

September 15, 2023

VIA ELECTRONIC MAIL

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

**RE: Docket No. 23-23-NG – 2023 Gas Cost Recovery Filing
Revised Testimony and Attachments**

Dear Ms. Massaro:

Attached you will find an electronic version of the following materials regarding Rhode Island Energy's¹ annual Gas Cost Recovery ("GCR") filing, which the Company submitted on September 1, 2023 in the referenced docket:

- (1) Attachments GSP-1 Revised and GSP-3 Revised to the Pre-filed Joint Direct Testimony of the Gas Supply Panel dated September 1, 2023;
- (2) Attachment EPM-5 Revised to the Pre-filed Joint Direct Testimony of the Energy Portfolio Management Panel dated September 1, 2023; and
- (3) the Revised Pre-filed Joint Direct Testimony of the Gas Pricing Panel.

As indicated in the Company's September 1, 2023 GCR filing, the Company detected certain errors in the forecast data used to calculate the GCR factors presented at that time. This filing corrects those errors and presents the revised GCR factors proposed for effect on November 1, 2023. Accompanying Attachments GSP-1 Revised, GSP-3 Revised and EPM-5 Revised should be substituted in place of Attachments GSP-1, GSP-3 and EPM-5 that were filed in September 1, 2023. Because the errors discovered on August 31, 2023 had minor impacts on figures presented throughout the September 1, 2023 Prefiled Joint Direct Testimony of the Gas Pricing Panel, the Company is submitting revised testimony and schedules. The Gas Pricing Panel testimony and schedules filed on September 1, 2023 can be disregarded and replaced in its

¹ The Narragansett Electric Company d/b/a Rhode Island Energy ("Rhode Island Energy" or the "Company").

Robinson+Cole

Luly E. Massaro, Commission Clerk
Docket No. 23-23-NG – Revisions to 2023 Annual Gas Cost Recovery Filing
September 15, 2023
Page 2

entirety with the accompany Revised Pre-filed Direct Testimony of the Gas Pricing Panel and the accompanying Schedules.

As described in Gas Pricing Panel's revised testimony an average Residential Heating customer using 845 therms per year will see a total annual bill of \$1,692.31 based on the revised proposed GCR and DAC factors, which is a decrease of \$61.24, or 3.5 percent, from last year's bills. This overall decrease is comprised of a decrease of \$26.05 as a result of the revised proposed GCR factors; a decrease of \$33.35 as a result of the proposed DAC factors as revised in a supplemental filing made on this date in Docket No. 23-23-NG; and a decrease of \$1.84 in Gross Earnings Tax.

This filing contains a Request for Protective Treatment of Confidential Information in accordance with Rule 810-RICR-00-00-1.3(H) of the Public Utilities Commission's (PUC) Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B). Rhode Island Energy seeks protection from public disclosure certain confidential gas-cost pricing information and commercial contract terms which are provided in Attachments GSP-1 Revised and Attachments GPP-1 Revised, GPP-3 Revised and GPP-5 Revised to the pre-filed direct testimony of the Gas Pricing Panel.

Accordingly, Rhode Island Energy has provided the PUC with two complete unredacted copies of the confidential materials in a sealed envelope marked "**Contains Privileged and Confidential Materials – Do Not Release,**" and has included redacted copies of the materials for the public filing.

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

Very truly yours,



Steven J. Boyajian

Enclosures

cc: Docket No. 23-23-NG Service List
Leo Wold, Esq.
John Bell, Division
Al Mancini, Division (w/confidential Excel Files)
Jerome D. Mierzwa, Division Consultant (w/confidential Excel Files)

testimony of Elizabeth D. Arangio, Megan J. Borst, Samara A. Jaffe and James M. Stephens, referred to as the Gas Supply Panel; and (2) Attachments GPP-1 Revised, GPP-3 Revised, and GPP-5 Revised to the revised pre-filed direct testimony of Tyler G. Shields, Tara M. Mou and Peter R. Blazunas, referred to as the Gas Pricing Panel. In accordance with Rule 1.3(H)(3), Rhode Island Energy has provided a redacted public version of the GCR filing and an unredacted, confidential version.

Therefore, the Company requests that, pursuant to Rule 1.3(H), the PUC afford confidential treatment to the gas cost pricing information, contract terms and counter-party identities contained in the following: (1) Attachments GSP-1 Revised to the prefiled joint direct testimony of the Gas Supply Panel; and (2) Attachments GPP-1 Revised, GPP-3 Revised, and GPP-5 Revised to the prefiled joint direct testimony of the Gas Pricing Panel (collectively, the “Confidential Attachments”).

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.* Under the 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. Gen. Laws § 38-2-2(4). 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 as 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*, 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.

III. BASIS FOR CONFIDENTIALITY

The gas cost pricing information, confidential contract terms and counter-party identities which are provided in Confidential Attachments are confidential and commercially sensitive information of the type that Rhode Island Energy would not ordinarily make public. As such, the information should be protected from public disclosure. Public disclosure of such information could impair Rhode Island Energy's ability to obtain advantageous pricing or other terms in the future, thereby causing substantial competitive harm. Accordingly, Rhode Island Energy is providing the information on a voluntary basis to assist the PUC with its decision-making in this proceeding, but respectfully requests that the PUC provide confidential treatment to the information.

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 attorneys,



Steven J. Boyajian (#7263)
Robinson & Cole LLP
One Financial Plaza, 14th Floor
Providence, RI 02903
Tel. (401) 709-3300
Fax. (401) 709-3399
sboyajian@rc.com

Dated: September 15, 2023

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.

Joanne M. Scanlon

September 15, 2023

Date

Docket No. 23-23-NG – Narragansett Electric Co. d/b/a Rhode Island Energy 2023 Gas Cost Recovery Filing (GCR) 2023 Distribution Adjustment Clause (DAC) Service List as of 8/15/2023

Name/Address	E-mail	Phone
The Narragansett Electric Company d/b/d Rhode Island Energy Celia B. O'Brien, Esq. 280 Melrose Street Providence, RI 02907	cobrien@pplweb.com ;	401-578-2700
	jhutchinson@pplweb.com ;	
	jscanlon@pplweb.com ;	
Steven Boyajian, Esq. Robinson & Cole LLP One Financial Plaza, 14 th Floor Providence, RI 02903	SBoyajian@rc.com ;	401-709-3337
	lpimentel@rc.com ;	
	HSeddon@rc.com ;	
Rhode Island Energy Stephanie A. Briggs Jeffrey D. Oliveira Tyler G. Shields Peter R. Blazunas James M. Stephens Stuart Wilson Tim Jones Michele V. Leone Laeyeng H. Hunt Brandon W. Flynn Julie M. Porcaro Kate Grant Terry J. Crupi	SBriggs@pplweb.com ;	
	JOliveira@pplweb.com ;	
	TGShields@pplweb.com ;	
	pblazunas@ceadvisors.com ;	
	Stuart.Wilson@lge-ku.com ;	
	tim.jones@lge-ku.com ;	
	MVLeone@RIEnergy.com ;	
	LHHunt@RIEnergy.com ;	
	BFlynn@RIEnergy.com ;	
	JMPorcaro@RIEnergy.com ;	
	jmstephens@pplweb.com ;	
kgrant@rienergy.com ;		
tjcrupi@pplweb.com ;		

National Grid Samara Jaffe Elizabeth Arangio Megan Borst John Protano Theodore Poe, Jr. Shira Horowitz	Samara.Jaffe@nationalgrid.com ;	
	Elizabeth.Arangio@nationalgrid.com ;	
	Megan.borst@nationalgrid.com ;	
	John.Protano@nationalgrid.com ;	
	Theodore.PoeJr@nationalgrid.com ;	
	Shira.Horowitz@nationalgrid.com ;	
Division of Public Utilities (DIV) Leo Wold, Esq. Division of Public Utilities 150 South Main St. Providence, RI 02903	Leo.wold@dpuc.ri.gov ;	401-780-2177
	John.bell@dpuc.ri.gov ;	
	Al.mancini@dpuc.ri.gov ;	
	Margaret.L.Hogan@dpuc.ri.gov ;	
	Paul.roberti@dpuc.ri.gov ;	
	Ellen.Golde@dpuc.ri.gov ;	
	Machaela.Seaton@dpuc.ri.gov ;	
Jerome Mierzwa Exeter Associates, Inc. 10480 Little Patuxent Parkway, Suite 300 Columbia, MD 21044	jmierzwa@exeterassociates.com ;	410-992-7500
	lmorgan@exeterassociates.com ;	
David Effron Berkshire Consulting 12 Pond Path North Hampton, NH 03862-2243	Djeffron@aol.com ;	603-964-6526
File an original & nine (9) copies w/: Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Luly.massaro@puc.ri.gov ;	401-780-2107
	Patricia.lucarelli@puc.ri.gov ;	
	Alan.nault@puc.ri.gov ;	
	Christopher.Caramello@puc.ri.gov ;	
	Todd.bianco@puc.ri.gov ;	
	Emma.rodvien@puc.ri.gov ;	
Christopher Kearns Office of Energy Resources	Christopher.Kearns@energy.ri.gov ;	
	William.Owen@energy.ri.gov ;	
Nicholas Vaz, Esq. RI Attorney General Office	nvaz@riag.ri.gov ;	
	mbedell@riag.ri.gov ;	
James Crowley, Esq. Conservation Law Foundation	jcrowley@clf.org ;	