the diameter upstream of the valve site location will remain at six inches, is the Company aware of or inquired about any plans that Algonquin may have to increase the diameter of the existing pipeline from the valve site point to a point upstream on the G-system branch where there is 12-inch pipeline in service (if so please describe).

Response:

It is the Company’s understanding that the Algonquin pipeline maintenance project does not include any pipeline replacement work between the two points referenced above.

Rhode Island Energy has expressed interest in G-system enhancements to relieve the capacity vulnerability and capacity constraint; however, currently there is no additional capacity available on this portion of the G-system. As described in the Company’s response to EFSB 2-2, the Sakonnet River Crossing would need to be increased to a 12-inch diameter pipe and the remainder of single line section of the G-2 lateral would need to be looped with 12-inch diameter pipe back to the existing 12-inch diameter pipe, approximately four miles total to relieve capacity vulnerability, and other improvements to the G-system mainline are required to relieve capacity constraint.

[REDACTED]

The Narragansett Electric Company
EFSB Docket No. SB-2021-04
In Re: Aquidneck Island Gas Reliability Project
Old Mill Lane, Portsmouth, Rhode Island
Responses to the EFSB's Second Set of Data Requests
Issued on December 14, 2022

EFSB 2-5

Request:

Has the Narragansett Electric Company entered into any agreements with Algonquin related to the reference pipeline replacement project? If so, please describe.

Response:

No, The Narragansett Electric Company has not entered into any agreements with Algonquin related to the referenced pipeline replacement project.

The Narragansett Electric Company
EFSB Docket No. SB-2021-04
In Re: Aquidneck Island Gas Reliability Project
Old Mill Lane, Portsmouth, Rhode Island
Responses to the EFSB's Second Set of Data Requests
Issued on December 14, 2022

EFSB 2-6

Request:

Is The Narragansett Electric Company being assessed any of the costs associated with the pipeline replacement project and/or increase in pipeline diameter? If so, please explain and indicate the estimated cost.

Response:

No, The Narragansett Electric Company is not being assessed any of the costs associated with the pipeline replacement project and/or increase in pipeline diameter. The cost for this project is budgeted under the Algonquin annual maintenance program and is recovered through the system rate set in Algonquin's last rate settlement.