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May 10, 2023

VIA HAND DELIVERY & ELECTRONIC MAIL

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

**CONTAINS PRIVILEGED AND
CONFIDENTIAL INFORMATION –
DO NOT RELEASE.**

**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 PUC Data Requests – Set 2**

Dear Ms. Massaro:

On behalf of The Narragansett Electric Company (the “Company”), I have enclosed the Company’s responses to the Public Utilities Commission’s (“PUC”) Second Set of Data Requests in the above-referenced docket.

Responses to the Commission’s Data Requests PUC 2-1, PUC 2-2 and PUC 2-3 contain confidential information; and therefore, the Company has provided redacted public versions and unredacted versions subject to a motion for protective treatment.

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

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

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)	
In Re: Investigation of Misconduct by)	
The Narragansett Electric Company)	Docket No. 22-05-EE
Relating to Past Payments of Energy)	
Efficiency Program Shareholder Incentives)	
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**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 (“Rhode Island Energy” or the “Company”) hereby 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 materials that are the subject of this motion that require protective treatment are the Company’s responses to data requests PUC 2-1, PUC 2-2 and PUC 2-3 in the PUC’s Second Set of Data Requests issued on March 17, 2023 (“Confidential Responses”). Rhode Island Energy requests protective treatment of these responses in accordance with R.I. Gen. Laws § 38-2-2-(4)(P).

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). 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

Pursuant to PUC Procedural Order Overruling Objection, Denying Motion to Quash, and Granting Confidential Treatment of Documents issued on April 21, 2023, PUC Order No. 24649, the PUC granted “preliminary confidential treatment to all the documents that are provided to the Commission by Rhode Island Energy and National Grid which are responsive to Commission Data Request Set 2, as provided by Commission Rule 1.3(H).” Order at 25. The PUC’s Order directed the Company to file this Motion for Protective Treatment. Order at 26.

The Confidential Responses that are the subject of this Motion are exempt from public disclosure pursuant to R.I. Gen. Laws § 38-2-2(4)(P) as investigative records of public bodies “prior to formal notification of violations or noncompliance.” Because the Division of Public Utilities and Carrier’s independent summary investigation is ongoing, the records of such investigation – which are requested in data requests PUC 2-1, PUC 2-2 and PUC 2-3 – should be maintained as confidential and not disclosed to the public at this time.

III. CONCLUSION

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

Respectfully submitted,

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

By its attorney,



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