

January 24, 2024

VIA ELECTRONIC MAIL

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

**RE: Docket No. 23-49-NG – The Narragansett Electric Company d/b/a
Rhode Island Energy’s Proposed FY 2025 Gas Infrastructure, Safety, and
Reliability Plan
Response to Data Request – Division 1-35**

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”), enclosed is Rhode Island Energy’s response Division 1-35 in connection with the above-referenced matter.

Please be advised that the Company respectfully requests confidential treatment of Attachment DIV 1-35-2. This filing contains a Motion for Protective Treatment of Confidential Information in accordance with 810-RICR-00-00-1-1.3(H)(3) (“Rule 1.3(H)”) of the PUC’s Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B) and (4)(F). Rhode Island Energy seeks protection from public disclosure of certain confidential and privileged information in Attachment DIV 1-35-2, which contains CEII. In compliance with Rule 1.3(H), the Company is providing the PUC with unredacted copies of the referenced confidential attachment in an envelope marked, “**HIGHLY CONFIDENTIAL INFORMATION – DO NOT RELEASE!**”

The Company’s responses to data requests Division 1-26 and Division 1-45 remain pending.

Thank you for your attention to this matter. If you have any questions, please contact me at 401-316-7429.

Very truly yours,



Jennifer Brooks Hutchinson

Enclosure

cc: Docket No. 23-49-NG Service List

STATE OF RHODE ISLAND
RHODE ISLAND PUBLIC UTILITIES COMMISSION

)	
)	
FY2025 Gas Infrastructure, Safety and Reliability Plan)	Docket No. 23-49-NG
)	
)	
)	

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

Rhode Island Energy¹ respectfully requests that the Rhode Island Public Utilities Commission (“PUC”) grant protection from public disclosure certain critical energy infrastructure information as permitted by 810-RICR-00-00-1.3(H) (Rule 1.3(H)) of the PUC’s Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B) and (4)(F). The Company also respectfully requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment pursuant to Rule 1.3(H)(2).

I. BACKGROUND

On December 21, 2023, the Company submitted its FY 2025 Gas Infrastructure, Safety and Reliability Plan (the “Plan” or “Gas ISR Plan”) filing in the above-captioned docket. The Gas ISR Plan filing included the Company’s responses to data requests propounded by the Division of Public Utilities and Carriers (the “Division”) in connection with its pre-filing review of the Plan. At the time of the Company’s Gas ISR Plan filing, the Company had an extension of time to respond to certain responses, including Division 1-35. On January 24, 2024, the Company filed its response to Division 1-35 . Attachment DIV 1-35-2 accompanying its

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

response contains information that is not subject to disclosure under Rhode Island's Access to Public Records Act ("Confidential Attachment"). Specifically, the Confidential Attachment contains critical energy infrastructure information ("CEII") the disclosure of which could present a threat to public safety. The CEII contained in the Company's Confidential Attachment includes plans, descriptions and detailed schematic drawings of natural gas transmission and distribution infrastructure. Therefore, the Company requests that, pursuant to Rule 1.3(H), the PUC afford confidential treatment to the CEII contained in the Confidential Attachment.

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)(F) provides that the following types of records shall not be deemed public:

(F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

With respect to other exceptions to the definition of public record, the Rhode Island Supreme Court has held that the agencies making determinations as to the disclosure of

information under APRA may apply the balancing test established by the Court in *Providence Journal v. Kane*, 577 A.2d 661 (R.I. 1990). Under this balancing test, the PUC 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.

III. BASIS FOR CONFIDENTIALITY

The CEII contained in the Confidential Attachment is excepted from the definition of public record since the information is a technological secret the disclosure of which would endanger the public welfare or security. *See* R.I. Gen. Laws § 38-2-2(4)(F). Specifically, the Confidential Attachment includes detailed drawings of the Company’s gas distribution system, which could be used to perpetrate acts that could endanger public safety and welfare. CEII is defined by the Federal Energy Regulatory Commission (“FERC”) as:

[S]pecific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:

1. Relates details about the production, generation, transmission, or distribution of energy;
2. Could be useful to a person planning an attack on critical infrastructure;
3. Is exempt from mandatory disclosure under the [Federal] Freedom of Information Act, 5 U.S.C. § 552; and
4. Does not simply give the general location of the critical information.

18 CFR § 388.113(c)(2). In turn, “critical infrastructure” is defined as:

[E]xisting and proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.

18 CFR § 388.113(c)(4).

The design specifications and schematic drawings, maps and related information contained in the Company’s Confidential Attachment fall squarely within FERC’s definition of CEII. Public dissemination of this information could pose a grave threat to public health and safety as it could be used to identify vulnerabilities in, and plan attacks against, natural gas

transmission and distribution infrastructure. Under the Rhode Island Supreme Court's balancing test set forth in *Providence Journal v. Kane*, the public interest in access to this information is far outweighed by the threat to the public's health and safety that could result from public dissemination of these technical details concerning natural gas infrastructure.

IV. CONCLUSION

For the foregoing reasons, Rhode Island Energy respectfully requests that the PUC grant its Motion for Protective Treatment of the Company's Confidential Attachment. In accordance with Rule 1.3(H) the Company has submitted a redacted version of the Confidential Attachment for the public file in this matter and unredacted confidential versions subject to this motion for protective treatment.

Respectfully submitted,

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

By its attorney,



Jennifer Brooks Hutchinson (#6176)
Rhode Island Energy
280 Melrose Street
Providence, RI 02907
Tel. 401-316-7429
JHutchinson@pplweb.com



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: January 24, 2024

Division 1-35

Request:

Please update each project under the category “Gas System Reliability” in East Providence, Providence, North Providence, Lincoln and Johnston (FY 2025 Gas ISR Plan Pages 38-39). In your update, please include the following information:

- a. A description and construction schedule for each project;
- b. The total costs of each project;
- c. Identify when the costs for the various Projects have been and/or will be incurred relative to the construction schedule; and
- d. A site plan for each project.

Response:

a. Project Descriptions and Schedules

- FY2024 carryover work
 - WO #90000234946 (Mason Street, Woonsocket) – This project is an install only project that is used to connect the 60 psig system to other proposed low pressure to 60 psig main work and is intended to improve system integration. The project entails installation of 2,065 ft. of main. There are no services or abandonment associated with this project. The Company anticipates main installation will be completed and in service during FY2024 with restoration spending anticipated to carry over into FY2025.
 - WO #90000209541 (Old River Road, Lincoln) – This project entails installation of 1,950 ft. of new 99 psig main and provides another feed to the 99 psig to 60 psig station at New River Road at Cottage Street, as well as continuation of work to abandon low pressure mains in the area. There were 1,941 ft. of abandonment, and 12 service transfers associated with this project. The foregoing work is anticipated to be complete in FY2024 with final restoration and associated costs anticipated to carry over into FY2025.
 - WO #90000233804 (Allens Avenue (bypass run), Providence) – This project was proposed to provide a backfeed from the 99 psig line to the 200 psig line when the shutdown of Wampanoag Trail Take Station is required. The 200 psig system is single feed, and having a proper bypass run at Allens Ave provides sufficient backfeed towards East Providence systems. Please note that the integration of the 99 psig systems in East Providence is proposed with Greenwich Avenue and other

Division 1-35, page 2

projects in East Providence to further help support this effort in providing sufficient feeds to the systems fed by Wampanoag Trail Take Station. Final restoration and associated costs are anticipated to carry over into FY2025.

- WO #90000220806 (Bald Hill Road, Warwick) – This project eliminates a single feed 35 psig station, by replacing 3,580 ft. of 35 psig main with new 99 psig main and retiring the regulator station. The project includes converting 10 services over to the new 99 psig main. Final restoration and associated costs are anticipated to carry over into FY2025.
- WO #90000231875 (Greenwich Avenue, East Providence) – This project is a low pressure to high pressure conversion and also the first phase to connect the single feed 99 psig system in East Providence with the larger 99 psig system by Dey Street. This project includes the installation of 11,615 ft. of main, abandonment of 11,28 ft. of main, 146 service connections and five main connections or cut-offs. During FY2025 the Company will continue in progress work with final abandonment and restoration work anticipated to carry over into FY2026.
- FY2025 Planned Work
 - WO #90000234523 (Waterman Avenue, North Providence) – This project will integrate two separate 35 psig systems. The scope requires the installation of 3,950 ft. of 12” PL 35 psig main. This project is proposed to start in FY2025 and final restoration slated for completion in FY2026.
 - WO #90000231856 (Beverly Drive, Lincoln) – This project is proposed to convert a low pressure extremity of the distribution system to high pressure. This project was deferred from FY2024. The Company proposes to begin this project in FY2025 with final restoration slated for completion in FY2026.
- Projects slated for FY2026 that may be advanced in FY2025 as backup work
 - WO #90000235056 (Boyd Avenue, East Providence) – This will be phase two of the East Providence 99 psig system integration and a continuation of the 99 psig main installed under Greenwich Avenue, East Providence (as described above). This project will extend the 99 psig system down Wampanoag Trail and set up for the following phase to continue north of the end of the Greenwich Avenue 99 psig towards the separate 99 psig system by Waterman Avenue at Pawtucket Avenue.

Division 1-35, page 3

The schedule for this project has not been developed as this project will only be advanced in FY2025 if backup work is needed.

- WO #90000231076 (Borah Street, North Providence) – This project was previously deferred from FY2024. The schedule for this project has not been developed as this project will only be advanced in FY2025 if backup work is needed.

WO #90000234616 (Allendale Avenue, Johnston) – This project is related to the Waterman Avenue, North Providence project described above. This project will further integrate two separate 35 psig systems, and provide a backfeed to a small area of the 35 psig systems on the west side a 12 inch coated steel 35 psig main in Allendale Avenue. The schedule for this project as not been developed as this project will only be advanced in FY2025 of backup work is needed.

- WO #90000224932 (Roger Williams Avenue, East Providence) – This project is a main extension from the existing 99 psig line in Roger Williams Avenue towards the border of Pawtucket and East Providence (Riverside) for future 99 psig to 35 psig and 99 psig to 18 psig regulator stations to support an 18 psig low point in Pawtucket, as well as adding another 35 psig regulator station to a current single feed 35 psig system. The schedule for this project has not been developed as this project will only be advanced in FY2025 if backup work is needed.

b. and c.

Please see Attachment DIV 1-35-1 for the requested information.

d.

Please see Attachment DIV 1-35-2 for the requested site plans.

Please note that Attachment DIV 1-35-2 contains Critical Energy Infrastructure Information (“CEII”).

RI Energy Gas Planning & Operations Reliability – DIV 1-35-1

FY Project	WO #	Related WO#s	Town	Street	Installation Miles	Abandonment Miles	# of Services	FY24 Forecast	FY25 Proposed Budget (including carryover work from FY24)	FY26 (Carryover from FY25)	Total Cost Estimate (\$ in millions)	
FY24 carryover	90000234946		WSO	Mason St				\$0.52	\$0.13	Complete	\$0.66	
FY24 carryover	90000209541		LNC	Old River Rd				\$0.56	\$0.10	Complete	\$0.66	
FY24 carryover	90000233804		PVD	Allens Ave				\$0.52	\$0.13	Complete	\$0.65	
FY24 carryover	90000220806		WWK	Bald Hill Rd				\$0.59	\$0.10	Complete	\$0.69	
FY24 carryover	90000231875	Reliability 90000235056, MSR 90000233734 (FY24,25), Future Intergation Phase WO#s	EPV	Greenwich Ave	2.2	2.1	146	\$1.00	\$2.20	\$0.74	\$3.94	
FY25	90000234523	90000234616	NPV	Waterman	0.8	0.0	0	-	\$1.11	\$0.48	\$1.59	
FY25	90000231856	MSR 90000211503	LNC	Beverly	0.9	0.9	56	-	\$0.80	\$0.34	\$1.15	
FY25 back up	90000235056	90000231875	EPV	Boyd Ave	0.5	0.0	0	-	\$0.00	\$0.96	\$1.07	
FY25 back up	90000231076	MSR 90000225941	NPV	Borah	0.1	0.1	9	-	\$0.00	\$0.17	\$0.19	
FY25 back up	90000234616	90000234523	JOH	Allandale	0.4	0.2	0	-	\$0.00	\$0.44	\$0.49	
FY25 back up	90000224932	FY25 MSR Project in Newport Ave	EPV	Roger Williams	0.9	0.0	0	-	\$0.00	\$1.35	\$1.50	
									<i>FY25 Budget</i>	\$4.58		

The Narragansett Electric Company
d/b/a Rhode Island Energy
In Re: Proposed FY 2025 Gas Infrastructure, Safety and Reliability Plan
Responses to the Division's First Set of Data Requests
Issued on November 16, 2023

Attachment DIV 1-35-2

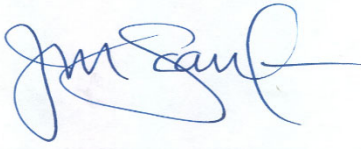
REDACTED

Attachment DIV 1-35-2 contains Critical Energy Infrastructure Information ("CEII")

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

January 24, 2024
Date

Docket No. 23-49-NG- RI Energy’s Gas Infrastructure, Safety and Reliability (ISR) Plan 2025 - Service List 1/23/2024

Name/Address	E-mail Distribution	Phone
The Narragansett Electric Company d/b/a Rhode Island Energy Jennifer Hutchinson, Esq. 280 Melrose Street Providence, RI 02907	JHutchinson@pplweb.com ;	401-784-7288
	COBrien@pplweb.com ;	
	JScanlon@pplweb.com ;	
	JMOBrien@rienergy.com ;	
	PLaFond@rienergy.com ;	
	NKocon@rienergy.com ;	
Steve Boyajian, Esq. Robinson & Cole LLP One Financial Plaza, 14th Floor Providence, RI 02903	SBriggs@pplweb.com ;	401-709-3359
	JOliveira@pplweb.com ;	
	SBoyajian@rc.com ;	
	HSeddon@rc.com ;	
Division of Public Utilities & Carriers Leo Wold, Esq.	Leo.Wold@dpuc.ri.gov ;	401-780-2130
	Margaret.L.hogan@dpuc.ri.gov ;	
	Christy.Hetherington@dpuc.ri.gov ;	
	Al.mancini@dpuc.ri.gov ;	
	John.bell@dpuc.ri.gov ;	
	Robert.Bailey@dpuc.ri.gov ;	
	Paul.roberty@dpuc.ri.gov ;	
ellen.golde@dpuc.ri.gov ;		
David Efron Berkshire Consulting 12 Pond Path North Hampton, NH 03862-2243	Djeffron@aol.com ;	603-964-6526
Office of Energy Resources	Albert.vitali@doa.ri.gov ;	

Al Vitali, Esq.	nancy.russolino@doa.ri.gov ;	
	Christopher.Kearns@energy.ri.gov ;	
	Shauna.Beland@energy.ri.gov ;	
	William.Owen@energy.ri.gov ;	
Office of Attorney General Nick Vaz, Esq. 150 South Main St. Providence, RI 02903	nvaz@riag.ri.gov ;	401-274-4400 x 2297
	mbedell@riag.ri.gov ;	
Conservation Law Foundation (CLF) James Crowley, Esq. Conservation Law Foundation 235 Promenade Street Suite 560, Mailbox 28 Providence, RI 02908	jcrowley@clf.org ;	401-228-1905
	mjw@groundworkdata.org ;	
File an original and five copies 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 ;	
	Todd.bianco@puc.ri.gov ;	
	Alan.nault@puc.ri.gov ;	
	Christopher.Caramello@puc.ri.gov ;	
	Kristen.L.Masse@puc.ri.gov ;	