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March 21, 2023

**VIA ELECTRONIC MAIL**

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

**RE: Docket No. 23-01-EL – Last Resort Service Procurement Plan**

**Proposed Last Resort Service Rates for the Residential Group for the months of April 2023 through September 2023**

**Proposed Last Resort Service Rates for the Commercial Group for the months of April 2023 through September 2023**

**Proposed Last Resort Service Rates for the Industrial Group for the Months of April 2023 through June 2023**

**Motion for Confidential Treatment**

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company d/b/a Rhode Island Energy (the “Company”), enclosed please find the Company’s Motion for Confidential Treatment concerning its proposed base Last Resort Service (“LRS”) rates for the Residential Group for the period of April 1, 2023 through September 30, 2023; the Commercial Group for the period of April 1, 2023 through September 30, 2023; and the Industrial Group for the period of April 1, 2023 through June 30, 2023.

The referenced Motion was inadvertently omitted from the Company’s January 19, 2023 filing submitted in the above-referenced docket.

Thank you for your attention to this filing. If you have any questions concerning this matter, please do not hesitate to contact me at 401-784-4263.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew S. Marcaccio".

Andrew S. Marcaccio

Enclosures

cc: Docket No. 23-01-EL Service List  
John Bell, Division

STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION

In Re: 2021 Last Resort Service Procurement Plan	)	
	)	
Proposed Last Resort Service Rates for the Residential Group for the months of April 2023 through September 2023	)	
	)	
Proposed Last Resort Service Rates for the Commercial Group for the months of April 2023 through September 2023	)	Docket No. 23-01-EL
	)	
Proposed Last Resort Service Rates for the Industrial Group for the Months of April 2023 through June 2023	)	
	)	

**MOTION OF THE NARRAGANSETT ELECTRIC COMPANY D/B/A  
RHODE ISLAND ENERGY FOR PROTECTIVE TREATMENT OF  
CONFIDENTIAL INFORMATION**

The Narragansett Electric Company d/b/a Rhode Island Energy (the “Company”) hereby respectfully requests that the Public Utilities Commission (“PUC”) grant protection from public disclosure certain confidential information submitted by the Company in the above referenced docket. The reasons for the protective treatment are set forth herein. The Company also requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment pursuant to 810-RICR-00-00-1.3(H)(2).

The records that are the subject of this Motion that require protective treatment from public disclosure are portions of a Procurement Summary (within Schedule 4), including 10 exhibits attached to the Procurement Summary (Exhibit Nos. 2-11) and two Transaction Confirmations (within Schedule 5) (collectively, referred to herein as the “Confidential LRS Procurement Records”) that were filed by the Company on January 19, 2023 as part of the Company’s proposed Last Resort Service (“LRS”) rates for the Residential Group for the period of April 2023 through September 2023; the Commercial Group for the period of April 2023 through September 2023;

and the Industrial Group for the period of April 2023 through June 2023. The Company requests protective treatment of the Confidential LRS Procurement Records in accordance with 810-RICR-00-00-1.3(H) and R.I. Gen. Laws § 38-2-2-(4)(B).

## **I. LEGAL STANDARD**

For matters before the PUC, a claim for protective treatment of information is governed by the policy underlying the Access to Public Records Act (“APRA”), R.I. Gen. Laws § 38-2-1 et seq. See 810-RICR-00-00-1.3(H)(1). Under APRA, any record received or maintained by a state or local governmental agency in connection with the transaction of official business is considered public unless such record falls into one of the exemptions specifically identified by APRA. See R.I. Gen. Laws §§ 38-2-3(a) and 38-2-2(4). Therefore, if a record provided to the PUC falls within one of the designated APRA exemptions, the PUC is authorized to deem such record confidential and withhold it from public disclosure.

## **II. BASIS FOR CONFIDENTIALITY**

The Confidential LRS Procurement Records that are the subject of this Motion are exempt from public disclosure pursuant to R.I. Gen. Laws § 38-2-2(4)(B) as “[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation that 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 is 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 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. In this case, the Company would not customarily

release this information to the public. The submission of the Confidential LRS Procurement Records to the PUC is needed to comply with the Company's Last Resort Service Procurement Plan which was approved by the PUC in Docket No. 4978 at an Open Meeting on July 23, 2020 and which was continued for this procurement through an Open Meeting on December 22, 2022 in Docket No. 22-02-EL. Accordingly, the Company is providing the Confidential LRS Procurement Records to fulfil its regulatory responsibilities in connection with its energy procurement responsibilities.

In addition, the release of the Confidential LRS Procurement Records is likely to cause substantial harm to the competitive position of the Company. The Confidential LRS Procurement Records contain commercially sensitive market information, the disclosure of which could affect the balance of wholesale markets, as well as the Company's ability to negotiate competitive terms with its wholesale electric suppliers.

Furthermore, this information is the type of information that the PUC has historically recognized as proprietary information.

### **III. CONCLUSION**

For the foregoing reasons, the Company respectfully requests that the PUC grant this motion for protective treatment of the Confidential LRS Procurement Records.

[SIGNATURE ON NEXT PAGE]

Respectfully submitted,

The Narragansett Electric Company  
d/b/a Rhode Island Energy

By its attorney,



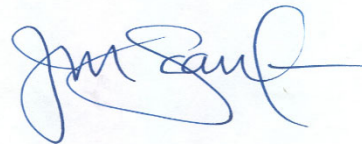
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Andrew S. Marcaccio (#8168)  
Rhode Island Energy  
280 Melrose Street  
Providence, RI 02907  
(401) 784-4263

Dated: January 19, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2023, I delivered a true copy of the foregoing Motion via electronic mail to the parties on the Service List for Docket No. 23-01-EL.



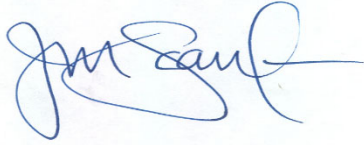
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Joanne Scanlon

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was 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.



\_\_\_\_\_  
Joanne M. Scanlon

March 21, 2023

Date

**Docket No. 23-01-EL – Narragansett Electric Co. d/b/a Rhode Island Energy  
– Last Resort Service Rates  
Service List updated 2/21/23**

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