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February 17, 2023

VIA ELECTRONIC MAIL

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

**RE: Docket No. 22-49-EL-The Narragansett Electric Company d/b/a Rhode Island Energy
Advanced Metering Functionality Business Case
Responses to PUC Data Requests – PUC Set 1**

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”), attached is the electronic version of Rhode Island Energy’s supplemental response to PUC 1-17 from the Public Utilities Commission’s First Set of Data Requests in the above-referenced matter.¹

This filing includes a Motion for Protective Treatment of Confidential Information in accordance with Commission Rules of Practice and Procedure 1.3(H)(3) and R.I. Gen. Laws § 38-2-2(4) for the response to Request 1-17, which contains confidential and proprietary business information. For the reasons stated in the Motion for Protective Treatment, the Company seeks protection from public disclosure of a portion of the response to Request 1-17. Accordingly, the Company has provided the Commission with an original and two complete, unredacted copies of the confidential document in a sealed envelope marked “**Contains Privileged and Confidential Information – Do Not Release,**” and has included a redacted version of the response to Request 1-17 for the public filing.

Thank you for your time and attention to this matter. If you have any questions, please contact Jennifer Brooks Hutchinson at 401-316-7429.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jennifer Brooks Hutchinson", with a long horizontal flourish extending to the right.

Jennifer Brooks Hutchinson


Enclosures

¹ Per communication from Commission counsel on October 4, 2021, the Company is submitting an electronic version of this filing followed by hard copies filed with the Clerk within 24 hours of the electronic filing.

cc: Docket No. 22-49-EL Service List
John Bell, Division
Leo Wold, Esq.

CERTIFICATE OF SERVICE

I certify that a copy of the within documents was forwarded by e-mail to the Service List in the above docket on the 17th day of February, 2023.



Adam M. Ramos, Esq.

The Narragansett Electric Company d/b/a Rhode Island Energy
Docket No. 22-49-EL Advanced Meter Functionality (AMF)
Service list updated 2/9/2023

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STATE OF RHODE ISLAND

RHODE ISLAND PUBLIC UTILITIES COMMISSION

In re: The Narragansett Electric Company)	
d/b/a Rhode Island Energy’s Advanced)	Docket No. 22-49-EL
Metering Functionality Business Case)	

**THE NARRAGANSETT ELECTRIC COMPANY D/B/A RHODE ISLAND ENERGY’S
MOTION FOR PROTECTIVE TREATMENT OF CONFIDENTIAL INFORMATION
FOR ITS SUPPLEMENTAL RESPONSE TO DATA REQUEST PUC 1-17**

The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”) respectfully requests that the Rhode Island Public Utilities Commission (“PUC”) provide confidential treatment and grant protection from public disclosure of certain confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by Rule 1.3(H)(3) of the PUC Rules of Practice and Procedure, 810-RICR-00-00-1-1.3(H)(3) (“Rule 1.3(H)”), and R.I. Gen. Laws § 38-2-2(4)(B). The Company also requests that, pending entry of that ruling, the PUC preliminarily grant the Company’s request for confidential treatment pursuant to Rule 1.3(H)(2).

I. BACKGROUND

On January 19, 2023, Rhode Island Energy submitted its Responses to the PUC’s First Set of Data Requests (“PUC Set 1”) in the above-captioned docket. In response to Data Request No. 1-17 (“PUC 1-17”), the Company provided a table detailing the amounts the Company allocates to certain System Ongoing Maintenance categories, and the method for allocating those amounts. Because that table contained confidential and proprietary commercial and financial

information that the Company ordinarily would not share with the public,¹ the Company filed a motion for protective treatment of that information and provided a redacted version of its response to PUC 1-17 for the public record. The PUC has not yet ruled on that motion for protective treatment.

After the Company submitted its response to PUC 1-17, the PUC held an open meeting on January 20, 2023, at which, among other things, the PUC noted that it viewed the Company's response to PUC 1-17 as incomplete and urged the Company to review the response and determine whether it would submit a supplemental response. The Company has reviewed its original response to PUC 1-17 and, contemporaneous with filing this motion, is now filing a supplemental response that includes additional information responsive to the request. That supplemental response includes: (1) the original response to PUC 1-17; and (2) Attachment PUC 1-17 Supplemental Confidential, both of which contain confidential and proprietary commercial and financial information that the Company ordinarily would not share with the public.²

Specifically, the supplemental response to PUC 1-17 seeks protective treatment of confidential cost information provided by the Company's third-party vendors. The third-party vendor costs are the costs for Analytics, Middleware, ADMS, and OMS.³ Additionally, the Company is seeking confidential treatment of the total combined costs between Pennsylvania

¹ Specifically, the table contains the costs allocated to Rhode Island Energy by PPL Service Corporation to run its information technology ("IT") systems. Combined with the information in the table regarding PPL Corporation's ("PPL") methodology for allocating costs among its operating companies, most of whom are not parties to this proceeding nor subject to the PUC's jurisdiction, the public could determine the exact costs to PPL – and its other affiliates – to maintain these IT systems. Additionally, the information would give the Company's vendors insight into PPL's total costs, which would place PPL or the Company at a competitive disadvantage when negotiating contracts.

² After review, the Company has determined that it can disclose some of the information it originally redacted from its original response to PUC 1-17. Accordingly, the supplemental response to PUC 1-17 will include a redacted version for the public record that redacts only those portions of the original response to PUC 1-17 for which the Company maintains its request for protective treatment.

³ The costs for Customer Portal and Cybersecurity are internal Company costs, and after further review, the Company is no longer seeking confidential treatment for those costs as they relate only to Rhode Island Energy.

and Rhode Island for all categories of costs set forth in Attachment PUC 1-17 Confidential Supplemental.

II. LEGAL STANDARD

Rule 1.3(H) provides that access to public records shall be granted in accordance with the Access to Public Records Act (“APRA”), R.I. Gen. Laws § 38-2-1, *et seq.* APRA establishes the balance between “public access to public records” and protection “from disclosure [of] information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.” Gen. Laws § 38-2-1. Per APRA, “all records maintained or kept on file by any public body” are “public records” to which the public has a right of inspection unless a statutory exception applies. *Id.* § 38-2-3. The definition of “public record” under APRA, however, specifically excludes “trade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.” *Id.* § 38-2-2(4)(B). The statute provides that such records “shall not be deemed public.” *Id.*

The Rhode Island Supreme Court has held that when documents fall within a specific APRA exemption, they “are not considered to be public records,” and “the act does not apply to them.” *Providence Journal Co. v. Kane*, 577 A.2d 661, 663 (R.I. 1990). Further, the court has held that “financial or commercial information” under APRA includes information “whose disclosure 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 Co. v. Convention Ctr. Auth.*, 774 A.2d 40, 47 (R.I. 2001) (internal quotation marks omitted). The first prong of the test is satisfied when information is provided voluntarily to the governmental agency, and that

information is of a kind that would not customarily be released to the public by the person from whom it was obtained. *Id.* at 47.

III. BASIS FOR CONFIDENTIALITY

The Company's supplemental response to PUC 1-17, including Attachment PUC 1-17 Supplemental Confidential contains information that constitutes "commercial or financial information" to which the APRA public disclosure requirements do not apply. *See* Gen. Laws § 38-2-2(4)(B); *Kane*, 577 A.2d at 663. Specifically, the categories of costs for which the Company seeks protective treatment contain vendor-specific costs for monthly maintenance fees, operations service fees, and software costs. Revealing this information publicly likely would impact the ability of the Company to get best-cost pricing in future negotiations and would reveal the confidential information of the third-party vendors. They also include labor amounts that specifically would permit someone to determine the salaries and pay rates the Company expects to pay. Revealing such information publicly would inhibit the Company's ability to effectively negotiate contracts for the provision of this labor in the future. Finally, the Company seeks protection for the total costs for both Pennsylvania and Rhode Island. Revealing this information publicly would enable third parties to know the exact cost to PPL Corporation to run these IT platforms and hinder its ability to effectively negotiate these costs in the future.⁴ Furthermore, disclosing the cost amounts would reveal the confidential financial information of a third party – PPL – that is not a party to this proceeding.

For these reasons, all the information for which the Company seeks protection in its supplemental response to PUC 1-17 and Attachment PUC 1-17 Supplemental Confidential is

⁴ This is true even for the costs associated with purely internal costs. If it is publicly known what it costs PPL internally, PPL would be hindered in potentially seeking a more cost-efficient third-party solution if it were to decide to do so in the future because third-party vendors would know what PPL has spent on those items.

information that satisfies the APRA exception found in Gen. Laws § 38-2-2(4)(B). Accordingly, Rhode Island Energy respectfully requests that the PUC grant protective treatment to the information in its supplemental response to PUC 1-17 and Attachment PUC 1-17 Supplemental Confidential and take the following actions to preserve its confidentiality: (1) maintain that information as confidential indefinitely; (2) not place that information on the public docket; and (3) disclose that information only to the PUC, its attorneys, and staff as necessary to review this docket. Rhode Island Energy has submitted a proposed redacted version of its supplemental response to PUC 1-17 and Attachment PUC 1-17 Supplemental Confidential that redacts the confidential information and would be available on the public docket.

IV. CONCLUSION

For the foregoing reasons, Rhode Island Energy respectfully requests that the PUC grant its Motion for Protective Treatment of Confidential Information.

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY d/b/a RHODE ISLAND ENERGY**

By its attorney,



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/s/ Adam M. Ramos

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Dated: February 17, 2023

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2023, I sent a copy of the foregoing to the service list by electronic mail.

/s/ Adam M. Ramos

The Narragansett Electric Company
d/b/a Rhode Island Energy
RIPUC Docket No. 22-49-EL
In Re: Advanced Metering Functionality Business Case
and Cost Recovery Proposal
Responses to the Commission’s First Set of Data Requests
Issued December 8, 2022

Redacted
PUC 1-17 Supplemental

Request:

Are there any O&M expenses reflected in the Company’s schedules which are based on estimates derived from the allocated cost of any services being shared with a PPL affiliate? If yes, please identify each category of O&M expense, the total cost of the shared services, the portion of shared service cost allocated to Rhode Island Energy, and explain the basis of the allocation in each instance.

Original Response:

Yes. The O&M expense estimates in the Company’s cost model were developed assuming that there would be shared responsibility for on-going operational costs among PPL Corporation’s (“PPL”) operating companies. The allocations were based on PPL’s cost allocation methodology; specifically, for metering, it is based on customer end points. Per the AMF Benefit-Cost Analysis (BCA) Spreadsheet and Narrative Attachment H (“Attachment H”) to the AMF Business Case, many systems will be supported for ongoing maintenance and support by individuals serving both the Rhode Island and Pennsylvania operating companies; with these individuals direct charging their time such that only time associated with Rhode Island will be charged to specific Rhode Island charge numbers.

The following Systems costs (other than labor) will be allocated as follows and as outlined in Attachment H:

System Ongoing Maintenance	Amount	Allocation Methodology
Customer Portal	\$890k	Based on total endpoints RI and PA
Analytics	██████	Based on total endpoints RI and PA
Middleware	██████	Based on total endpoints RI and PA
ADMS	██████	Based on total endpoints RI and PA
OMS	██████	Based on total endpoints RI and PA
Cybersecurity	\$199k	Based on total endpoints RI and PA

The Narragansett Electric Company
d/b/a Rhode Island Energy
RIPUC Docket No. 22-49-EL
In Re: Advanced Metering Functionality Business Case
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Issued December 8, 2022

Supplemental Response:

Please see Attachment PUC 1-17 Supplemental Confidential for additional information responsive to this request. The additional information reflects:

- The inclusion of labor costs, including Rhode Island-only labor costs and total combined Pennsylvania and Rhode Island labor costs;
- Total combined Pennsylvania and Rhode Island costs by system; and
- Description of secondary cost allocation methodologies.

Redacted

<u>System Ongoing Maintenance</u>	<u>Total \$ - PA + RI</u>	<u>Total \$ - RI only</u>	<u>Primary Cost Allocation Methodology</u>	<u>Additional Cost Allocation Methodology</u>	<u>BCA file source (tab; cell)</u>
Customer Portal	██████	\$890K	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA website views for meter data were used as foundation to derive estimate	Tab: 10- RI AMF Cost Model ; cells: O108, O109, O110
Analytics	██████	██████	RI represents ~25% of the total active electric meter endpoints combining PA + RI		Tab: 10- RI AMF Cost Model ; cell: O67
Middleware	██████	██████	RI represents ~25% of the total active electric meter endpoints combining PA + RI		Tab: 10- RI AMF Cost Model ; cell: O93
ADMS	██████	██████	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA ADMS usage data for DER was used to help derive the estimates	Tab: 10- RI AMF Cost Model ; cell: O116
OMS	██████	██████	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA OMS usage data for last gasp/power up was used to help derive the estimates	Tab: 10- RI AMF Cost Model ; cell: O117
Cybersecurity	██████	\$199K	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA dedicated AMI application count and annual costs were used to derive	Tab: 10- RI AMF Cost Model ; cell: O97
<u>IT Labor Ongoing Maintenance</u>	<u>Total \$ - PA + RI</u>	<u>Total \$ - RI only</u>	<u>Primary Cost Allocation Methodology</u>	<u>Additional Cost Allocation Methodology</u>	<u>BCA file source (tab; cell)</u>
Customer Portal	██████	\$3.28M	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA FTE support data was used to help derive the estimates	Tab: 10- RI AMF Cost Model ; cell: O107
Analytics	██████	██████	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA FTE support data was used to help derive the estimates	Tab: 10- RI AMF Cost Model ; cell: O66
Middleware	██████	██████	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA FTE support data was used to help derive the estimates	Tab: 10- RI AMF Cost Model ; cell: O92
ADMS	██████	██████	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA FTE support data was used to help derive the estimates	Tab: 10- RI AMF Cost Model ; cell: O114
OMS	██████	██████	RI represents ~25% of the total active electric meter endpoints combining PA + RI	Historical PA FTE support data was used to help derive the estimates	Tab: 10- RI AMF Cost Model ; cell: O115
Cybersecurity	Labor accounted for above				

Total \$s represents nominal costs by solution over 20 year BCA