

STEVEN J. BOYAJIAN

One Financial Plaza, 14th Floor  
Providence, RI 02903-2485  
Main (401) 709-3300  
Fax (401) 709-3399  
sboyajian@rc.com  
Direct (401) 709-3359

Also admitted in Massachusetts

November 17, 2022

**VIA HAND DELIVERY & ELECTRONIC MAIL**

Luly E. Massaro, Clerk  
Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, RI 02888

**RE: Docket No. 22-05-EE  
Investigation of Misconduct by The Narragansett Electric Company Relating to  
Past Payments of Energy Efficiency Program Shareholder Incentives  
Responses to Division's Ninth Set of Data Requests (Full Set)**

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company d/b/a Rhode Island Energy ("Rhode Island Energy" or the "Company"), I have enclosed a full set of the Company's responses to the Division of Public Utilities and Carriers' ("Division") Ninth Set of Data Requests in the above referenced matter. Please note that this complete set includes the Company's previously filed response to Division 9-1 which was provided subject to a November 7, 2022 motion for protective treatment and objection to the extent the request seeks privileged information.

Thank you for your attention to this matter. If you have any questions, please contact me at (401) 709-3359.

Sincerely,



Steven J. Boyajian

Enclosure

cc: Margaret L. Hogan, Esq., Division

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

November 17, 2022

Date

**Docket No. 22-05-EE – PUC Investigation of Utility Misconduct or Fraud by The Narragansett Electric Co. Service list updated 8/26/2022**

Name /Address	E-mail Distribution List	Phone
<p><b>The Narragansett Electric Company d/b/a Rhode Island Energy</b> Andrew Marcaccio, Esq. 280 Melrose St. Providence, RI 02907</p> <p>Leticia C. Pimentel, Esq. <b>Robinson &amp; Cole LLP</b> One Financial Plaza, 14th Floor Providence, RI 02903</p>	<p><a href="mailto:amarcaccio@pplweb.com">amarcaccio@pplweb.com</a>;  <a href="mailto:cobrien@pplweb.com">cobrien@pplweb.com</a>;  <a href="mailto:jhutchinson@pplweb.com">jhutchinson@pplweb.com</a>;  <a href="mailto:jscanlon@pplweb.com">jscanlon@pplweb.com</a>;  <a href="mailto:mocrayne@ng.rienergy.com">mocrayne@ng.rienergy.com</a>;  <a href="mailto:dmoreira@rienergy.com">dmoreira@rienergy.com</a>;    <a href="mailto:bsfeldman@rienergy.com">bsfeldman@rienergy.com</a>;  <a href="mailto:djtukey@rienergy.com">djtukey@rienergy.com</a>;  <a href="mailto:fcharlot@rienergy.com">fcharlot@rienergy.com</a>;  <a href="mailto:bjpelletier@rienergy.com">bjpelletier@rienergy.com</a>;  <a href="mailto:jkessler@rienergy.com">jkessler@rienergy.com</a>;    <a href="mailto:LPimentel@rc.com">LPimentel@rc.com</a>;    <a href="mailto:HSeddon@rc.com">HSeddon@rc.com</a>;</p>	<p>401-784-4263</p>
<p><b>National Grid USA</b> Chery Kimball, Esq. Robert Humm Keegan Werlin LLP 99 High St., Suite 2900 Boston, MA 02110</p> <p>Laura Bickel, Esq. National Grid</p>	<p><a href="mailto:ckimball@keeganwerlin.com">ckimball@keeganwerlin.com</a>;    <a href="mailto:rhummm@keeganwerlin.com">rhummm@keeganwerlin.com</a>;    <a href="mailto:laura.bickel@nationalgrid.com">laura.bickel@nationalgrid.com</a>;    <a href="mailto:Brooke.Skulley@nationalgrid.com">Brooke.Skulley@nationalgrid.com</a>;    <a href="mailto:Theresa.Burns@nationalgrid.com">Theresa.Burns@nationalgrid.com</a>;    <a href="mailto:Scott.McCabe@nationalgrid.com">Scott.McCabe@nationalgrid.com</a>;</p>	<p>617-951-1400</p>
<p><b>Division of Public Utilities and Carriers</b> Margaret L. Hogan, Esq.</p>	<p><a href="mailto:Margaret.L.Hogan@dpuc.ri.gov">Margaret.L.Hogan@dpuc.ri.gov</a>;  <a href="mailto:john.bell@dpuc.ri.gov">john.bell@dpuc.ri.gov</a>;  <a href="mailto:Joel.munoz@dpuc.ri.gov">Joel.munoz@dpuc.ri.gov</a>;  <a href="mailto:Michelle.Barbosa@dpuc.ri.gov">Michelle.Barbosa@dpuc.ri.gov</a>;</p>	<p>401-780-2120</p>

	<a href="mailto:Machaela.Seaton@dpuc.ri.gov">Machaela.Seaton@dpuc.ri.gov</a> ;	
	<a href="mailto:Paul.roberti@dpuc.ri.gov">Paul.roberti@dpuc.ri.gov</a> ;	
	<a href="mailto:Linda.george@dpuc.ri.gov">Linda.george@dpuc.ri.gov</a> ;	
Tim Woolf Jennifer Kallay Synapse Energy Economics 22 Pearl Street Cambridge, MA 02139	<a href="mailto:twoolf@synapse-energy.com">twoolf@synapse-energy.com</a> ;	
	<a href="mailto:jkallay@synapse-energy.com">jkallay@synapse-energy.com</a> ;	
<b>Rhode Island Attorney General's Office</b> Nicholas Vaz, Esq. Alison Hoffman, Esq.	<a href="mailto:nvaz@riag.ri.gov">nvaz@riag.ri.gov</a> ;	
	<a href="mailto:ahoffman@riag.ri.gov">ahoffman@riag.ri.gov</a> ;	
	<a href="mailto:egolde@riag.ri.gov">egolde@riag.ri.gov</a> ;	
<b>RI EERMC</b> Marisa Desautel, Esq. Office of Marisa Desautel, LLC 55 Pine St. Providence, RI 02903  Sam Ross, Optimal Energy	<a href="mailto:marisa@desautelesq.com">marisa@desautelesq.com</a> ;	401-477-0023
	<a href="mailto:mdewey@desautelesq.com">mdewey@desautelesq.com</a> ;	
	<a href="mailto:ross@optenergy.com">ross@optenergy.com</a> ;	
<b>Office of Energy Resources (OER)</b> Albert Vitali, Esq. Dept. of Administration Division of Legal Services One Capitol Hill, 4 <sup>th</sup> Floor Providence, RI 02908	<a href="mailto:Albert.Vitali@doa.ri.gov">Albert.Vitali@doa.ri.gov</a> ;	401-222-8880
	<a href="mailto:Nancy.Russolino@doa.ri.gov">Nancy.Russolino@doa.ri.gov</a> ;	
	<a href="mailto:Christopher.Kearns@energy.ri.gov">Christopher.Kearns@energy.ri.gov</a> ;	
	<a href="mailto:Steven.Chybowski@energy.ri.gov">Steven.Chybowski@energy.ri.gov</a> ;	
	<a href="mailto:Anika.Kreckel.CTR@energy.ri.gov">Anika.Kreckel.CTR@energy.ri.gov</a> ;	
	<a href="mailto:Nathan.Cleveland@energy.ri.gov">Nathan.Cleveland@energy.ri.gov</a> ;	
<b>Original &amp; 9 copies file w/:</b> Luly E. Massaro, Commission Clerk John Harrington, Commission Counsel Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	<a href="mailto:Luly.massaro@puc.ri.gov">Luly.massaro@puc.ri.gov</a> ;	401-780-2107
	<a href="mailto:John.Harrington@puc.ri.gov">John.Harrington@puc.ri.gov</a> ;	
	<a href="mailto:Alan.nault@puc.ri.gov">Alan.nault@puc.ri.gov</a> ;	
	<a href="mailto:Todd.bianco@puc.ri.gov">Todd.bianco@puc.ri.gov</a> ;	
	<a href="mailto:Emma.Rodvien@puc.ri.gov">Emma.Rodvien@puc.ri.gov</a> ;	
<b>Interested Party/Individual</b>		
<b>RI Infrastructure Bank</b> Chris Vitale, Esq.,	<a href="mailto:cvitale@hvlawltd.com">cvitale@hvlawltd.com</a> ;	
	<a href="mailto:USatine@riib.org">USatine@riib.org</a> ;	
	<a href="mailto:Larry@massenergy.org">Larry@massenergy.org</a> ;	
<b>Acadia Center</b> Hank Webster, Director & Staff Atty.	<a href="mailto:HWebster@acadiacenter.org">HWebster@acadiacenter.org</a> ;	
<b>Green Energy Consumers Alliance</b> Larry Chretien, Executive Director Kai Salem	<a href="mailto:Larry@massenergy.org">Larry@massenergy.org</a> ;	
	<a href="mailto:kai@greenenergyconsumers.org">kai@greenenergyconsumers.org</a> ;	
	<a href="mailto:priscilla@greenenergyconsumers.org">priscilla@greenenergyconsumers.org</a> ;	

**STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION**

_____	)	
In re: Investigation of Misconduct by	)	
The Narragansett Electric Company Relating	)	Docket No. 22-05-EE
to Past Payments of Energy Efficiency	)	Docket No. 5189
Program Shareholder Incentives	)	
_____	)	

**MOTION FOR PROTECTIVE TREATMENT OF LEGALLY PRIVILEGED  
INFORMATION AND OBJECTION OF NATIONAL GRID USA  
TO DATA REQUEST DIVISION 9-1**

National Grid USA (“National Grid”) hereby moves for protective treatment, pursuant to Rules 1.3(H) and 1.19(E) of the Public Utilities Commission’s (“PUC” or the “Commission”) Rules of Practice and Procedure (“PUC Rules”), and objects, in part, pursuant to Rule 1.19(C)(3) of the PUC Rules, to Data Request Division 9-1 (“Division 9-1”) issued by the Division of Public Utilities and Carriers (the “Division”) in the above-referenced docket because certain information requested in Division 9-1 is protected by the attorney-client privilege and work product doctrine.

**I. BACKGROUND**

On July 11, 2022, the Commission opened this docket to investigate Narragansett’s actions and the actions of its employees during the time it was a National Grid affiliate, relating to the alleged manipulation of the reporting of invoices affecting the calculation of past energy efficiency performance incentives and the resulting impact on customers. See PUC Order No. 24441. On October 17, 2022, the Division issued its Ninth Set of Data Requests (“Division Set 9”). Division Set 9 includes Data Request Division 9-1, which seeks: (a) copies of workplans, timelines, statements of work with outside vendors, and other pertinent information describing the scope of the continuing investigation; (b) findings, evidence, or observations, even if in draft form or incomplete, associated with the investigation, including supporting documentation; and (c) a

schedule of when National Grid expects to update the Division and Commission on findings and what will be reported. National Grid has provided a detailed and descriptive response to Division 9-1. However, Division 9-1 seeks information and documentation that is part of an ongoing internal investigation and therefore protected by the attorney-client privilege and work product doctrine.

## **II. ARGUMENT**

### **A. Attorney-Client Privilege**

In order “to encourage full and frank communications between attorneys and their clients,” the Rhode Island Supreme Court has long recognized that “communications made by a client to his attorney for the purpose of seeking professional advice, as well as the responses by the attorney to such inquiries, are privileged communications not subject to disclosure.” DeCurtis v. Visconti, Boren & Campbell, Ltd., 152 A.3d 413, 423 (R.I. 2017) (quoting Mortgage Guarantee & Title Co. v. Cunha, 745 A.2d 156, 158-59 (R.I. 2000)). “Genuine attorney-client communications are afforded the highest level of protection by our courts.” Id. The party asserting privilege must set forth the following elements:

- (1) the asserted holder of the privilege is or sought to become a client; (2) the person to whom the communication was made (a) is [the] member of a bar of a court, or his subordinate and (b) in connection with this communication is acting as a lawyer; (3) the communication relates to a fact of which the attorney was informed (a) by his client (b) without the presence of strangers (c) for the purpose of securing primarily either (i) an opinion of law or (ii) legal services or (iii) assistance in some legal proceeding, and not (d) for the purpose of committing a crime or tort; and (4) the privilege has been (a) claimed and (b) not waived by the client.

DeCurtis, 152 A.3d at 423 (internal citations and quotations omitted).

Moreover, “it is well settled ‘that the attorney-client privilege attaches to corporations as well as to individuals.’” State v. Doyle, 235 A.3d 482, 503 (R.I. 2020) (quoting Commodity

Futures Trading Commission v. Weintraub, 471 U.S. 343, 348, 105 S.Ct. 1986, 85 L.Ed. 2d 372 (1985) (“Both for corporations and individuals, the attorney-client privilege serves the function of promoting full and frank communications between attorneys and their clients.”); see also Upjohn Company v. United States, 449 U.S. 383, 101 S.Ct. 677, 66 L.Ed. 2d 584 (1981). “[T]he power to waive the attorney-client privilege ‘rests with the corporation’s management and is normally exercised by its officers and directors.’” *Doyle*, 235 A.3d at 503 (quoting Weintraub, 471 U.S. at 348-49, 105 S.Ct. 1986)). “[W]hen control of a corporation passes to new management, the authority to assert and waive the corporation’s attorney-client privilege passes as well.” *Id.* (quoting Weintraub, 471 U.S. at 349, 105 S.Ct. 1986).

## **B. Work Product Doctrine**

While the attorney-client privilege covers only confidential communications between attorney and client, the work-product privilege, on the other hand, “protects both the attorney-client relationship and a complex of individual interests particular to attorneys that their clients may not share.” State v. von Bulow, 475 A.2d 995, 1009 (R.I. 1984) (citation omitted). The work product doctrine protects certain materials “obtained or prepared by an adversary’s counsel with an eye toward litigation.” *Id.*, 475 A.2d at 1008 (quoting Hickman v. Taylor, 329 U.S. 495 (1947)).

The Rhode Island Supreme Court has recognized that there are two types of work product: opinion work product and factual work product. DeCurtis, 152 A.3d at 427-28 (citing Henderson v. Newport Cty. Reg’l Young Men’s Christian Ass’n, 966 A.2d 1242, 1247-48) (R.I. 2009)). Opinion work product “refers to a document or other written material containing the mental impressions of an attorney or his or her legal theories” and receives “absolute immunity from discovery.” *Id.* at 428. Factual work product casts a wider net and covers “any material gathered

in anticipation of litigation.” Id. “Because factual work product does not include the actual thoughts of the attorney, it is afforded only qualified immunity from discoverability.” Id.

Factual work product is subject to disclosure only when “the party seeking discovery demonstrates a substantial need for the materials and that it cannot obtain the substantial equivalent without undue hardship.” DeCurtis, 152 A.3d at 428 (quoting Crowe Countryside Realty Associates, Co., LLC v. Novare Engineers, Inc., 891 A.2d 838, 842 (R.I. 2006)). Factual work product “encompasses *any material* gathered in anticipation of litigation. Henderson, 966 A.2d at 1248 (emphasis in original). Importantly, “[i]t is not necessary for the attorney to have prepared the materials or the documents for them to constitute work product.” Id. “Rather, a document prepared by a party’s representative or agent constitutes factual work product as long as the document was prepared in anticipation of litigation.” Id. Additionally, work product privilege “applies not only to litigation in courts, but litigation before administrative tribunals.” S. Union Co. v. Sw. Gas Corp., 205 F.R.D. 542, 549 (D. Ariz. 2002) (quoting United States v. Am. Telephone & Telegraph Co., 86 F.R.D. 603, 627 (D.D.C. 1979)).

### **C. Division 9-1**

National Grid has provided a detailed and descriptive response to Data Request Division 9-1. However, certain information and documents regarding National Grid’s ongoing internal investigation should be protected as privileged because they constitute attorney-client communications and attorney work product.

The privileged information requested in Division 9-1 is prepared by legal counsel or at the direction of legal counsel to gather information to aid in providing legal services. See Voelker v. Duetsche Bank AG, No. 11-CV-6362 VEC, 2014 WL 4473351, at \*1 (S.D.N.Y. Sept. 11, 2014) (“in the corporate context, the privilege may extend to communications among non-attorneys if

they were made ‘at the direction of counsel, to gather information to aid counsel in providing legal services’”). Based on the timing of the administrative proceeding pending before the Commission, National Grid’s ongoing internal investigation is being conducted in parallel with the administrative proceeding. The requested information and documents – including “(a) workplans, timelines, statements of work, . . . and other pertinent information;” and “(b) any findings, evidence, or observations, even if in draft form or incomplete, . . . associated with the investigation” – include mental impressions of National Grid’s legal counsel and materials gathered in anticipation of the ongoing litigation, as well as attorney-client communications. Accordingly, any such requested information and documents are protected by the attorney-client privilege and work product doctrine.

### **III. CONCLUSION**

For the foregoing reasons, National Grid moves to protect, and objects to, Data Request Division 9-1 to the extent it seeks attorney-client privileged communications and work product.

Respectfully submitted,

**NATIONAL GRID USA,**

By its attorneys,



---

Cheryl M. Kimball, Esq.  
Robert J. Humm, Esq.  
Keegan Werlin LLP  
99 High Street, Suite 2900  
Boston, Massachusetts 02110  
(617) 951-1400  
[ckimball@keeganwerlin.com](mailto:ckimball@keeganwerlin.com)  
[rhumh@keeganwerlin.com](mailto:rhumh@keeganwerlin.com)





---

Laura C. Bickel, Esq.  
National Grid  
40 Sylvan Road  
Waltham, Massachusetts 02451  
(781) 907-2126  
[laura.bickel@nationalgrid.com](mailto:laura.bickel@nationalgrid.com)

Dated: November 7, 2022

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2022, I delivered a true copy of the foregoing Motion via electronic mail to the parties on the Service List for Docket No. 22-05-EE.



---

Division 9-1

Request:

In responses DIV 8-2 and DIV 8-7 the Company states:

“National Grid’s internal investigation is continuing and National Grid plans to provide the results of its further investigation to the Public Utilities Commission as soon as it is complete.”

- a) Provide relevant documents such as workplans, timelines, statements of work with outside vendors, and other pertinent information describing the scope of the continuing investigation (s).
- b) Provide any findings, evidence, or observations, even if in draft form or incomplete, found to date associated with the investigation (s). Provide all supporting documentation for these activities.
- c) If the investigation (s) remains ongoing, provide a schedule of when the Company expects to update the Division and Commission on findings and what will be provided (e.g. report, memorandum or other form evidence).

Response:

National Grid USA (“National Grid”) appreciates this opportunity to explain the nature of the ongoing investigation into the issues under consideration in this docket.

As stated in discovery responses, the focus of the initial investigation undertaken by The Narragansett Electric Company (“Narragansett”) was to determine whether “out-of-period” invoicing occurred within the Residential Upstream Lighting Energy Efficiency program or other Energy Efficiency programs and, if so, to assess the customer impact for remediation (Data Requests Division 3-1 and Division 7-3). The phases of this investigation informed the June 7, 2022 “Review of Invoices within the Rhode Island Energy Efficiency Program” report (the “Report”) filed in Docket No. 5189.

Subsequent to the filing of the Report, National Grid determined that additional investigation was warranted to assure a full and complete assessment of what had occurred and to enable responsive and transparent participation in the regulatory proceeding commenced by the Rhode Island Public Utilities Commission (“Commission”). This additional investigation is ongoing. Ongoing work is focused on: (1) identifying the scope of the “out-of-period” invoicing; and (2) more precisely assessing the impact of the conduct on customers. National Grid is working with a forensic consultant to perform an expanded transaction analysis and to conduct additional retrieval,

Division 9-1, Page 2

screening, and examination of electronic media. This process is labor-intensive and time-consuming, yet necessary to identify communications that are relevant to the out-of-period invoicing that occurred. National Grid plans to continue this investigation until it reaches a point where the parameters of the “out-of-period” invoicing are defined as fully and accurately as possible to support resolution of this matter.

As of this writing, National Grid has not yet reached this point. Additional retrieval and review of electronic communications is ongoing, as is the expanded transaction analysis. The communications and work product generated in this phase of the investigation are protected by the attorney-client privilege and work-product doctrines. However, it is National Grid's plan, and firm commitment, to provide a comprehensive compilation of the facts discovered through this investigation to the Commission and to the Division of Public Utilities and Carriers (“Division”) at the earliest opportunity. National Grid understands the regulatory concerns and acknowledges that a clear, full, and precise accounting of the actions that have transpired and the associated customer impact is necessary. National Grid's intention is to fulfill these objectives in a reasonable timeframe.

Review of Electronic Media Retrieval

The initial review of electronic media included approximately 5.2 million pieces of electronic media compiled from 27 available mailboxes for the period January 1, 2012 through August 18, 2021. The retrieved electronic media was compiled, processed, and screened against keyword searches. The application of 148 search terms to the 5.2 million pieces of electronic media produced approximately 162,000 pieces of reviewable electronic media. The forensic consultant then conducted a manual review of the reviewable electronic media to determine the relevant documents (Data Request Division 8-1).

The supplemental email review currently underway will retrieve records from approximately 40 additional mailboxes for the period January 1, 2012 through December 31, 2021, or as otherwise applicable. The supplemental email review is following the same sequenced process as the initial email review.

Expanded Transaction Analysis

The expanded transaction analysis is compiling additional data to validate the out-of-period invoicing percentages and to apply those percentages to more precisely assess the customer impact using the model described in response to Data Request Division 3-1. For example, the initial sample-based transaction analysis focused on the invoicing and payments associated with nine of the largest manufacturers in the Residential Upstream Lighting program, whereas a total of 90 manufacturers participated in the program between January 1, 2012 and June 30, 2021 (Data

Division 9-1, Page 3

Request Division 3-1).<sup>1</sup> The expanded transaction analysis will review relevant documentation associated with the remaining manufacturers.

The expanded scope of the transaction analysis takes several steps to complete. First, efforts are underway to obtain the additional data needed to perform the expanded transaction analysis of out-of-period invoicing in Narragansett's Residential Upstream Lighting Energy Efficiency program. The additional data includes InDemand data from January 2018 through December 2021 and available supporting invoice data provided by the invoice processing vendor during that time frame.

Second, to the extent data is available from the invoice processor, additional transaction analysis will be performed for the period of January 2018 through December 2021. The invoice processor began capturing sales activity information as part of its migration to a new system that occurred in June 2018. There is the potential for sales activity prior to June 2018 to be captured in the new system. To the extent data is available, the additional testing will include:

- Review of the data associated with the remaining 81 manufacturers not previously reviewed as part of the initial scope to the extent that payment was received during the timeframe.
- Review of data for the nine manufacturers that was not included in the initial analysis. The sampling process in Phase 1 of the initial investigation involved the identification of the first three payments from years 2016, 2019, 2020, and 2021, and from those, review of the two largest payments for inclusion in the analysis based on the likelihood that these payments would capture out-of-period invoices. The additional analysis will analyze the remaining payments that were not selected during Phase 1 of the initial investigation.
- Additional analysis of the compiled data that will be combined into a single database in order to link payments (InDemand data) to sales activity (invoice processor data). The invoice processor's sales activity data will be leveraged in order to compare sales activity to when payments for the activity/services were made pursuant to the InDemand data. This analysis is entirely dependent on timely receipt of the data from the invoice processor, which has taken several months, and quality of the data after it is received.

---

<sup>1</sup> The nine manufacturers originally selected for analysis accounted for approximately 72 percent (or \$44,869,412) of the total payments made through Narragansett's Residential Upstream Lighting program between January 1, 2012 and June 30, 2021 (Data Request Division 3-1).

Division 9-1, Page 4

The initial analysis that informed the Report yielded a reasonable estimate of the customer impact. The purpose of the expanded transaction analysis is to allow National Grid to quantify the customer impact more precisely for the Commission's purposes.

With respect to the specific questions posed in this Data Request, National Grid anticipates the following regarding the ongoing investigation and next steps.

- a) National Grid will produce any responsive, non-privileged documents relating to the ongoing investigation.
- b) National Grid will produce a compilation of the responsive factual findings determined through the additional investigation.
- c) Once the factual findings and associated documentation are submitted to the Commission and Division, National Grid expects to participate in a technical session in order to engage in informal discourse regarding the non-privileged aspects of the investigative process and the results generated therefrom. National Grid expects that conducting an informal discussion as a pre-cursor to next steps will assure that all interested parties are informed regarding the myriad details of the investigation and associated outcome.

Based on the intensive retrieval work necessary to perform the investigation, National Grid estimates that it will be in a position to present findings and documentation to the Commission and the Division by March 1, 2023. National Grid expects to update the Commission and Division on a regular basis in the interim.

The Narragansett Electric Company  
d/b/a Rhode Island Energy  
RIPUC Docket No. 22-05-EE  
In Re: 2022 Annual Energy Efficiency Plan  
Responses to the Division's Ninth Set of Post-Decisional Data Requests  
Issued on October 17, 2022

---

Division 9-2

Request:

- a) Provide The Narragansett Electric Company's ("Narragansett") total energy efficiency expenses recorded to National Grid USA's General Ledger for each calendar year (2012 – present).
- b) Provide total expenses for Energy Efficiency Programs in Rhode Island as reported in regulatory filings to the State of Rhode Island for each calendar year (2012 – present).
- c) Provide a reconciliation of differences between annual energy efficiency expense as recorded to the Company's GAAP General Ledger as compared to annual Energy Efficiency Programs in Rhode Island expenses as reported in regulatory filings to the State of Rhode Island for each calendar year (2012 – present).

Response:

The tables below show: (a) total electric and gas energy efficiency expenses recorded to The Narragansett Electric Company's ("Narragansett") General Ledger for each calendar year from 2014 to 2021; (b) total electric and gas expenses reported in Narragansett's Energy Efficiency Year-End Reports in Table E-1 and Table G-1, respectively, for each calendar year from 2014 to 2021; and (c) a reconciliation of the differences between (a) and (b).

Please note that, in maintaining a General Ledger for Narragansett, National Grid USA ("National Grid") prepares net-income statements and balance sheets that do not isolate and record energy efficiency expenses from other types of expenses. Therefore, to answer parts (a) and (c) of this data request, National Grid reviewed its records to perform the requested comparison and break out the expenses that pertain only to energy efficiency. Partly due to National Grid's migration to a new accounting system during 2012 and 2013, and as noted in the response to Data Request Division 8-9, complete data for part (a) for calendar years 2012 and 2013 are not available. For this reason, calendar years 2012 and 2013 are not included in this response.

The Narragansett Electric Company  
d/b/a Rhode Island Energy  
RIPUC Docket No. 22-05-EE  
In Re: 2022 Annual Energy Efficiency Plan  
Responses to the Division’s Ninth Set of Post-Decisional Data Requests  
Issued on October 17, 2022

**Energy Efficiency – Electric Expenses**

<b>Calendar Year</b>	<b>(a) General Ledger</b>	<b>(b) Year-End Filings</b>	<b>(c) Difference</b>
<b>2014</b>	\$86,748,677	\$80,321,000	\$6,427,677
<b>2015</b>	\$86,036,343	\$82,897,500	\$3,138,843
<b>2016</b>	\$67,058,217	\$69,832,600	-\$2,774,383
<b>2017</b>	\$87,529,082	\$85,511,700	\$2,017,382
<b>2018</b>	\$98,870,575	\$88,122,900	\$10,747,675
<b>2019</b>	\$107,616,520	\$104,066,400	\$3,550,120
<b>2020</b>	\$86,546,404	\$88,224,300	-\$1,677,896
<b>2021</b>	\$97,764,006	\$94,564,000	\$3,200,006

**Energy Efficiency – Gas Expenses**

<b>Calendar Year</b>	<b>(a) General Ledger</b>	<b>(b) Year-End Filings</b>	<b>(c) Difference</b>
<b>2014</b>	\$20,426,110	\$20,033,600	\$392,510
<b>2015</b>	\$20,382,129	\$20,129,500	\$252,629
<b>2016</b>	\$22,540,737	\$22,206,500	\$334,237
<b>2017</b>	\$26,219,471	\$26,221,800	-\$2,329
<b>2018</b>	\$27,103,600	\$27,230,600	-\$127,000
<b>2019</b>	\$30,207,865	\$30,141,700	\$66,165
<b>2020</b>	\$24,192,366	\$24,597,900	-\$405,534
<b>2021</b>	\$35,011,141	\$35,680,200	-\$669,059

Each year, there are typically three categories of differences between Narragansett’s total energy efficiency expenses recorded to the General Ledger (during National Grid’s fiscal year) and total expenses for energy efficiency programs in Rhode Island reported (during the calendar year). First, accrued expenses are included in the General Ledger, as required by Generally Accepted Accounting Principles (“GAAP”), but as noted in the response to Data Request Division 8-9, these accrued expenses are not included in Narragansett’s regulatory filings until they are appropriate for inclusion for regulatory purposes (i.e., when invoices are paid and when savings are recognized).

Second, transactions used to accurately capture participating customers’ energy loans are included in the General Ledger and Narragansett’s regulatory filings at different times, even though the net amount of expenses is the same. That ultimately results in different values for expenses in different periods. For example, loans are reported as an expense for regulatory purposes after they are provided and paid out. However, the General Ledger will record the expense of the loan when it has been processed, and it is not dependent upon being paid out.

The Narragansett Electric Company  
d/b/a Rhode Island Energy  
RIPUC Docket No. 22-05-EE  
In Re: 2022 Annual Energy Efficiency Plan  
Responses to the Division's Ninth Set of Post-Decisional Data Requests  
Issued on October 17, 2022

---

Third, National Grid may make “topside adjustments” to Narragansett’s regulatory filings to increase or reduce expenses to properly reflect savings and expenses within the filing period.

Topside adjustments are used to capture work for reporting purposes that is completed within the filing period but paid in the following filing period, when journal entries are no longer an option (i.e., because the accounting period has closed or ended). Such expenses would be reflected in the General Ledger, but in a different period.

Aside from these three routine categories, differences between energy efficiency expenses recorded in Narragansett’s General Ledger and those reported in its regulatory filings may occur based on other specific circumstances of a given year.